



**CALIFORNIA STATE BOARD OF  
BARBERING AND COSMETOLOGY  
ENFORCEMENT COMMITTEE MEETING**

**MINUTES OF JANUARY 11, 2013**

**Department of Consumer Affairs  
1625 North Market Blvd.  
Hearing Room S-102, First Floor  
Sacramento, CA 95834**

**COMMITTEE MEMBERS PRESENT**

Richard Hedges  
Deedee Crossett  
Katie Dawson  
Frank Lloyd (Absent)

**STAFF MEMBERS PRESENT**

Kristy Underwood, Executive Officer  
Gary Duke, Legal Counsel  
Tandra Guess, Board Analyst

**1. Agenda Item #1, WELCOME AND INTRODUCTIONS**

Mr. Hedges called the meeting to order at 9:00 a.m.

**2. Agenda Item, #2, APPROVAL OF ENFORCEMENT COMMITTEE MEETING MINUTES**

Upon motion by Ms. Dawson, seconded by Ms. Crossett, the minutes from the July 16th Enforcement Committee were approved by a 3-0 vote.

**3. Agenda Item #3, DISCUSSION AND RECOMMENDATION ON REVISIONS FOR TITLE 16, DIVISION 9, ARTICLES 12 OF THE CALIFORNIA CODE OF REGULATIONS THAT RELATES TO HEALTH AND SAFETY REQUIREMENTS**

Mr. Hedges thanked Fred Jones and others from within the industry who have worked to help him get reappointed as a Board member. The Committee has added definitions, added requirements to identify footspas that are out of order or out of service, require that disposable needles be used in electrology, make clear that callus removers and mole removal are invasive procedures, clarify skin peel products are not over 30 percent acid content or with a start up pH of 3.0 or higher.

Ms. Dawson was looking for where the regulations were that addressed how the containers were to be labeled and whether these labels should be visible to the consumers. Mr. Hedges noted everything is supposed to be labeled. The Board requires that if the tools are in a drawer, the drawer is labeled clean or soiled on the outside of the drawer and any boxes or containers that are used have to be labeled. Ms. Dawson commented that her experience has been that instruments are pulled out of a container in a drawer. She as the consumer doesn't see how the container is

labeled. The drawer is not visible and the container is not always removed from the drawer. Mr. Hedges suggested that the consumer needed to ask to see the container. The labels are for the benefit of the consumer, the inspector, and the operator. Ms. Crossett mentioned that the consumer may have to look for the labels.

Ms. Crossett stated the regulations needed to be clear and simple for everybody to understand regardless of the work station. Ms. Dawson stated that she didn't know if it is a requirement that labels be visible to the consumer. It is not a requirement that labels be visible to the consumer. Mr. Hedges stated the consumer has to ask to see the container. Ms. Dawson stated as a consumer she would like to see what the professional is using: unclean, clean, disinfected, contaminated.

Ms. Dawson suggested that the containers be in sight on the table or on the surface where the service is being provided.

Ms. Underwood stated the Board allows a drawer to be a container and the drawers have to be labeled. Carts usually are labeled. Mr. Hedges suggested putting a statement on the website for the consumers that clean and soiled instruments and instrument containers are labeled and if the consumer has a concern, the consumer needs to ask to see the label.

A question was raised as to whether items such as robes, capes, and other coverings could be included under the general category of linen. Mr. Hedges stated linens could be added to the list of coverings. Mr. Hedges believes changing the word from "cabinet" to "container" is very good. Whatever covering is used on a customer, it has to be laundered or stored in a closed container.

A question was asked as to where it says how to label specifically disinfectant. Is labeling disinfectant an OSHA requirement or is that a Board requirement? Ms. Underwood stated it needs to be a EPA registered disinfectant with demonstrated bactericide, fungicidal, and virucidal activity. It must be labeled disinfectant or disinfectant solution. Under 980, disinfecting electrical instruments, (a) clippers, hot styling tools, curling irons, flat irons, hot combs, Ms. Crossett asked if the Board honestly thought that a hairdresser is going to spray down a curling iron? What bacteria is going to live on a flat iron that is over 300 degrees. Nothing is going to live. Mr. Hedges can't answer what the chance of it is. He would feel more comfortable as a consumer with it being disinfected.

