



THE STATE  
of **ALASKA**  
GOVERNOR BILL WALKER

**Department of Environmental  
Conservation**

DIVISION OF ENVIRONMENTAL HEALTH  
Director's Office

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Anchorage, AK 99501  
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[www.dec.alaska.gov](http://www.dec.alaska.gov)

June 25, 2015

Director Janey Hovenden  
Department of Commerce, Community & Economic Development  
Division of Corporations, Business and Professional Licensing  
333 Willoughby Avenue, 9<sup>th</sup> Floor  
Juneau, AK 99811

Re: Termination of DEC Regulatory Oversight of Barbering, Hairdressing,  
Manicuring and Esthetic Schools and Shops

Dear Director Hovenden:

Due to the critical financial situation that the State faces, the Department of Environmental Conservation, Food Safety and Sanitation (FSS) program, must begin the process of making necessary reductions to services which have traditionally been paid for by general funds.

The FSS program does not collect program receipts for work that our staff completes for the oversight of sanitary conditions of Barbering, Hairdressing, Manicuring and Esthetic Schools and Shops. Therefore, due to our resource constraints, the FSS program will no longer provide these services and regulatory oversight of these facilities beginning July 1, 2015. These terminated services include accepting applications, issuing letters of no objection, conducting plan reviews, performing inspections, and responding to complaints.

We regret that budget reductions have brought us to this point. If there is additional information we can provide, such as facility file information, training, or technical assistance, please contact Kimberly Stryker, FSS Program Manager at 907.269.7583 or [Kimberly.Stryker@alaska.gov](mailto:Kimberly.Stryker@alaska.gov).

Sincerely,

A handwritten signature in blue ink that reads "Elaine Busse Floyd".

Elaine Busse Floyd  
Director



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August 27, 2015

Fred Parady  
Department of Commerce, Community & Economic Development  
Division of Corporations, Business and Professional Licensing  
333 Willoughby Avenue, 9<sup>th</sup> Floor  
Juneau, AK 99811

Re: Termination of Regulatory Oversight of Barbering, Hairdressing, Manicuring and Esthetic Schools and Shops

Deputy Commissioner Parady:

The following information is intended to assist the Department of Commerce, Community & Economic Development (DCCED) in understanding the Department of Environmental Conservation's (DEC) decision to discontinue services for Barbering, Hairdressing, Manicuring and Esthetic Schools and Shops.

**Program History:**

DEC has had regulations (18 AAC 30 Article 7) since approximately 1982 for barbershops and cosmetology establishments, granted by the authority in AS 44.46.020. In 1995, due to a decrease in resources, the Food Safety and Sanitation (FSS) program stopped inspecting and permitting cosmetology establishments and began only responding to complaints. In 2002, DEC adopted regulations to include hair and body art schools and shops (18 AAC 23).

**Program Activities Related to Barber/Hairdresser/Manicurist/Esthetician Shops and Schools:**

Prior to July 2015, the program's activities related to these establishments was to accept applications, review plans for new facilities, maintain files, respond to sanitation-related complaints, provide technical assistance, and communicate our non-objection to DCCED for initial licenses.

During FY2011-FY2015, DEC completed the following activities:

	FY2011	FY2012	FY2013	FY2014	FY2015
# Of Plan Reviews (new permits)	29	36	28	43	26
# Of Owner Changes	7	8	9	9	13
# Of Notices of Violations	0	0	0	0	0
# Of Inspections	4	6	1	6	12
# Of Complaints	10	3	2	8	3

### **Enforcement and Compliance:**

The program had no enforcement actions related to these establishments from FY2011 to FY2015.

#### Overview of Complaints:

Complaints that the FSS program has received were related to ventilation in nail salons, sanitation, improper use of chemicals, and facilities that were doing procedures such as tattooing and waxing without a license from the Board of Barbers and Hairdressers. All complaints were successfully resolved, and no facility received more than one complaint.

#### Overview of Inspection Findings:

Inspections completed were in response to complaints and, in some cases, for new establishments.

*Note: it has been the program policy to not complete inspections for new establishments, however some FSS offices chose to complete pre-operational inspections as time was available.*

#### Water and Wastewater:

DCCED should be aware that there may be a need for coordination with the DEC Division of Water for onsite septic systems. Shops that are not on public water systems need to have a plan review.

### **Rationale for discontinuing program:**

The FSS program has historically prioritized the inspection of high-risk facilities (retail food establishments and food processors), but the program continues to lack the resources to complete the necessary inspections of regulated food establishments at the frequencies recommended by the U.S Food and Drug Administration.

In FY2016, the FSS program responded to a significant General Fund cut in excess of \$800.0. Eight PCNs were eliminated. The program adjusted to these cuts by ceasing review, inspection, and enforcement services for all low-risk facilities, including barber, hairdresser, manicurist, or esthetician shops and schools. The FSS program has also cut services for public accommodations and low-risk food establishments.

The previous regulatory program that FSS was providing for cosmetology establishments was minimal at best, and would not be considered protective, but rather a reactive public health program.

### **Rationale for not pursuing and RSA with DCCED:**

An RSA from DCCED would result in diverting the already reduced FSS program resources away from regulatory oversight high-risk establishments, which has been challenging even prior to the recent cuts to the

program in FY2016. The program does receive an RSA from DCCED for the inspection of body art facilities, which are considered high-risk in relation to public health.

**Program Revenues/Expenditures**

The FSS did not collect any fees or generate any revenues for oversight of barber, hairdresser, manicurist, or esthetician shops and schools. Program expenditures were related to Personal Services and Supplies.

Total for FY2011 – FY2015

Personal Services: \$21,028.47

Supplies: \$293.28

(From AKSAS for FY11-15 charged to Barbers & Hairdressers collocation code 18633130.)

**Assistance to DCCED:**

The FSS program is willing to share all forms, inspection reports, and guidance documents related to barber, hairdresser, manicurist, or esthetician shops or schools. Additionally, FSS is willing to provide in-person training to review the program protocols, regulations, and processes to assist DCCED staff during this transition.

Sincerely,



Elaine Busse Floyd  
Director