

Nail Specialty Ventilation Important Tips & Information After an Inspection



Division of Licensing Services

The Department recognizes that it may take several months to bring your nail salon into compliance with the new rules, and the Department can work with you to avoid a hearing.

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).

This document will help salon owners understand new ventilation requirements and what to do if you are inspected by a Department of State (“DOS”) investigator. DOS is committed to working with businesses and is available to answer your questions.

WHEN WILL I NEED TO COMPLY WITH THE NEW REQUIREMENTS?

If your business was **licensed before October 3, 2016**, you will not need to comply with the new ventilation requirements until **October 3, 2021**. If your business was licensed **on or after October 3, 2016**, you will need to install a ventilation system that complies with the new requirements when you open your business.

THE INSPECTION

DOS routinely inspects businesses. If you are inspected by a DOS investigator, and your business was **licensed after October 3, 2016**, you will be asked to produce:

- A **signed certification** from a ventilation professional showing your business meets the new ventilation requirements.

The certification is available on the DOS’s website at <http://www.dos.ny.gov/licensing/appearance/ventilation%20certificate.pdf>. Additional information about the new ventilation requirements is also available in our “Business Owners’ How to Guide for Ventilation” which is available on our website at http://www.dos.ny.gov/licensing/appearance/Ventilation%20How-To-Guide%20%20Final_DOS.pdf

If your business is inspected and there are violations, you will receive written materials explaining the violations and providing you with a date for a hearing. If the violation is related to the new ventilation regulations, you will also receive information about what the regulations require, and how to comply with them. In the majority of cases, even if a business receives a notice of violation, the issues can be resolved without a hearing by correcting the violations.

WHAT CAN I DO BEFORE HEARING?

It is important to remember that **most violations are resolved without hearing** by correcting the violations issued during the inspection and reaching a settlement with DOS. If your business has been ticketed with a ventilation violation you should:

- Review the DOS “Business Owners’ How to Guide for Ventilation” available on our website;
- Review your lease and discuss the ventilation requirements with your landlord;

- Interview and get estimates from different professionals about coming into compliance;
- Select a professional who will install a system that meets your business needs;
- Install a ventilation system that complies with the ventilation requirements.

WHAT CAN I DO AFTER I COME INTO COMPLIANCE?

If, after the DOS inspection, you install a ventilation system that complies with the ventilation requirements, you should contact DOS at (518) 473-2728. Mention that you received a ticket but have now installed a ventilation system and would like to reach a settlement with DOS. If you hired someone and are making efforts to come into compliance, DOS can work with your business to avoid a hearing.

WHAT IF I CANNOT GET INTO COMPLIANCE BEFORE HEARING?

After an inspection, but before the hearing, DOS will be looking to see that you are trying to comply with the new rules. Things that will show DOS you are trying to comply could be, but are not limited to:

- A contract with a professional;
- Different written estimates from professionals, if you have not hired someone yet;
- Receipts for construction materials;
- Building permit applications, if required by your local building authority;
- Draft blueprints from a design professional.

If you have these types of documents, you should contact DOS at (518) 473-2728 and DOS can work with you to avoid a hearing.

IMPORTANT TIPS TO REMEMBER

- DOS is here to answer your questions. If you need additional information about the ventilation requirements contact our helpline at (518) 474-4429.
- Hiring the right professional to help you is extremely important. Be sure to hire a professional that understands what is required and can provide you the services you need. Professionals should not advise you to buy fans and air purifiers because those will not comply with the regulation.
- Ventilation systems vary by design and cost. You should purchase a system that is within your budget and works best for your business. Not every salon needs to purchase the same systems and not every salon will look the same after the work is completed.
- It is important to remember that, depending on your current ventilation system, it may take months to get into compliance so you should follow the tips in this document as quickly as possible.