Ms. Underwood stated that in the past the requirement has been taken out and reinserted based on suggestions made. Staff agrees with Ms. Crossett. Mr. Hedges asked that it be taken out. Ms. Dawson suggested that it state that debris be removed. The requirement hasn't been something that the Board has ever enforced in its history.

Mr. Jones offered a compromise between Ms. Crossett's and Ms. Dawson's positions that the Board clarify that subparagraph (2) does not apply to the hot instruments. Subparagraph (1) does, removing all foreign debris. It was noted that (a) says shall be disinfected. Ms. Dawson stated that it is not always the case that professionals use their hot tools only on clean hair and that the tools would not be disinfected.

Ms. Dawson was wondering how staff felt about the labeling issue. Staff stated that what is visible to the consumer should be labeled, but consumers are not going to be able to see everything. If a consumer is concerned, then they should ask the operator.

Mr. Hedges stated there was a consensus to remove the hot instruments from Section 980 (a).

Next issue is on pages 6 and 7 under Disposable Foot Tub Liners. There needs to be assurance that this is done properly. Establishments that utilize foot tub liners must maintain a supply of liners for use at all times. Mr. Hedges wants to add an adequate supply and the definition of adequate

means more than one liner per foot tub. That requirement will give some assurance that people won't reuse the liners if they get busy and run out.

Ms. Crossett believes the foot tub liners are a bad idea. Ms. Crossett stated that some salons are reusing nail files, buffers, and toe separators and the cost for those are below \$1.00. The lowest price for a footspa liner Ms. Crossett was able to find is 85 cents. She questioned why the Board would expect salons to not reuse footspa liners when they reuse items that are much less expensive. Ms. Crossett pointed out that use of foot tub liners goes against California's green initiative.

Mr. Hedges is going to let the issue go forward with the amendments, but would like to hear from staff. Ms. Crossett suggested that by sticking to one formula, i.e., one way to disinfect, there is a greater possibility that licensees will follow the requirements and understand what is the appropriate procedure.

### **Public Comment**

Monica Herzog Butler is familiar with liners. She suggested that disinfectant is harmful to the environment and doesn't agree that the liners pose a bigger risk to the planet. Disinfecting the bowls may actually be more expensive for the salon than using liners. She suggested that ten liners per station be on the premises at all times. Salons would also save money on the time used to clean the bowls. Consumers have a better chance of detecting a reused liner than they have with the regular disinfected/non-disinfected foot bowl.

Fred Jones sat on the original task force that was created by the Governor and the Department of Consumer Affairs and actually headed up creating the footspa protocols. He was concerned at the time that the Board was being overly-prescriptive. The issue is biofilm buildup, which is where cross-contamination will occur. Whenever water sits, you can have biofilm buildup. He believes it is incumbent upon regulators to be able to embrace new technology and new trends that are safe. He believes that a plastic liner has much less chance of creating biofilm buildup than a filter in a piped footspa. Ms. Crossett does not agree with him. Mr. Hedges asked the speaker if it was his opinion that the Board couldn't add the word "recyclable." The speaker deferred to Mr. Duke on that topic.

Mr. Hedges urged the Board to adopt this measure.

Mr. Hedges asked if there was agreement with "recyclable" being added.

Ms. Crossett commented on "linens" being added to towels, sheets, robes, smocks. Mr. Hedges agreed to adding the word "linens" in 987 and then following through anywhere that towels, sheets, robes, and smocks are mentioned in the regulations. Ms. Dawson asked if plastic capes are included under 985. If neck strips or towels are used to keep the cape from touching the skin, the cape does not have to be laundered after every use. Ms. Crossett was curious about the change in temperature from 140 to 160. Ms. Guess answered it came from CDC. The "25 minutes" change also came from the CDC.

Mr. Hedges would entertain moving the items forward with a recommendation to the Board to pass them as modified.

