

**GUIDELINES FOR THE IMPLEMENTATION AND ENFORCEMENT OF  
BOSTON PUBLIC HEALTH COMMISSION’S NAIL SALON REGULATION**

APPROVED:



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**SECTION I. PURPOSE**

The Boston Public Health Commission has determined that standardization of the practice of professional nail enhancement is necessary in order to protect the health of nail technicians, clients, and visitors of nail salons from the risk of injury or infection due to unsanitary conditions and exposure to hazardous chemicals. These guidelines are promulgated to set forth the implementation and enforcement procedures of the Boston Public Health Commission’s Nail Salon Regulation (hereinafter “Regulation”).

**SECTION II. DEFINITIONS**

1. Autoclave means an apparatus for sterilization utilizing steam pressure at a specific temperature over a period of time.
2. Chemical means a product used in the salon for the provision of salon services and/or cleaning or disinfection. This includes, but is not limited to, polishes, glues, liquid monomers, acrylic powders, cleaners, sanitizers, alcohol, acetone, lacquer, nail polish remover, acrylic primer, nail hardener, cosmetics, and lotions.
3. Clean means to wash with water and liquid soap, detergent, antiseptic, or other adequate means to remove all visible debris or residue.
4. Client means a customer, patron or other individual who receives or will receive salon services.
5. Commission means the Boston Public Health Commission, the Board of Health of the Boston Public Health Commission, and/or any authorized agent thereof.
6. Disinfectant means a chemical or physical agent used in the disinfection process. The following categories of chemicals and/or processes qualify as disinfectants under this definition:
  - a. a properly functioning and verified autoclave or FDA listed dry heat sterilizer used according to manufacturer instructions;

- b. an EPA-registered bactericidal, fungicidal, and virucidal disinfectant (with the exception of formalin) used in accordance with manufacturer instructions;
  - c. a 10% solution of chlorine bleach mixed with water (and no other chemicals);
  - d. isopropyl alcohol used at 70% or greater concentration (for wiping surfaces) or immersion of tools for a minimum of 10 minutes;
  - e. Ultraviolet light boxes are not an effective means of disinfection and may not be present in any salon.
7. Disinfection means a process that prevents infection by killing microorganisms on metal implements and non-porous surfaces using one or more of the defined disinfectants. Porous materials (pumice stones, sponges, wooden tools, etc.) may not be disinfected for reuse because they cannot be effectively cleaned and disinfected using chemical agents.
8. Dry Heat Sterilizer means an apparatus for sterilization utilizing dry heat listed with the United States Food and Drug Administration. This method should be used only for materials that might be damaged by moist heat. The advantages for dry heat include the following: it is nontoxic and does not harm the environment; a dry heat cabinet is easy to install and has relatively low operating costs; it penetrates materials; and it is noncorrosive for metal and sharp instruments. The slow rate of heat penetration and microbial killing makes this a time-consuming method and the high temperatures may not be suitable for some materials. The most common time-temperature relationships for sterilization with hot air sterilizers are 170°C (340°F) for 60 minutes, 160°C (320°F) for 120 minutes, and 150°C (300°F) for 150 minutes.
9. Foot Bath means any basin (self-contained unit or connected to the nail salon's plumbing) that holds water, circulating or not, for the purposes of soaking the client's foot.
10. Implement means an instrument or tool, either disposable or reusable, used to provide nail salon services.
11. License means a license issued by the Massachusetts Board of Cosmetology to operate a nail salon.
12. Nail Salon and Salon means any establishment, facility, room, group of rooms, place of business, or premises licensed by the MA Board of Cosmetology, where salon services are performed on the person of another, with or without monetary compensation.

