

Salon Owners' How-To Guide for Ventilation

CONTACT THE DEPARTMENT OF STATE

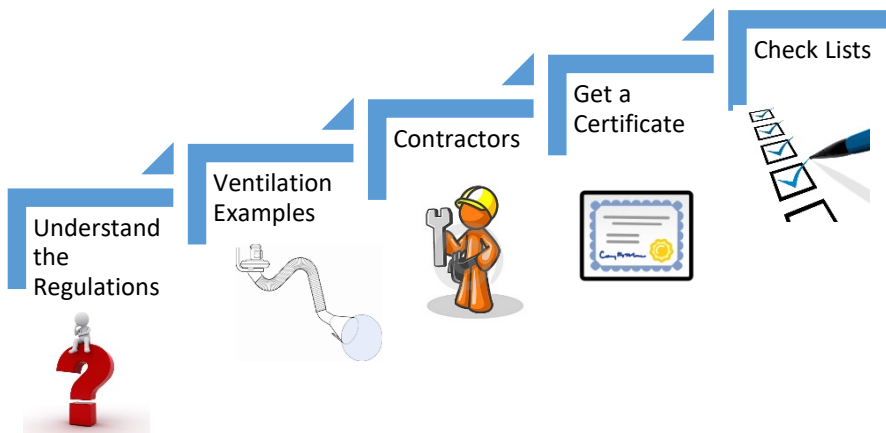
If you have any questions about the new ventilation requirements or how to bring your business into compliance, please contact the Department of State at **518-474-4429**. Additional information and resources can be found on our website (www.dos.ny.gov).

INTRODUCTION



A new regulation adopted by the New York State Department of State requires all businesses offering nail services to provide ventilation to capture and exhaust harmful contaminants, fumes and particles, away from clients and workers. These standards both govern the primary ventilation system, and require the use of *local exhaust systems*, also known as *source capture ventilation*, at each manicure and pedicure station. The ventilation standards

are part of the **2020** International Mechanical Code (“2015 IMC”).



ABOUT THIS GUIDE

This guide includes information to help you ensure your salon is up to code. It describes the new requirements and the steps you can take to comply. It also includes a checklist to help you follow important steps in the compliance process.

You can find all of the materials included in this document at: <https://dos.ny.gov/additional-information-nail-salons>.

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I. Understand the New Ventilation Requirements

THE NEW VENTILATION REQUIREMENTS

A new regulation adopted by the New York State Department of State requires all businesses offering nail services to provide ventilation to capture and exhaust harmful contaminants, fumes and particles, away from clients and workers. These standards both govern the primary ventilation system, and require the use of *local exhaust systems*, also known as *source capture ventilation*, at each manicure and pedicure station. Local exhaust systems pull the air around the client's hands or feet during the performance of nail services, to ensure workers and clients do not breathe in harmful contaminants.



Ventilation Regulation and Code:

You can find the text of the new ventilation regulation at:
<https://dos.ny.gov/ventilation-regulations>.

You can find the 2020 International Mechanical Code at:
<https://codes.iccsafe.org/content/NYSMC2020P1>.

The Department worked with professional engineers to develop a "Technical Guidance Document" for contractors and design professionals. The Technical Guidance Document provides exact specifications and requirements for ventilation systems. Contractors and design professionals should refer to the Technical Guidance Document to design a compliant system for your salon.

WHAT THE NEW REQUIREMENTS MEAN FOR EXISTING BUSINESSES

- If you obtained an Appearance Enhancement Business license ***before*** October 3, 2016, you have ***five years to comply*** with the new ventilation requirements.
- Existing businesses will not be inspected for compliance with the new ventilation standard until October 3, 2021.
- Existing businesses will need to obtain and keep on site a certificate of compliance beginning October 3, 2021.