### **Public Comment**

Jamie Schrabec of Percision Nails, has an issue with limiting the cleansing agent for hands to something that is alcohol based. She wouldn't want to be so specific. The Board doesn't tell people what specific ingredients their EPA-registered disinfectant has to have. That is up to the EPA to decide what is adequate to have for bactericidal, virucidal, and fungicidal activity.

Mr. Hedges is personally not willing to change it. The alcohol-based is from the CDC.

Ms. Crossett commented on Section 992, skin exfoliation. She feels that (e), mixing or combining skin exfoliation products is prohibited except as required by manufacturer's instructions, is redundant. Mr. Hedges does not have an opinion. Ms. Guess stated that in the past people were using different acid percentages, peels, and mixing them together. This is the reason (e) was added, to prevent "freelancing" by estheticians. Ms. Crossett believes (e) is addressed under (f) which states all skin exfoliation products must be applied using manufacturer's guidelines for health and safety. If you are following manufacturer's guidelines, you shouldn't be mixing.

Ms. Dawson stated that if you say manufacturer's instructions, you're assuming that all the manufacturers of these particular products are up to a certain level as far as what is considered safe and we know that there are some products out there that are not safe.

Mr. Hedges asked if staff had any strong feelings on this issue. Jaime Schrabec of Percision Nails, stated that most of the foot exfoliation products are alkaline, the opposite end of the pH scale, which is just as corrosive and causes chemical burns. Ms. Schrabec suggested that the Board needed to look at the both ends of the spectrum, not just the acidic but the alkaline as well.

Mr. Hedges stated these regulations would go through public comment and several agencies and there will be changes. Ms. Crossett would like to remove (e). Staff agrees with the removal.

### **Public Comment**

Monica Herzog Butler wondered if it was possible to add hair brushes in Section 986. Hair brushes touch the same areas that neck dusters do. Ms. Crossett noted hair brushes were listed under tools and equipment. Ms. Butler believes that people aren't actually disinfecting the hair brushes.

Lydia Justice commented on page 9, Section 987. She would like to see the clothes dryer set at the highest heat cycle for drying towels. Ms. Guess stated there was no health and safety information on this subject and the requirements regarding washing are from CDC.

Clarification was sought on Section 987. If neck strips are being used, it is not required that capes or drapes be laundered between clients. Reference was made to Section 985. Examples should be given of protective covering.

Mr. Hedges asked for comments on a page-by-page basis.

- Page 1: Definition of soiled is dirty. When soiled is mentioned in the regulations, dirty and contaminated are also added. Add contaminated to definition of soiled.
- Page 2: One agreed change on page 2. Under 978.2, add the word "linens."
- Page 3: On 980(a), removing hot styling tools, curling iron, flat iron, and hot combs.
- Page 4: No comments.
- Page 5: No (f). Skips from (e) to (g).
- Page 6: Adding the word "recyclable" to 980.4

- Page 7: Adding an adequate supply to the first sentence of number 4 and definition of adequate means more than one liner per foot tub. (ratio is 5 liners per tub)
- Page 8: Adding to 985 protective coverings “such as client capes.”
- Page 9: “Linens” under 987. 986 (a)(3) and 986 (b)(3) remove “completely.”
- Page 10: Under 989, make first paragraph (a) and change (a) to (b) and (b) to (c). Under 990, remove the word “clean” before closed container and paper needs to be disposed of. Change 990(c) to treatment tables must be covered with either clean treatment table paper, a clean table, or a clean sheet after each use. Add a new sentence that all treatment table paper must be disposed of after a single use.
- Page 11: Remove 992(e).

Mr. Hedges will take the regulations reflecting changes made today to the Board and recommend that the regulations go forward through the process to be adopted by the State of California. Ms. Dawson so moved, seconded by Mr. Hedges, and approved by a vote of 3-0.

**4. Agenda Item #4, PUBLIC COMMENT**

*Note: The Board may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125 (a)].*

The public present did not wish to address the Committee.

**14. Agenda Item #5, ADJOURNMENT**

With no further business, the meeting was adjourned.