

**CALIFORNIA STATE BOARD
OF
BARBERING AND COSMETOLOGY**

**HEALTH AND SAFETY ADVISORY COMMITTEE
TELECONFERENCE MEETING**

MINUTES OF DECEMBER 18, 2020

BOARD MEMBERS PRESENT

Lisa Thong, Board President
Jacquie Crabtree
Andrew Drabkin

COMMITTEE MEMBERS PRESENT

Paul Bryson, Ph.D.
Larry Cromwell
Jennifer Cruz-Jimenez
Joanie Gonella
Paula Johnson
Fred Jones
Leslie Roste
Jaime Schragebeck, Ph.D.
Kellie Swallow
Judith Balmin

COMMITTEE MEMBERS ABSENT

Brandon Hart

STAFF MEMBERS PRESENT

Kristy Underwood, Executive Officer
Carrie Harris, Deputy Executive Officer
Sabina Knight, 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 9:00 a.m. and welcomed everyone.

Kristy Underwood, Executive Officer, confirmed the presence of a quorum.

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

Ms. Underwood acknowledged the industry and licensees during these difficult times of the COVID-19 pandemic.

3. Agenda Item #3, APPROVAL OF DECEMBER 2, 2019, COMMITTEE MEETING MINUTES

MOTION: Ms. Crabtree made a motion, seconded by Ms. Thong, that the Board approves the December 2, 2019, Meeting Minutes as presented. Motion carried 10 yes, 0 no, 2 abstain per roll call vote as follows:

The following Committee Members voted “Yes”: Bryson, Crabtree, Cromwell, Drabkin, Gonella, Jones, Roste, Schrabeck, Swallow, and Thong.

The following Committee Members abstained: Johnson and Balmin.

4. Agenda Item #4, DISCUSSION AND RECOMMENDATIONS ON AMENDING HEALTH AND SAFETY REGULATIONS:

a. Title 16, California Code of Regulations sections 977-995

Ms. Underwood presented the proposed changes to the Health and Safety Regulations, which were included in the meeting packet. She noted that COVID-19 industry guidance recently put out by the California Department of Public Health (CDPH) was also included in the meeting packet for Committee Member review. She stated the need for plain, simple language for better translations into multiple languages. The suggested changes will be made and brought back to this Committee for further discussion and public comment prior to going to the Board for approval.

Committee Members provided the following feedback:

General suggestions:

- Add the word “disposable” to “gloves” so it will read “disposable gloves” in the regulations.

Discussion on Section 977, Health and Safety Definitions

- Under Disinfectant, rearrange the words at the beginning of the last sentence and add the word “solution” after “concentrate” so it will read “wipes, sprays, and concentrate solution for immersion may be used”
- Under Single-Use, add “and disposable” and “gloves” so it will read “all porous and disposable items including, but not limited to gloves, cotton, nail files”
- Under Electric Tools, clearly state that electric tools need to be disinfected, whether they directly or indirectly come into contact with a client. An example of indirect contact is, although a hair dryer may not touch the client directly, the stylist’s hands do touch the client and then they touch the hair dryer.

Discussion on Section 978, Minimum Equipment and Supplies

- Under 978(a), 978(a)(1), and 978(d), if minimum equipment and supplies are unclear in the Personal Service Permit regulations, add “or Personal Service Permit holders working outside an establishment” to “independent contractor(s)” so they will read “... independent contractors or Personal Service Permit holders working outside an establishment”
- Under 978(a), there was a grammar question about listing spaces, such as establishments and schools, along with persons in the same line.