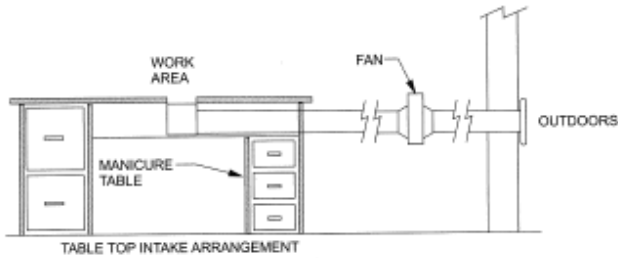
WHAT THE NEW REQUIREMENTS MEAN FOR NEW BUSINESSES

- If you received an Appearance Enhancement business license ***on or after*** October 3, 2016, ***you must comply*** with the new ventilation requirements by the time your salon opens under the new license.
- New businesses will be required to obtain a certificate of compliance before they begin operating and keep this certificate on site.
- The Department will be checking new businesses for compliance with the new ventilation standard starting October 3, 2016.
- New businesses that do not comply with the new standard will receive a Notice of Violation and guidance from the Department about how to comply with the standard.
- ***The Department recognizes that it may take several months to bring your salon into compliance with the new rules, and the Department can work with you to avoid a hearing.*** In the majority of cases, even if you receive a Notice of Violation, the issues can be resolved without penalties and without a hearing, by correcting the violations, or demonstrating to the Department that you have made reasonable efforts to come into compliance with the new rules. For more information about the types of action and documentation that you can bring to the Department to show that you are making a reasonable, good faith effort to comply with the new standard, see our “Important Tips and Information After an Inspection” document available on our website at: <https://dos.ny.gov/additional-information-nail-salons>.

II. See What Compliance Looks Like

DRAWINGS AND DESCRIPTIONS OF SAMPLE VENTILATED NAIL STATIONS

Ventilated Manicure Station



Ventilated Pedicure Station

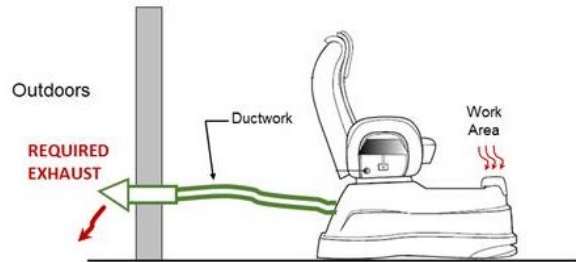
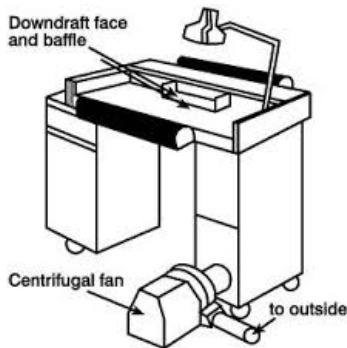


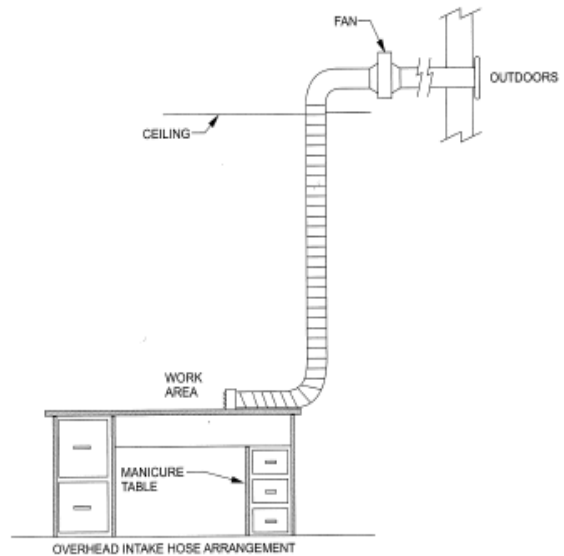
Table Fan Connected to Duct to Vent Contaminated Air Outside

A ventilated table has a fan that draws chemical vapors and particles into a duct and prevents them from entering the room's atmosphere. A ventilated table is an example of local exhaust because it prevents toxic chemicals and particles from reaching the breathing zone of both nail workers and clients. The ventilated table must also vent contaminated air to the outside of the salon.