13. Manicuring Station means the workstation where a manicurist performs salon services on individual clients, including such devices, chairs, tables, counters and other equipment as may be necessary to provide such services.
14. Manicurist or Nail Technician means any person providing salon services upon the person of another, with or without monetary compensation.
15. Safety Data Sheet (SDS) means a document that is supplied by the product manufacturer which explains the risks, precautions, and response actions related to exposure to a particular product or chemical used as an ingredient in a product. The Hazard Communication Standard (HCS) requires chemical manufacturers, distributors, or importers to provide Safety Data Sheets (SDSs) (formerly known as Material Safety Data Sheets or MSDSs) to communicate the hazards of hazardous chemical products. As of June 1, 2015, the HCS will require new SDSs to be in a uniform format.
16. Multi-Use Tool means an item constructed of hard materials with smooth non-porous surfaces such as metal, glass, or plastic that can be effectively cleaned and disinfected for used on more than one client. The term includes but is not limited to such items as clippers, scissors, combs, nippers, manicure bowls, and some nail files.
17. Permit means a written document as prescribed and issued by the Commission granting approval to a nail salon to operate.
18. Salon Service means any practice carried out in a salon that includes, but is not limited to, cutting, shaping, polishing, or otherwise enhancing the appearance of the nails of the hands or feet, manicuring, pedicuring, callus removal and other skin treatment, waxing, and eyebrow threading.
19. Single Use Tool means a non-metal and/or porous item that is made or constructed of cloth, wood, sponge, pumice stone, or other absorbent materials having rough surfaces which cannot be effectively cleaned and disinfected. Single use items include, but are not limited to, gloves, flip flops, toe separators, pumice stones, non-metal nail files, non-metal emery boards, buffers, buffing discs on electric files, wood and/or non-metal cuticle pushers, wooden wax applicator sticks, cotton balls, and tissues.

### **Section III. APPLICATION AND PERMITS**

1. A nail salon shall annually apply for a Permit for Operation of Nail Salon from the Boston Public Health Commission's Office of Environmental Health, 1010 Massachusetts Avenue, 2<sup>nd</sup> Floor, Boston, MA 02118.

2. To apply for a new or renewal permit, a salon must submit the following:
  - a. a completed Application for Permit for Operation of Nail Salon;
  - b. a copy of the nail salon's Use and Occupancy Permit from the Boston Inspectional Services Department;
  - c. a copy of the nail salon's license/permit from the Massachusetts Board of Registration of Cosmetology;
  - d. a copy of the cosmetologist, aesthetician, or manicurist license issued by the Board of Registration of Cosmetology for each manicurist or nail technician providing salon services on behalf of the nail salon.
  - e. A report from a duly licensed engineer or contractor, and/or proof of inspection from the City of Boston's Inspectional Services Department shall be provided to the Commission showing that the salon's ventilation system meets the minimum ventilation rate requirements set forth in the regulations and in Section VII below. In the case of a salon that first applied for a permit under this regulation before October 18, 2013, that has not yet met these ventilation requirements, the salon shall present documentation of all steps taken to achieve compliance with the ventilation requirements; and
  - f. the permit fee in the form of a check or money order made payable to the "Boston Public Health Commission."
3. The annual permit fee is one hundred dollars (\$100) plus twenty dollars (\$20) for each nail service station, including manicuring tables and foot baths, beyond the first four. For example, the annual permit fee for a salon with four manicuring tables and four foot baths (8 stations total) is one hundred eighty dollars (\$180).
4. Upon submission of a complete Application for Permit for Operation of Nail Salon, the Commission will conduct an inspection of the salon as part of the application review and approval process. If the salon is found to be unsatisfactory during the inspection, the inspector will inform the owner or his/her representative of the corrective action required for issuance of the permit. Boston Public Health Commission staff will provide guidance and technical assistance to the salon owner to help him/her bring the salon into compliance with the Nail Salon Regulation prior to issuance of a permit.
5. A Permit for Operation of a Nail Salon is valid for a period of one year and requires annual renewal.