- Since the only persons listed are “licensees operating as independent contractors,” this language makes it seem that employees are not responsible for this section of the regulations.
- Under 978(a)(1), strike “on the next client” so it will read “clean tools, labeled as such, that are ready to be used.”
- Under 978(b), staff is to verify that the health and safety curriculum does not erroneously state that any disinfectant solution, even after mixed, requires the manufacturer’s label, which has been downloaded from the manufacturer’s website, on all mixed solution containers.
- Begin 978(a)(5) and (6) with “for immersion concentrate,”.
- Replace the language in 978(a) with the language in 978(b), strike the then redundant 978(b), and move the last two items up a letter [(c) becomes the new (b) and (d) becomes the new (c).]
- Regarding renumbering the items in 978, there are currently violations that can be cited for these. If the numbering is changed, it can skew the consistency of what was cited when throughout the history of the Board.

Discussion on Section 979, Disinfecting Non-Electrical Tools

- Under 979(a)(4), strike “licensees or students shall” so it will read “wear protective gloves or use tongs”
- Under 979(a)(3), move hairbrushes to this list of items that must be immersed.

Discussion on Section 980, Disinfecting Electrical Tools

No Committee Member comments were offered.

Discussion on Section 980.1, Procedures for Cleaning and Disinfecting Foot Basins

Committee Members agreed with the proposed simplified language, which will make the regulation easier to comply with.

- The numbering in this section needs to be corrected.
- Under 980.1(a)(6)(a), add language to include “plumbed sinks.”
- Under 980.1(c)(1), add “new” or “unused” so it will read “... maintain a supply of five new or unused liners per foot basin for use at all times.”
- Under 980.1(c)(3), add “and disinfected” so it will read “removeable magnetic jets shall be cleaned and disinfected after every use”

Discussion on Section 981, Tools and Supplies

- Change the title of this section to “Disposal of Single-Use Items.”

Discussion on Section 982, Sterilizing Electrolysis Tools

- Staff to work on Section 982 separately with three Committee Members.

Public Comment

Wendy Cochran, Founder, California Aesthetic Alliance, stated barbering, cosmetology, and electrology are called out in the regulations, while manicurists and estheticians are not – it is not clear that manicurists and estheticians are subdivisions of cosmetology. Tools that estheticians use should also be listed in the regulations. The speaker agreed with disposable gloves. The need for containers such as drawers to have lids is a common question. The speaker will submit their comments to staff in writing.

Discussion on Section 983, Hand Hygiene

- Change gendered language to the word “their” throughout the regulations.
- Require clients to wash their hands as they have been doing during the COVID-19 pandemic.

Discussion on Section 984, Disease and Infestation

- Staff to rewrite Section 984 separately with two Committee Members.
- Add a new section (f), establishments and licensees must adhere to guidelines or protocols including but not limited to those developed by the California Department of Public Health, Department of Industrial Relations, Governor’s Office, and/or local government entities regarding required personal protective equipment, limited capacity, or any requirements to protect licensees and consumers.
 - There may be legal concern about putting transitory, gubernatorial, or county health orders into regulations. Caution against including temporary orders that may be legally dubious.
- Staff to work on Section 984(c) separately with two Committee Members to write more generically and to bring up-to-date with COVID-19 issues.
 - Either add herpes and cold sores to the list or condense the list.
- Strike 984(c) and add a more expansive list to 984(a) such as adding “virus” to the list so it would read “an infection, virus, or parasitic infestation capable of being transmitted”
- Under 984(a), add responsibility to licensed professionals not to serve clients if they have an infection, virus, or parasitic infestation by beginning the sentence using language similar to 984(e) “no person working or training in an establishment or school shall ...”
- Under 984(e), think through when a person should not touch another person. Licensees do not diagnose.

Discussion on Section 985 (removed)

No Committee Member comments were offered.

Discussion on Section 986, Brushes

- Under 986(a)(2), strike “EPA registered disinfectant spray” and add clarification on the word “monomer.”

Discussion on Section 987, Linens

- Under 987(a), add “by a client” and strike “once” so it will read “after a towel, sheet, robe, linen, or smock has been used by a client, it shall ...”

