

1 [Healthy Nail Salon Recognition Program]

2
3 **Ordinance amending the San Francisco Administrative Code by adding Chapter 27,**
4 **Sections 27.1 through 27.6, to create a program to recognize nail salons that use nail**
5 **polishes free of the toxic chemicals toluene, dibutyl phthalate, and formaldehyde.**

6 NOTE: Additions are *single-underline italics Times New Roman*;
7 deletions are ~~*strike-through italics Times New Roman*~~.
8 Board amendment additions are double-underlined;
9 Board amendment deletions are ~~strikethrough-normal~~.

9 Be it ordained by the People of the City and County of San Francisco:

10 Section 1. **Findings.**

11 1. Approximately 200 business establishments and 1,800 nail technicians provide a
12 variety of nail services within the City and County of San Francisco.

13 2. Nail salon workers and patrons are exposed to chemicals found in nail products
14 used by nail salons.

15 3. Dibutyl phthalate (DBP), included in nail polish to reduce brittleness and cracking,
16 is a reproductive and developmental toxicant that is especially harmful to pregnant women.
17 Developmental toxicants interfere with proper growth or health of a child acting at any point
18 from conception to puberty.

19 4. Toluene, a solvent found in nail polish, is a developmental and neurological toxicant
20 that causes headaches, dizziness, and nausea, among others.

21 5. Formaldehyde, a chemical that acts as a disinfectant and as a preservative in nail
22 polishes, is a known carcinogen. Exposure to formaldehyde in the short term can irritate the
23 eyes, nose, throat and skin and in the long term exposure can cause asthma.

1 6. Nail polishes that do not contain toluene, DBP, or formaldehyde and formaldehyde-
2 releasing chemicals are readily available, cost-competitive and effective.

3 7. Nail salon workers are often women of child-bearing age with limited English skills
4 who have difficulty accessing information on ingredients found in nail products and the
5 hazards associated with exposure to the same.

6 8. The California Healthy Nail Salon Collaborative is a coalition of organizations and
7 individuals in California that advocates for the health and safety of nail salon workers and
8 patrons.

9 9. The City and County of San Francisco, based on the precautionary principle,
10 supports and encourages nail salon owners and technicians to become aware of potential
11 hazards posed by ingredients in nail products and actively choose the least toxic nail polishes
12 that do not contain the three toxic chemicals, Dibutyl phthalate, Toluene and Formaldehyde.

13
14 Section 2. The San Francisco Administrative Code is hereby amended by adding
15 Chapter 27, Sections 27.1 through 27.6, to read as follows:

16 **SEC. 27.1. GOALS.**

17 *The purpose of this Chapter is to reduce occupational health hazards for San Francisco's nail*
18 *salon workers as well as the exposure of City residents to potentially-toxic chemicals in nail products,*
19 *through recognition and promotion of nail salons that voluntarily discontinue the use of nail polishes*
20 *containing dibutyl phthalate, toluene, and formaldehyde, the so-called "toxic trio."*

21 *Through this Chapter, the City wishes to increase public awareness of potentially-toxic*
22 *chemicals found in nail products and to encourage nail salons and nail product manufacturers to use*
23 *safer alternatives.*

24
25 / / /

1 **SEC. 27.2. DEFINITIONS.**

2 For the purposes of this chapter, certain terms are defined as follows:

3 (a) "Nail polish" means nail laquer and enamel, base and topcoats.

4 (b) "Nail product" means any product used for and applied to the nails of the hands and feet,
5 of the customer as part of a manicure or pedicure. "Nail product" includes, but is not limited to,
6 lotion, nail polish, polish remover, and artificial nails.

7 (c) "Nail salon" means any business establishment, including salons, spas, and others, that
8 offer pedicures, manicures, or application of artificial nails, and their component processes.

9
10 **SEC. 27.3. HEALTHY NAIL SALON RECOGNITION PROGRAM.**

11 The Department of the Environment shall develop and implement a "Healthy Nail Salon
12 Recognition Program" modeled after a program developed by the California Healthy Nail Salon
13 Collaborative ("the Collaborative"). The Program shall, among other things, provide public
14 acknowledgment of nail salons that use nail polishes that are free of toluene, DBP, and formaldehyde
15 and formaldehyde-releasing chemicals.

16 The Department shall work with the Collaborative and any other interested parties in designing
17 and implementing the Program and conducting public outreach. The Department shall evaluate the
18 success of the program after two years and report its findings to the Board of Supervisors.

19
20 **SEC. 27.4. REGULATIONS.**

21 After a noticed public hearing, the Director of the Department of the Environment shall adopt
22 or amend regulations, application process and forms to implement the Program.

23
24 / / /

25 / / /

1 **SEC. 27.5. NOTICE.**

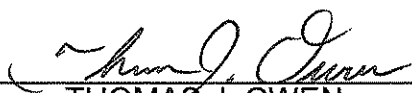
2 The Director of the Department of the Environment shall, in coordination with the
3 Collaborative, conduct outreach to all local businesses that are eligible to participate in the Program
4 and shall afford the same opportunities for all eligible businesses to participate in the Program.

5
6 **SEC. 27.6. DISCLAIMER.**

7 Recognition by the City of a nail salon under the Program shall not be construed as an
8 endorsement by the City of the business or confer any legal right or privilege to the business. The
9 Department may discontinue any program established under this Chapter at any time after notice to
10 participating nail salons and organizations.

11
12 Section 2. **General Welfare.** In adopting and implementing this Chapter, the City and
13 County of San Francisco is assuming an undertaking only to promote the general welfare. It is
14 not assuming, nor is it imposing on its officers and employees, an obligation for breach of
15 which it is liable in money damages to any person who claims that such breach proximately
16 caused injury.

17
18
19 APPROVED AS TO FORM:
20 DENNIS J. HERRERA, City Attorney

21
22 By: 
23 THOMAS J. OWEN
24 Deputy City Attorney
25



City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 100963

Date Passed: October 26, 2010

Ordinance amending the San Francisco Administrative Code by adding Chapter 27, Sections 27.1 through 27.6, to create a program to recognize nail salons that use nail polishes free of the toxic chemicals toluene, dibutyl phthalate, and formaldehyde.

October 04, 2010 Public Safety Committee - RECOMMENDED

October 19, 2010 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

October 26, 2010 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

Excused: 1 - Alioto-Pier

File No. 100963

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 10/26/2010 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Gavin Newsom

November 5, 2010

Date Approved