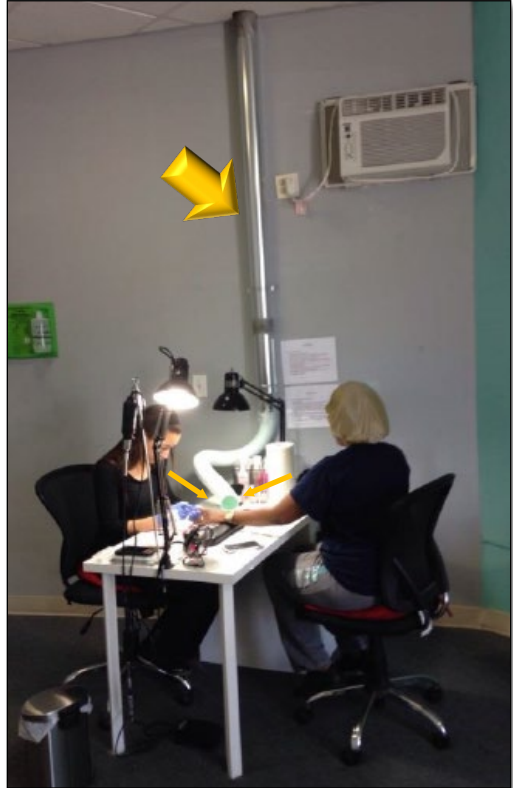
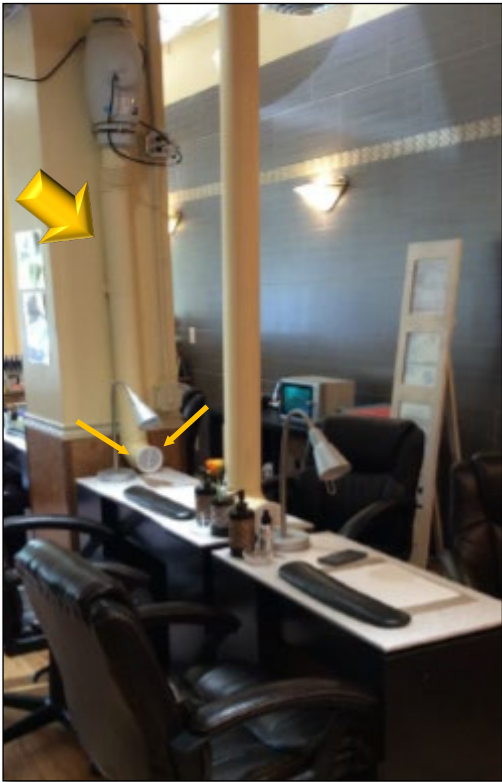
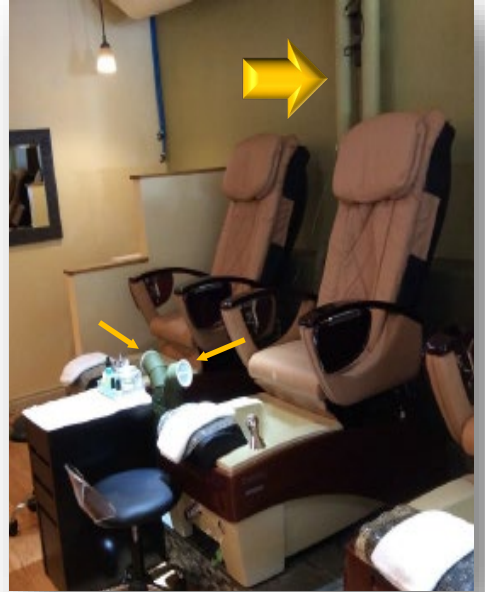
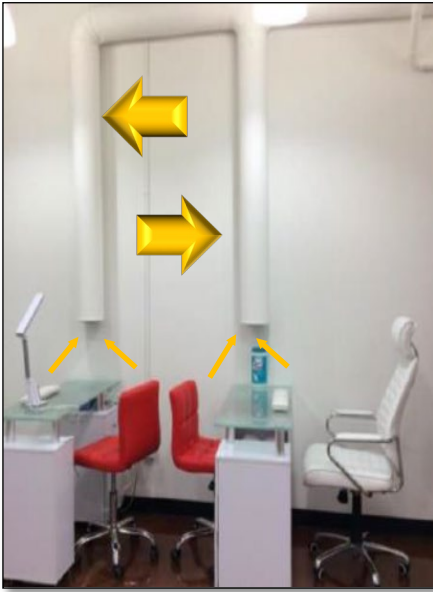


Exhaust Hood to Vent Contaminated Air Outside

This type of local exhaust system allows a movable hood to be placed over a client's hands or feet to capture the chemical vapors and exhaust them to the outdoors.