Discussion on Section 988, Liquids, Creams, Powders, and Cosmetics

- Change the title of section 988 to “Storage of Liquids, Creams, Powders, and Cosmetics.”
- Address the disposal of products such as “disposal must be done according to manufacturer’s instructions.”
- Staff is to look into the number and nature of consumer cases related to make-up.
- Staff is to redo this section and think through how disease and infection is spread not only by hand but by tools.

Discussion on Section 989, Prohibited Substances, Equipment, Tools, and Services

- Under 989(b)(a), add specificity such as removal of hair from inside of the nose or inside of the ear. Also, removal of hair from ear lobes or the top of the nose should not be an issue.
- Under 989(a)(2), separate the two chemicals – they do completely different things, neither of which belong in a salon setting.
 - Add “or other substances that are prohibited” so it will read “... methylene chloride, or other substances that are prohibited.”
- Under 989(a)(3), change the word “calluses” to “skin” so it will read “cut or remove skin.”
- Under 989(a)(4), strike the word “sterilizer” so it will read “ultra-violet cabinets.”
 - Concern that the ultra-violet language may be confused with ultra-violet lights for curing nail polish and other products when this language is translated into other languages.

Discussion on Section 990, Headrests, Shampoo Trays and Bowls, and Treatment Tables

- Under 990(c), add “new” so it will read “... covered with new treatment table paper”
- Add language about wiping or disinfecting the table after each use.

Discussion on Section 991, Invasive Procedures

No Committee Member comments were offered.

Discussion on Section 992, Skin Exfoliation

No Committee Member comments were offered.

Discussion on Section 993 (removed)

No Committee Member comments were offered.

Discussion on Section 994 Cleanliness and Repair

- Add to frequently disinfect commonly touched surfaces such as door handles, light switches, and telephones.
- Under 994(b), add “independent contractor” so it will read “no establishment, school, or independent contractor shall permit an accumulation”

Discussion on Section 995, Building Standards

No Committee Member comments were offered.

Public Comment

Wendy Cochran provided input as follows:

- Under section 984, ensure that PSP holders are not traveling from home to home while ill. Ensure that the adding of “cold sores” does not restrict licensees who may have a cold sore from working on clients, especially when masks and face shields are worn by the licensee.
- Regarding 986, EPA disinfectants should not touch clients’ skin. The speaker thanked Committee Members for calling out the brushes.
- Regarding 987(a), no one will take home an entire, hard laundry basket. There needs to be an availability to put a plastic bag or linen bag in the laundry basket that can then be removed as opposed to manually transferring them to a plastic bag to take home.
- Regarding 988(c), students are commonly taught to use a spatula to remove a portion of product to a palette and to work from the palette. This needs further discussion.
- Regarding 989(a)(3), add scalpels.
- Regarding 989(a)(6) and 991(a)(3), be careful of the language regarding lancets.

Wendy Cochran stated they will also submit their comments to staff in writing.

5. Agenda Item #5, PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Wendy Cochran suggested including information on the requirements of home salons and how to set them up such as a separate entrance, living quarters, and what is and is not allowed. The speaker stated concern that much of the regulation language discussed today overlaps the request for the expansion of scope of practice for licensed estheticians that will be submitted at the Sunset Hearing.

6. Agenda Item #6, SUGGESTIONS FOR FUTURE AGENDA ITEMS

Ms. Swallow suggested a discussion on changing the legislative process on brow henna, lash tinting, and brow tinting. Clients are asking that professional tinting be brought back. Untrained individuals are offering these services to the public and also

homemade substances are being used. She asked staff to gather data on consumer risk/harm from states where these services have been permitted to continue.

Ms. Swallow also suggested a discussion on dermaplaning and asked staff to gather data on consumer risk/harm from states where these services are permitted.

Dr. Schrage suggested a discussion on the curriculum requirements for all license types with an emphasis on rebuilding the curriculum with the new Health and Safety Curriculum as the foundation.

Ms. Thong suggested revisiting COVID-19 protocols, reviewing what did and did not work, and discussing emergency protocols for the industry in general.

7. Agenda Item #7, ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 11:30 a.m.