

**CALIFORNIA STATE BOARD  
OF  
BARBERING AND COSMETOLOGY**

**HEALTH AND SAFETY ADVISORY COMMITTEE MEETING**

**MINUTES OF DECEMBER 2, 2019**

Crowne Plaza San Diego-Mission Valley  
2270 Hotel Circle N.  
San Diego, California

**BOARD MEMBERS PRESENT**

Lisa Thong, Board President  
Jacquie Crabtree

**COMMITTEE MEMBERS PRESENT**

Larry Cromwell  
Joanie Gonella  
Fred Jones  
Zenith Khwaja  
Leslie Roste  
Jaime Schrabec, Ph.D.  
Kellie Swallow  
Samia Tahir

**COMMITTEE MEMBERS ABSENT**

Paul Bryson, Ph.D.  
Jennifer Cruz-Jimenez  
Brandon Hart  
Kathy Te Nelson

**STAFF MEMBERS PRESENT**

Kristy Underwood, Executive Officer  
Michael Santiago, Board Legal Representative  
Allison Lee, Board Project Manager  
Marcene Melliza, Board Analyst

**1. Agenda Item #1, CALL TO ORDER / ROLL CALL**

Lisa Thong, Board President, called the meeting to order at approximately 1:00 p.m. and confirmed the presence of a quorum.

**2. Agenda Item #2, EXECUTIVE OFFICER'S OPENING REMARKS**

Kristy Underwood, Executive Officer, stated an additional Health and Safety Advisory Committee meeting will be scheduled after the first of the year to continue the discussion on the Health and Safety Regulations.

**3. Agenda Item #3, PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

Wendy Cochran, Founder, California Aesthetic Alliance, stated the practice of skin care has not been defined, which creates confusion. She stated her 5,000 members would like to be compliant with the laws and more guidance is necessary.

**4. Agenda Item #4, APPROVAL OF THE AUGUST 28, 2018, COMMITTEE MEETING MINUTES**

**MOTION:** Ms. Thong made a motion, seconded by Mr. Jones, that the Board approves the August 28, 2018, Meeting Minutes as presented. Motion carried 7 yes, 0 no, 3 abstain per roll call vote as follows:

The following Committee Members voted "Yes": Cromwell, Gonella, Jones, Khwaja, Roste, Schrabek, and Thong.

The following Committee Members abstained: Crabtree, Swallow, and Tahir.

**5. Agenda Item #5, APPROVAL OF THE JULY 29, 2019, COMMITTEE MEETING MINUTES**

**MOTION:** Ms. Thong made a motion, seconded by Mr. Jones, that the Board approves the July 29, 2019, Meeting Minutes as presented. Motion carried 8 yes, 0 no, 2 abstain per roll call vote as follows:

The following Committee Members voted "Yes": Cromwell, Gonella, Jones, Khwaja, Roste, Schrabek, Swallow, and Thong.

The following Committee Members abstained: Crabtree and Tahir.

**6. Agenda Item #6, PRESENTATION BY GREEN CIRCLE SALONS ON RECOVERING AND REPURPOSING BEAUTY WASTE**

**Presenter:**

Bill Deliman, Global Business Development Director, Green Circle Salons

Bill Deliman, Global Business Development Director, Green Circle Salons (GCS), provided an overview, with a slide presentation, of the background, challenge, process, and solutions of the Green Circle Salon Program. He stated the goal of GCS is to close the loop on the materials that are sold into the professional beauty industry by working with manufacturers and distributors and other industry stakeholders to bring an awareness to the problem of climate change and the unsustainable efforts of the industry today with packaging, raw materials, and sourcing. GCS finds green solutions for the beauty industry's waste, specifically the contaminated materials.

Questions and Discussion

Mr. Cromwell asked about operation costs to salons and clients. Mr. Deliman stated GCS has put together a green sustainable model. Participating salons commit to becoming a future carbon-neutral business by ensuring that they can sustain their operational costs. He stated one of the barriers to entry with this solution is that some

salons are not yet ready to have that discussion with their clients, but the salons that have have enriched their relationship because the clients are brought into the solution. A green economy means involving clients in the transaction of this solution. That is how this program is economically funded.

Ms. Schrabec asked about nail salons and what is being done with household chemicals that would normally be recycled through the waste center. Mr. Deliman stated GCS works with companies to collect chemicals from vats at the manufacturing level and the nail artists' bottles at the salon level in what is called a "single stream." Waste products such as wax, spatulas, nail polishes, sponges, cotton, and paper go into one stream, which becomes clean energy. Ms. Schrabec asked about birchwood sticks and Mr. Deliman stated wood products would go into waste energy to be included in one single stream.