6. The Permit for Operation of Nail Salon shall be displayed in a manner conspicuous to patrons at all times.

#### **SECTION IV. FACILITY REQUIREMENTS AND PROCEDURES**

##### **A. Safety Data Sheets (SDSs); Material Safety Data Sheets (MSDS); and Chemical Storage**

1. The following categories of chemical products, if present in the salon, must be stored in closable containers properly labeled with the product/chemical name (this includes smaller dispensing bottles as well as original packaging) and must have a Safety Data Sheet (SDS, formerly Material Safety Data Sheet or MSDS) available and on file in the salon:
  - a. Cleaning chemicals/detergents used for cleaning salon fixtures, surfaces, and equipment
  - b. Chemical disinfectants used for salon surfaces, fixtures, and tools
  - c. Artificial nail compounds (powders and liquids)
  - d. Artificial nail adhesives
  - e. Nail polishes, paints, and sealers
  - f. Nail polish remover/thinner
2. SDSs must be available and accessible to salon employees at all times. The Office of Environmental Health recommends a salon maintain all SDSs in a binder or file folder in a central location that is easily accessible to employees and Office of Environmental Health inspectors.
3. An SDS for a chemical product is available from the distributor and/or manufacturer of the product and should be obtained at the time of purchase. An SDS may also be available on the product manufacturer's website.
4. All flammable chemicals shall be kept away from heat and shall be stored in a flammable storage cabinet in compliance with applicable law and approved fire reference standards when not in use. Applicants must secure all necessary permits from Boston Fire Department as soon as possible. Whenever possible, small-mouthed dispensers or pump dispensers shall be used.
5. All chemical storage containers (including smaller dispenser bottles as well as original packaging) must be kept closed when not in use.

##### **B. Eye Wash Station**

1. The salon eye wash can be either a station connected to the building plumbing and capable of continual operation, a stand-alone system specifically designed and marketed for use as an eye wash station, or a clearly marked station containing two or more personal eye wash bottles. Stand-alone eye wash

stations are typically a plastic wall-mounted unit that holds several gallons of sterile water or saline solution while a personal eye wash bottle station may have a plastic or metal shelf that mounts to the wall to hold two or more sealed bottles of sterile saline or water.

2. Manufacturer guidelines for installation and maintenance of any stand-alone systems or bottles must be followed to prevent contaminants from getting into the wash water. Eye wash bottle nozzles must remain clean and clear and the water must be replaced regularly. Adhering to the manufacturer recommended water or saline replacement schedule as well as expiration dates is required. Should the liquid in the eye wash device ever become cloudy or odorous, it must be discarded and replaced immediately regardless of the manufacturer recommendation.
3. A hand washing sink is not an acceptable eyewash station.
4. The eyewash station cannot be located in the salon bathroom. The eye wash station must be easily accessible to staff and customers within the main work area – within 10 feet of the work area or reachable within 10 seconds.

### **C. First Aid Kit**

1. A fully stocked basic first aid kit must contain at least the following:
  - a. one absorbent compress 32 square in. (no side smaller than 4 in.)
  - b. four sterile pads (3 in. by 3 in.)
  - c. one triangular bandage (40 in. by 40 in. by 56 in.)
  - d. sixteen adhesive bandages 1 in. by 3 in.
  - e. five yards of adhesive tape
  - f. Antiseptic cream/ointment – at least 10 applications of 0.5g (0.14 fluid oz.) each
  - g. Burn treatment cream/ointment – at least 6 applications of 0.5g (0.14 fluid oz.) each
  - h. two pairs of medical exam gloves (nitrile preferred)
  - i. Alcohol prep pads
  - j. Alcohol hand sanitizer
  - k. Roll of gauze bandage (2 in. wide)
  - l. Instant ice pack
  - m. Bandage scissors
  - n. Acetaminophen and/or aspirin and/or ibuprofen (at least two of these)
  - o. Disposable thermometer or fever strip
2. The first aid kit must be easily accessible to salon employees and technicians at all times.