PICTURES OF ACTUAL SALONS WITH NEW VENTILATION SYSTEMS INSTALLED
Manicure and Pedicure Stations



III. Hire a Professional to Do the Ventilation Work

BEFORE HIRING A PROFESSIONAL

Before calling a professional, you should check with your local municipality to find out if contractors are required to be licensed before working in the municipality.

FINDING A PROFESSIONAL TO ASSIST WITH INSTALLATION OF A VENTILATION SYSTEM



Professional engineers and mechanical contractors can design, construct and install ventilation systems. Professional engineers are licensed by the New York State Education Department.

Professional Engineers

- You can find information about hiring a professional engineer at: <https://www.op.nysed.gov/engineering>
- You may verify the license and registration of a New York State licensed professional engineer on the New York State Department of Education's website at: <http://www.op.nysed.gov/opsearches.htm>

Mechanical Contractors

- Look for a mechanical contractor that specializes in commercial construction/renovation projects that involve ventilation systems.
- Mechanical contractors in some cases can design ventilation systems. If you need assistance locating a mechanical contractor in your area, organizations may exist that represent contractors and businesses that design, construct, install and maintain indoor ventilation systems.
- The Blue Book Network of Commercial Construction is an online resource for locating mechanical contractors. Find mechanical contractors in The Blue Book at: <http://www.thebluebook.com/cl/stall2844.htm>
- To locate a mechanical contractor in your area, speak to other business owners (e.g. restaurants), friends or other people you know who may have done recent renovations.



Word of mouth referrals are often the best way to find a professional.



- Also, you may conduct an independent search in the yellow pages, or by typing any of the following suggested key terms into an online search engine: "HVAC Contractor", "mechanical contractor" or "mechanical contractor near me".

Check internet websites for referrals and professionals, but use your judgment and be wary of sites that don't have verified reviews.

- Depending on the complexity of the system required for your store, you may need to consult a mechanical engineer.



Mechanical Engineers

Mechanical engineering is the discipline that applies the principles of engineering, physics, and materials science for the design, analysis, manufacturing, and maintenance of mechanical systems.

- A mechanical engineer may be recommended by your mechanical contractor.

Architects

An architect is a registered design professional licensed by the New York State Department of Education. If you require guidance on the appearance design changes to your business, you may need to consult a licensed architect.

- Consult an architect (if required or if recommended by your mechanical contractor or mechanical engineer).

WHEN HIRING ANY PROFESSIONAL

- Interview more than one professional for each service required.
- The best practice is to interview *at least* three service providers for each service you need.
- Get all estimates and price quotes in writing.
- If you are quoted a price you consider too high, contact another professional for a better rate.



WHAT TO SAY TO A PROFESSIONAL ENGINEER OR MECHANICAL CONTRACTOR


- Tell the mechanical contractor you are a business owner and New York State regulations require you to install a local exhaust system (also known as a source capture ventilation system) to capture all vapors, fumes, dust and other air contaminants in your store.
- Tell the mechanical contractor you are seeking a quote to design, build and install a local exhaust system at each manicure and pedicure station within your business.
- Give the mechanical contractor a copy of the Department's "Technical Guidance Document" available at:
<http://www.dos.state.ny.us/licensing/appearance/NailSalon%20Technical%20document.%20final.pdf>
(Please maintain copies of this document and provide it to your landlord, if applicable, and any contractors from whom you seek estimates for ventilation system design, installation and repair.)
- Ask if your contractor has experience with ventilation systems for other types of businesses that require a "local exhaust system" (also known as "source capture ventilation").
- Ask if your contractor has all required licenses and is properly registered at
<http://www.op.nysed.gov/opsearches.htm>.
- Ask your contractor to provide you with proof of their liability insurance and worker's compensation insurance.