Ms. Thong asked if GCS is in conversation with local waste management districts about the program. Mr. Deliman stated GCS is working with the city of San Jose. The city is approaching their beauty salons, spas, and nail salons to recommend the program. GCS is also working with the city of San Francisco on chemical collection.

## **7. Agenda Item #7, DISCUSSION AND RECOMMENDATIONS ON REVISED HEALTH AND SAFETY REGULATIONS**

Ms. Underwood stated the Committee asked staff, with the help of Ms. Roste, at the last Committee meeting, to provide a draft revision of the Health and Safety Regulations. Ms. Underwood reviewed the Draft Health and Safety Regulations, which were provided in the meeting packet. She clarified that proposed added language is highlighted in yellow and underlined, and the proposed language to be removed is highlighted in gray and struck through.

Committee Members provided the following feedback:

### Section 977, Health and Safety Definitions

- Add a definition for the word "clean" to differentiate between "clean" and "disinfected."
  - Define the word "clean" as "free from surface and/or visible debris."
  - Add that it can be done with "soap and water or chemical cleaner."
- Consider labeling items "ready to use" rather than "clean."
- Under Disinfect or Disinfection, strike "and pathogens" after "fungi," because everything is included with the addition of the word "fungi" so it will read "the use of chemicals to destroy harmful bacteria, viruses, and fungi on implements or tools to render them safe for use."
- Under Disinfect or Disinfection, consider the removal of the word "implements" so it will read "the use of chemicals to destroy harmful bacteria, viruses, and fungi on tools to render them safe for use."

- Under Autoclave, change the language “registered and listed with” to “approved by” so it would read “Autoclaves must be approved by the United States FDA and used as instructed by the manufacturer.”
- Under Dry Heat Sterilizer, add the same FDA approval that was listed under Autoclave to read “Dry Heat Sterilizers must be approved by the United States FDA and used as instructed by the manufacturer.”
- Under Over-the-Counter, consider adding “professional use product.”
- Add a definition for the term “Professional Use Product.”

### **Public Comment**

Wendy Cochran agreed with the suggestions for the definition of “Over-the-Counter.” She suggested the following:

- Under Epidermis, strike “the non-living layer of the skin” and change “outermost” to “uppermost” so it will read “the uppermost layer of the skin.”
- Under Dermis, strike “the living layer of the skin” so it will read “the layer of skin just below the epidermis.”

### Section 978, Minimum Equipment and Supplies

- Add a definition for the word “Equipment” in Section 977, Health and Safety Definitions.
- Under 978(a)(1), change the words “equipment” to “tools” and “soiled” to “dirty” so it will read “clean tools, labeled as such, to be used on the next client. Establishments, schools, and independent contractors shall not have all tools in the establishment or school labeled as dirty.”
- Under 978(a)(3), consider alternative language to describe containers other than “closed, vented” to add clarity.
- Under 978(a)(3), the added language about weekly disinfection of the containers is not enforceable.
- Under 978(d), address this issue through the fine schedule.

### **Public Comment**

Wendy Cochran referred to 978(a) and stated the proposed language for “independent contractors” does not match the language of Assembly Bill (AB) 5. Independent contractor is a false term in the industry; estheticians are not independent contractors. Ms. Cochran suggested the word “licensees” because, whether an individual is an establishment owner and a holder of a license for that establishment or a practitioner in that establishment, they will be held responsible as a licensee.

Wendy Cochran stated the need to address the materials that the “closed, vented containers” are made of. Many individuals in esthetics store items in Tupperware, which is sealed and taken out perhaps once a week. She asked if the material

can be metal such as punched tin with a fabric liner, wicker, carved wood, plastic, or a cardboard box.

Ms. Roste stated the containers must be disinfected so they must be nonporous. She suggested that staff continue to work on this language.

#### Section 979, Disinfecting Non-Electrical Tools

- Under 979(a)(4), add “electrolysis tweezers and caps” and “microdermabrasion diamond tips” to the list of items that must be immersed.
- Under 979(a)(4), add “synthetic” to “nail brushes.”
- Under 979(a)(4), change the word “make-up” to “cosmetic” so it will read “nail clippers, cosmetic pencil sharpeners, synthetic nail brushes, electrolysis tweezers and caps, and microdermabrasion diamond kits must be immersed.”