## **D. Single-use Tools**

Single-use tools are any salon tools made of foam, wood, or other porous materials that cannot be effectively cleaned and disinfected between clients and/or are degraded by use on a client. These products must be discarded into a covered, labeled waste container at the work station immediately after use on a single client. Examples of common single-use tools include, but are not limited to, toe separators, flip-flops, non-metal cuticle pushers, cotton swabs/balls, non-metal nail files, pumice stones, gloves, and waxing sticks/spatulas.

## **SECTION V. STANDARDS OF PRACTICE**

### **A. Use of Gloves**

1. Gloves provide a barrier between the employee and the client or chemicals with which he/she is working. Some individuals may have latex allergies, therefore, nitrile exam gloves are recommended.
2. Some gloves have stronger resistance to penetration by certain chemicals. For most chemical handling, nitrile is the best choice. However, when handling acetone, latex gloves should be used because acetone breaks through nitrile gloves faster than latex. In the event of a latex allergy or allergy to natural rubber products, you may double glove (layer 2 pairs of gloves on top of one another) with 8 mil nitrile gloves.
3. Gloves must be worn when:
  - a. transferring chemicals from larger storage containers to smaller containers for use at the work station;
  - b. cleaning and disinfecting work and/or manicuring stations and tools;
  - c. assisting a client or employee in treating a cut or otherwise stopping bleeding; and
  - d. at the worker's discretion.
4. Gloves should be replaced if they tear during the performance of the above activities and before performing any work on a new client.

## **SECTION VI. CLEANING AND DISINFECTING**

### **A. Hand Washing Sink**

A hand washing sink must be maintained free of debris, utensils and dirt at all times. The sink must supply hot and cold running water and there must be liquid soap and disposable

towels at each hand washing sink. Nail technicians must wash their hands thoroughly with hot water and soap (1) prior to the start of each work shift; (2) between each client; (2) any time they are visibly soiled; (3) immediately after toilet use; (4) prior to and after consumption of any food or drink; and (5) at the end of each work shift. Hand washing shall be done as often as necessary to remove contaminants. A nail technician may use alcohol-based hand sanitizer between each client instead of washing with soap and water.

## **B. Multi-Use Tools**

1. After a tool has been used on a client, preparing it for use on a second client is a 2-step process of cleaning followed by disinfection.
2. Cleaning removes any large debris and readies the tool for disinfection. Cleaning can be done using any form of soap (hand soap, dish detergent, etc.) and water along with physical scrubbing with a brush followed by a thorough water rinse to remove detergent and particulate matter. Wash water must not be reused, but be discarded (down the drain to sanitary sewer) after each batch of tools is cleaned.
3. After cleaning, sterilization must be administered by using a properly functioning and verified autoclave meeting the standards below, a US FDA registered dry heat sterilizer used according to the manufacturer's instructions, or one of the alternate methods described below. All salons receiving a permit for the first time after October 17, 2013 must install and use either an autoclave or US FDA registered dry heat sterilizer as described in section 'a' below. Those salons that applied for a permit before October 17, 2013 have two years (until October 17, 2015) to meet this requirement and may use the alternate methods described in section VI(3)(b) below until such time as an autoclave or dry heat sterilizer is installed. After that date, or once an autoclave or dry heat sterilizer is installed, the salon must follow the processes described in section VI(3)(a).

Commission staff will offer technical assistance to salons regarding sourcing and procurement of acceptable autoclaves.

- a. After Cleaning, all non-disposable instruments must be sterilized using an autoclave or dry heat sterilizer.

Autoclaving means a process that results in the destruction of all forms of microbial life, including highly resistant spores, by the use of an autoclave for a minimum of thirty (30) minutes at a temperature of 270 degrees Fahrenheit. Autoclaves shall be used and maintained according to manufacturer's specifications.