- Costs will vary depending on many factors, including: the age of your building, the location and size of your shop, and the age of your existing ventilation systems. Specific source capture systems can range from \$500 to \$1,500 per station. Major ventilation system upgrades can cost substantially more.
- Always require a written and detailed contract and estimate. It will protect you and help ensure that you and the contractor understand the scope and cost of the project.
- Have the selected professional provide you with a copy of the building permit for your project, if a permit is required.

IV. Get a Signed Certificate of Compliance

The ventilation regulations require that businesses get a signed certification by the ventilation system installer, manufacturer or a registered design professional that the ventilation system installed meets the new legal requirements. You can find a blank Certificate of Compliance form to give your professional on our website here: <https://dos.ny.gov/additional-information-nail-salons>. You must maintain a certificate of compliance on site at all times.

SAMPLE CERTIFICATE OF COMPLIANCE



NEW YORK
STATE OF
OPPORTUNITY

**Division of
Licensing Services**

New York State
Department of State
Division of Licensing Services
P.O. Box 22001
Albany, NY 12201-2001
Customer Service: (518) 474-4429
www.dos.ny.gov

Ventilation Certification

****This certification is required for salons which offer Nail Specialty Services on the premises****

The following must be completed by an authorized installer, manufacturer or design professional:

Name of Person Completing this Certification: _____

Business Name: _____

Business Address: _____

License Number (if applicable): _____ Telephone Number: _____

I am: an authorized installer; a manufacturer; a registered architect or professional engineer

Salon Name: _____

Salon Address: _____

Salon Owner's Name: _____

Salon Square Footage: _____ Salon UID # (if applicable): _____

Date of Inspection: _____ Date of Certification: _____

As required by Section 160.16 of Part 160 of Title 19 of the New York Codes, Rules and Regulations, I hereby certify that the salon's ventilation system meets the following requirements:

- Has the capacity to exhaust from the nail salon at a rate of not less than the greater of (1) the ventilation standards for nail salons as set forth at Sections 401 and 403 of the 2015 IMC or (2) 30 cubic feet per minute for each nail station in the nail salon.
- Has the capacity to supply outdoor airflow at a rate of not less than the greater of (a) the ventilation standards for nail salons as set forth at Sections 401 and 403 of the 2015 IMC or (b) 30 cubic feet per minute.
- Is designed and constructed to capture all chemical vapors, fumes, dust and other air contaminants at their source and to exhaust such contaminants to the outdoor atmosphere.
- Exhausts all exhaust air from the nail salon (including but not limited to all chemical vapors and fumes, dust, and other air contaminants and odors generated by or resulting from nail specialty services) to the outdoor atmosphere in such a manner that such exhaust air shall not be recirculated into the nail salon or into any other space in the building, or transferred to any other space in the building.

I hereby certify under the penalties of perjury that the above information is true and accurate.

Design Professional Stamp (If Applicable)

Signature of Person Providing Certification

DOB-2066 (Rev. 08/15)
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V. Follow the Step-by-Step Guidance with a Checklist for Salon Owners



Step-by Step Checklist for Salon Owner's

VENTILATION COMPLIANCE CHECKLIST

Before you begin your project, make sure you:

- Review your lease and consult with your landlord for any terms and conditions that will govern construction and renovation projects on the property. Consult an attorney if you need help reviewing your lease.
- Look at pictures and descriptions of ventilated nail stations from salons that are up to code.
- Locate a mechanical contractor, a mechanical engineer or an architect.
- Provide a copy of the DOS "Technical Specifications Document" to your mechanical contractor, mechanical engineer and or architect so that he/she understands what the regulation entails.
- Interview and consult with more than one professional for each service required. Consulting with multiple professionals and comparing different quotes, will allow you to choose the best professional for your needs.
- Look for a contractor who communicates well and is willing to answer all your questions.
- Make sure your professional has experience with ventilation systems that require a "local exhaust system" (also known as "source capture ventilation").
- Make sure your professional has a license, if required.
- After selecting your professional, have your professional provide you with:
 - A written and detailed contract and estimate
 - A copy of the professional's liability insurance and worker's compensation insurance policies
 - The building permit and plans, if required