#### **Public Comment**

Wendy Cochran referred to 979(a)(2) and stated the phrase “or by use of a wipe” will increase contact dermatitis in licensees. She suggested moving (6) up in the instructions so licensees will know that they are required to wear gloves and adding “according to the manufacturer’s instructions” to (2) so it will read “clean with soap or detergent and water or by use of a wipe, according to manufacturer’s instructions.” She stated including gloves in many of the steps or including gloves as a higher level of conversation is important.

#### Section 980, Disinfecting Electrical Tools

- Under 980(a)(2)(b), at the least, strike the word “covered” so it will read “all disinfected electrical tools shall be stored in a clean place ...”
- Change 980(a)(2)(b) to read “all electrical tools must be disinfected prior to every use.”

Ms. Underwood asked Committee Members to continue to consider how to best deal with barber shop clippers for consumer safety.

#### **Public Comment**

Wendy Cochran referred to 980(a)(2)(b) and asked about wax pots.

Ms. Roste suggested adding “unless otherwise noted” and calling out microdermabrasion equipment or wax pots separately.

Melodie Cochran, Salon Owner, asked how all salons will learn about the changes being made to the regulations.

Ms. Underwood stated the final updated Health and Safety Regulations will be mailed to every salon.

#### Section 980.1, Procedures for Cleaning and Disinfecting Foot Basins

- Under 980.1(b)(7), change “for at least 10 minutes” to “the contact time listed on the manufacturer’s label” so it will read “the spa basin shall be refilled with clean water and shall be circulated with the correct amount (read manufacturer label for

mixing instructions) of the EPA-registered liquid disinfectant that is labeled as a bactericide, fungicide, and virucide through the basin for the contact time listed on the manufacturer's label."

- Under 980.1(b)(7), add that the stand-alone basin does not need to be circulated but needs to be disinfected.
- Under 980.1(b)(7), add clarification that the stand-alone basin can be disinfected with sprays and wipes.

#### Section 980.4 Disposable Foot Basin or Tub Liners

- Incorporate 980.4 into 980.1.
- Under 980.4(a), strike the word "recyclable" so it will read "single-use, disposable liners, designed specifically and manufactured for use ...."

#### Section 981, Tools and Supplies

- Under 981(a), add "wooden sticks" so the list would read "(including, but not limited to, buffers, pumice stones, wax sticks, toe separators, gloves, cotton pads, sponges, emery boards, neck strips, and wooden sticks) are single-use and shall be disposed of ...."

#### Section 982, Sterilizing Electrolysis Tools

- Under 982(a)(1)(a), add that the autoclave needs to be on the premises.
- Under 982(a)(1)(c), change the language to read "all sterilized implements must be packaged with a chemical indicator indicating that the process was completed prior to use."
  - Employee-packaged things need to be sterilized in those packages.
  - Add that the date needs to be included on the sterilized package.

#### Section 983, Hand Hygiene

- No edits were offered.

#### Section 984, Disease and Infestation

- Under 984(e), reword the sentence to clarify that the modifier "without wearing gloves" pertains to the whole sentence.

#### **Public Comment**

Wendy Cochran suggested adding "herpes" and "warts" to the list in 984(c).

#### Section 986, Brushes

Ms. Underwood stated new ideas have been suggested for this item. Staff will revise this section and bring it back at the next Committee meeting.

#### Section 987, Linens

- No edits were offered.

### Section 988, Liquids, Creams, Powders, and Cosmetics

- No edits were offered.

### Section 989, Prohibited Hazardous Substances/Equipment, Use of Implements and Services in Establishments or Schools

- Add “neck dusters” as item 989(i).
- Under 989(d), strike the word “sterilizer” so it would read “ultra-violet cabinets.”
- Change the word “implements” to “tools.”
- Work on the language for subsection (g).
- Include “any type of injection device” in the list.
- Address clients bringing in their own tools.
- Make two subsections as follows and include items (a) through (i) under them:
  - 989(a) no establishment, school, or licensee shall have on the premises:
  - 989(b) no establishment, school, or licensee shall perform these services:

#### **Public Comment**

Wendy Cochran stated henna is currently a big topic. Also, dermaplaning scalpels are not on the list and waxing the entire scalp needs to be included in the conversation.

#### **8. Agenda Item #8, AGENDA ITEMS FOR THE NEXT MEETING**

Ms. Underwood stated another Committee meeting will be scheduled prior to the next Board meeting.

#### **9. Agenda Item #9, ADJOURNMENT**

There being no further business, the meeting was adjourned at 3:34 p.m.