Dry heat sterilization means a process that results in the destruction of all forms of microbial life, including highly resistant spores, by use of a dry heat sterilizer. The most common time-temperature relationships for



sterilization with hot air sterilizers are 170°C (340°F) for 60 minutes, 160°C (320°F) for 120 minutes, or 150°C (300°F) for 150 minutes. Dry heat sterilizers shall be used and maintained according to manufacturer's specifications.

Multi-use tools may be sterilized in individual sterilization packs containing a sterilized indicator or internal temperature indicator to verify that the tool has been successfully sterilized by the autoclave. This is the preferred method of sterilizing multi-use tools as they may be stored in their individual sterile packages in a clean drawer until needed when they can be opened onto a cleaned work surface in front of the client immediately before use. Regardless of whether a dry heat sterilizer or autoclave is used, it is important to make sure that the sterilization pack used is designed for that machine. Autoclave sterilization bags will not work in a dry heat sterilizer and vice versa. This is due to the fact that autoclaves sterilize by heat and pressure and dry heat sterilizers sterilize by dry heat alone.

Alternately, multi-use tools may be sterilized without individual sterile packaging following the manufacturer's operating instructions for the autoclave or dry heat sterilizer being used. Typically, to verify that sterilization conditions have been met, dry heat sterilizers utilize an indicator strip and autoclaves utilize an indicator tape, often referred to as autoclave tape. Please refer to the manufacturer's instructions for whether the indicator strip/tape is appropriate for the machine. A piece of autoclave tape or dry heat indicator strip should be included with each batch of tools to verify that proper temperature was achieved to sterilize the tools. After autoclaving or dry heat sterilizing, the loose tools must be stored either in clean previously unused zipper type storage bags or in clean sealable plastic storage containers that have been cleaned using the same process as outlined below for cleaning manicure tables until needed to perform service on a client. Storage bags should never be reused and a tool should never be returned to the clean plastic storage bin once taken out for use on a client.

The salon must verify and document the proper functioning of the autoclave on a regular basis. This may be done following either of these two processes:

- i. At least once per day, an indicator test strip or "autoclave tape" must be processed in the autoclave or dry heat sterilizer along with any tools being sterilized. These test strips/indicators/tape generally change color when exposed to sufficient temperatures to achieve sterile conditions; the salon should refer to the individual product instructions for specific details. The salon must maintain a log book of these daily tests that notes for each test the date and time the test strip was run, the type of treatment method (dry heat sterilizer or autoclave), the model and serial number of the device used, the brand and product name of the test

strip or indicator used, the printed name and signature of the person running the test, and the result of the indicator after the cycle. BPHC inspectors will examine this log book during any inspection of the salon. Notes for each test must be kept for at least one year, or;

- ii. An independent commercial testing laboratory contracted by the salon shall perform monthly biological spore testing of the Autoclave. A provision shall be included in the contract between the salon and the commercial testing laboratory requiring the commercial testing facility to notify the Commission of any failure of the Autoclave to eradicate all living organisms, including spores. The salon must keep a log book containing the laboratory reports of the monthly testing that is available for review by BPHC inspectors during any inspection of the salon. Test results must be kept for at least one year.
- b. Those salons that applied for a permit under the regulations before October 17, 2013 have two years (until October 17, 2015) to meet the requirement for installation and use of an autoclave or dry heat sterilizer and may use one of the following alternate methods. In the interim period before an autoclave is procured, Commission staff may conduct additional inspections to ensure that existing disinfecting methods are being used in compliance with the regulation and established standards. These existing methods that may be used in the interim period include:
- i. Immersion/soaking/rinsing the tool(s) in an EPA-registered bactericidal, fungicidal, and virucidal disinfectant (with the exception of formalin which may not be used) following the manufacturer directions for use in disinfecting objects. This should be followed by a thorough rinse with clean, cold tap water. The tool(s) can then be dried with disposable paper towels.
  - ii. Soaking for ten (10) minutes in a mixture of 10% chlorine bleach and tap water that is freshly prepared on a daily basis. No other chemicals may be mixed into this solution as mixing chemicals may reduce the effectiveness of the solution as a sanitizing agent and may create a hazardous exposure for workers and clients or similar dangerous reaction. This soak should be followed by a thorough rinse with clean, cold tap water. The tool(s) can then be dried with disposable paper towels.
  - iii. Soaking for ten (10) minutes in a solution of 70% or greater isopropyl alcohol that is fresh every day. No other chemicals may be combined with this solution as mixing

chemicals may reduce the effectiveness of the solution as a sanitizing agent and may create a hazardous exposure for workers and clients or similar dangerous reaction. This soak should be followed by a thorough rinse with clean, cold tap water. The tool(s) can then be dried with disposable paper towels.

- c. After use of any one of these disinfection methods, the tools must be stored either in clean previously-unused sealable storage bags or in clean sealable plastic storage containers that have been cleaned using the same process as outlined below for cleaning manicure tables until needed to perform service on a client. Storage bags should never be reused and a tool should never be returned to the clean plastic storage bin once taken out for use on a client.
4. Any substance that comes in contact with a client, including wax used for the removal of body hair shall be free and clear from contaminants. Measures must be taken to ensure that any substance or implement that comes in contact with a client, including wax, is not contaminated between customers. Any such substance must either be poured into a container that is used only for one individual client and is replaced or sterilized between clients, or, alternatively, if using a common container that is used for more than one client, a single use tool must be used and discarded after each contact with a client's skin.
5. Ultraviolet light boxes are NOT an effective means of disinfection and MAY NOT be used as a method of cleaning or disinfecting multi-use tools and may not be present in a salon. This prohibition does not include light boxes used solely to dry or cure nails.
6. Disinfectants must be prepared as specified. No other chemicals may be included in the water, as it could be hazardous to nail technicians and clients.
7. Once disinfected, tools should be stored in a clean sanitary drawer, cabinet, or box (cleaned at least once daily following the procedures outlined below for Manicuring Stations) that can be closed to prevent dust and dirt falling on them until needed for use. Storage in individual zipper closed storage bags in such a clean drawer/cabinet/box is recommended.

### **C. Manicuring Stations**

1. All manicuring stations, including tables, drying stations, and similar surfaces and devices, must be cleaned and disinfected after each client and before use by the next client as follows:
  - a. Use a damp disposable paper towel to wipe down the entire surface to remove dust, nail clippings, and other debris. Dispose of this towel in the

trash.

- b. Use either a mixture of 10% bleach in tap water (prepared fresh each day with no other chemicals added to this mix) or 70% or greater concentration of isopropyl (rubbing) alcohol, or an EPA-registered disinfectant (use according to manufacturer instructions) to wipe down the surface using a damp paper towel. Be sure to wet the entire surface with this. Dispose of the paper towel in a lidded trash receptacle.
- c. If using alcohol, no other steps are necessary. For any other disinfectant, wipe down the surface one last time with a disposable paper towel damp with tap water to rinse off any disinfectant residue and dry with a second paper towel. Both of these paper towels should be disposed of in a lidded trash receptacle.

#### **D. Foot Baths**

1. Regardless of type (portable basins, whirlpool foot baths plumbed into the building, etc.), all foot baths should be cleaned after each client in accordance with the following procedures:
  - a. Drain the water from the foot spa basin or bowl and remove any visible debris.
  - b. Clean the surfaces of the foot spa with soap or detergent. Rinse with clean water and drain.
  - c. Disinfect the surfaces with an EPA-registered hospital disinfectant according to the manufacturer's directions on the label. Surfaces should remain wet with the disinfectant for ten minutes or longer if recommended on the product label. A 10% mix of bleach and water (but no other chemical) may be used as an alternative disinfectant. For whirlpool foot spas, air-jet basins, "pipe-less" foot spas, and other circulating spas, fill the basin with water and the appropriate amount of liquid disinfectant (or 10% bleach solution) and turn the unit on to circulate the disinfectant for at least ten minutes.
  - d. Drain the footbath and rinse with clean, cold water. For circulating spas, refill with clean hot water, turn the unit on to circulate for at least one minute, and drain the unit.
2. In addition, footbaths must be cleaned nightly upon closure of the salon.

For non-circulating foot baths, follow this process:

- a. Drain the basin and remove any visible debris.
- b. Scrub the bowl with a clean brush and soap or disinfectant (following cleaning directions). Rinse with hot water and drain.
- c. Disinfect basin surfaces with and EPA-registered hospital disinfectant according to manufacturer instructions or with 10% bleach solution. Surfaces should remain wet with the disinfectant for ten minutes or longer if recommended on the product label.
- d. Drain the basin, rinse with clean, hot water, and let air dry.

For whirlpool foot spas, air-jet basins, "pipe-less" foot spas, and other circulating spas follow this process:

- a. Remove the filter screen, inlet jets, and all other removable parts from the basin and clean out any debris trapped behind or in them.
  - b. Using a brush, scrub these parts with soap or disinfectant (following cleaning directions).
  - c. Rinse the removed parts with clean water and place them back into the basin apparatus.
  - d. Fill the basin with clean, hot water and add an EPA-registered hospital disinfectant, following label directions. Turn the unit on and circulate the system with the disinfectant for ten minutes or the length of time recommended on the label, whichever is longer. The whirlpool mechanism of the tub must be operating for the entire disinfection period so the piping and internal components that contain hidden bacteria are disinfected.
  - e. Drain, rinse with hot water, and air dry.
3. The salon must maintain a log book of each nightly cleaning of the foot baths specified in section VI(D)(2). Records of nightly cleanings must be kept for a minimum of one year with each entry including the date/time of the cleaning, printed name and signature of person cleaning, and the number of foot baths cleaned.

## **SECTION VII. VENTILATION**

1. Any new salon, or salon that has applied for the first time for a permit under this regulation after October 17, 2013 shall attain compliance with the minimum ventilation rate specifications set forth in the version of the International Mechanical Code incorporated into the State Building Code at 780 CMR 28 and 271 CMR 6, as amended. This code sets specific requirements for ventilation of a nail salon including minimum amounts of fresh outdoor air and mechanical

exhaust (duct work that blows air out of the salon) that does not recirculate any air back into the salon or other spaces in the building.

Salons are advised to consult with several licensed and knowledgeable heating, ventilation, and air conditioning (HVAC) contractors on ventilation options before selecting one for installation or making upgrades to existing systems to meet the requirements of the code.

To document compliance with this requirement, the salon must submit with its permit application a report from a duly licensed engineer or contractor, and/or proof of inspection from the City of Boston's Inspectional Services Department showing that the salon's ventilation system meets the minimum ventilation rate requirements. This ventilation system must be in operation any time the salon is open for business.

Any salon that has applied for a permit under this regulation before October 18, 2013 shall have until five years from said date of adoption (i.e., until October 18, 2018) to achieve compliance. In the interim period, the salon must document, as part of its annual permit application, all intermediate steps taken to achieve compliance with this section's ventilation system requirements. These steps can include, but are not limited to, obtaining price quotes from licensed engineers or contractors, submitting applications for financing or other plans for funding the installation of compliant ventilation, or pulling pertinent city permits for the installation. This documentation shall include a timeline for installing ventilation upgrades. Failure to provide adequate documentation of affirmative steps toward meeting this requirement may result in non-issuance of permit renewal.

Additionally, salon owners shall take reasonable steps to improve and maintain air quality and to reduce the level of chemical vapors, mist, or dust within the salon in the interim period before fully compliant ventilation system is installed.

2. Fans that circulate air inside the salon do not qualify as a ventilation system because they do not remove air from the salon or bring in fresh outdoor air. Similarly, air purifiers and other products designed to remove odors do not qualify as a ventilation system. Air purifiers do not bring in fresh outdoor air or remove contaminated air and many produce ozone which is a respiratory irritant.
3. Salon owners are encouraged to call the Environmental Health Office at 617-534-5965 with any questions about the ventilation requirements. The Commission will provide technical assistance in understanding the requirements of the International Mechanical Code as they apply to nail salon ventilation as well as assistance connecting with available resources for the selecting and paying for ventilation equipment installation.

## **SECTION VIII. PUBLIC HEALTH NOTICE**

1. Every nail salon shall display a public health notice in a manner and location conspicuous to employees, clients, or visitors of the salon upon entry.
2. The public health notice must be permanently affixed and shall be:
  - a. made of durable material;
  - b. at least 8.5 inches by 11 inches in size;
  - c. printed in 12 point or larger type
  - d. in strongly contrasted text on a bright background (for example, black text on a white or yellow background, white text on a dark blue or red background, etc.) to allow for ease of reading; and
  - e. an exact replica of the language included on the Boston Public Health Commission's public health notice template.
3. An approved public health notice may be obtained from the Office of Environmental Health, 1010 Massachusetts Avenue, Boston, MA 02118.

## **SECTION IX. ENFORCEMENT**

1. The Office of Environmental Health may enforce the provisions of the Regulation through any of the following means:
  - a. inspection of the nail salon prior to permit issuance;
  - b. investigation of a complaint; and/or
  - c. unannounced inspection of the nail salon
2. Owners, business agents, or other persons having control of a nail salon who observe or are made aware of a violation of the Regulation should take all reasonable steps to ensure that the violation is not repeated.
3. A single inspection or investigation may result in multiple citations if multiple violations are found and correspond to different sections or elements of the Regulation.
4. Fines shall be paid within twenty-one (21) days of the date of issuance of the citation.
5. Notice of a citation may be provided within fourteen (14) calendar days of the violation by:
  - a. in hand service to the owner, business agent, or other person having control of the nail salon; or

- b. first class mail to the owner, business agent, or other person having control of the nail salon.
6. Fines may be paid by mail or in person in the form of a check or money order made payable to the “Boston Public Health Commission”, Office of Environmental Health, 1010 Massachusetts Avenue, 2<sup>nd</sup>, Floor Boston, MA 02118. If a check is returned for insufficient funds or account closure, an additional \$25.00 fee will be assessed. In the case of a returned check, all subsequent fines levied must be paid by money order.
7. Failure to pay a fine within twenty-one (21) days will result in an additional \$50.00 late payment penalty.
8. Complaints under Section 10 of the Regulation may be submitted in writing to the Office of Environmental Health, 1010 Massachusetts Avenue, 2<sup>nd</sup> Floor, Boston, MA 02118 or by calling 617-534-5965.
9. All citations and fines issued pursuant to the Regulation may be appealed in accordance with the Boston Public Health Commission’s Administrative Appeal Procedures. A copy of such procedures is available on the Commission’s website at [www.bphc.org](http://www.bphc.org) or at the Office of Environmental Health.

## **SECTION X. WAIVERS**

1. Requests for waivers from specific provisions of this regulation may be made to the Executive Director. All requests for waivers must be made in writing, addressed to Office of Environmental Health, 1010 Massachusetts Avenue, 2<sup>nd</sup>, Floor Boston, MA 02118. Requests for waivers must present a showing of facts that an acceptable level of health and safety can be achieved through alternate means and/or that compliance with a provision of the regulation is not possible due to circumstances that are unique to the salon. With respect to the ability to achieve an acceptable level of health and safety despite failing to meet all ventilation requirements, the following factors can be considered: the number of nail service stations in a salon, the salon’s dimensions, including square footage and ceiling height, as well as alternate steps to improve ventilation and reduce chemical exposure. Establishments with three or fewer total nail service stations will be presumed to qualify for a waiver. For the purposes of determining the number of nail service stations, each manicure table or pedicure chair shall constitute a salon station.