

**BOARD FOR BARBERS AND COSMETOLOGY  
TENTATIVE AGENDA**

Monday, September 26, 2022 – 9:00 a.m., Board Room 2, 2<sup>nd</sup> Floor  
Department of Professional and Occupational Regulation, 9960 Mayland Drive  
Richmond, Virginia 23233 804-367-8590

**I. CALL TO ORDER**

**II. APPROVAL OF AGENDA**

1. Board for Barbers and Cosmetology Board Meeting Tentative Agenda, September 26, 2022

**III. APPROVAL OF MINUTES**

2. Board for Barbers and Cosmetology Meeting Draft Minutes, July 11, 2022

**IV. COMMUNICATIONS**

3. An email from Julia Montney Paul, cosmetology salon owner and nail instructor from July 22, 2022, expressing concerns regarding nail curriculum within cosmetology training.
4. A Letter from Myra Reddy, Government Affairs Director for the Professional Beauty Association, received July 8, 2022, regarding texture hair education. .
5. An email from Myra Reddy, Government Affairs Director for the Professional Beauty Association, received August 10, 2022, regarding an FDA update of silver nitrate.
6. An email from Myra Reddy, Government Affairs Director for the Professional Beauty Association, received August 10, 2022, regarding an invitation to discuss texture hair education coalition.
7. Town Hall public comment response to education guidance documents, received August 31, 2022.

**V. PUBLIC COMMENT PERIOD \***

**VI. CASES**

- |                |   |               |
|----------------|---|---------------|
| 8. 2021-02846  | Kiara Dominican Hair Style              | Consent Order |
| 9. 2022-00304  | Thomas Tyrone Robertson, Jr.            | Consent Order |
| 10. 2022-00491 | Kieu Tran & Oanh Tran t/a Elegant Nails | Consent Order |
| 11. 2022-01047 | Mina Jafari                             | Consent Order |
| 12. 2022-01223 | Jasmine Deshawn Baker                   | Consent Order |
| 13. 2022-01421 | Diva Nails Spa & Beauty Academy LLC     | Consent Order |
| 14. 2022-01943 | Thuong Tiffany Pham                     | Consent Order |
| 15. 2017-02300 | Sonita Chea                             | Reconsider    |
| 16. 2021-02736 | Gia Thi Bach                            | Licensing     |
| 17. 2022-00043 | Habibah Hanan Yasin                     | Licensing     |
| 18. 2022-00126 | Hai Tuan Tran                           | Licensing     |
| 19. 2016-03220 | Thuat Thi Vo                            | Disciplinary  |

**VII. EXAMINATIONS**

- A. STATISTICS**
- B. EXAM VENDOR CONTRACT**

**VIII. REGULATORY ACTION AND BOARD GUIDANCE**

- A. GUIDANCE DOCUMENT REPEAL – AWARDING CREDIT HOURS**
- B. GUIDANCE DOCUMENT AMENDMENT – SUBSTANTIAL EQUIVALENCE**
- C. NEW GUIDANCE DOCUMENT – FREQUENCY OF PROVIDING SCHOOL ROSTERS**
- D. REGULATORY REPORT**

**IX. NEW BUSINESS**

- A. APPRENTICESHIP SUPERVISOR RATIO**
- B. COSMETOLOGY APPRENTICESHIP HOURS**
- C. BOARD POLICY ON CONTINUANCES**
- D. BOARD ELECTIONS**

**X. ADJOURN**

\* 5-minute public comment, with the exception of any open disciplinary files. Persons desiring to attend the meeting and requiring special accommodations and/or interpretive services should contact the Board Office at (804) 367-8590 at least ten (10) days before the meeting so that suitable arrangements can be made for an appropriate accommodation. The Department and Board fully comply with the Americans with Disabilities Act.

**REMAINING 2022 MEETING DATES:**

**November 14, 2022**

**2023 MEETING DATES:**

**January 9, 2023**

**March 13, 2023**

**May 15, 2023**

**July 10, 2023**

**September 25, 2023**

**November 13 2023**

# BOARD FOR BARBERS AND COSMETOLOGY

## MINUTES OF MEETING

The Board for Barbers and Cosmetology met on Monday, July 11, 2022, at the Offices of the Department of Professional and Occupational Regulation, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room 4, Richmond, Virginia. The following board members were present:

Gregory Edwards  
Emmanuel Gayot  
Oanh “Tina” Dang  
Margaret LaPierre  
Marques Blackmon  
Claudia Espinoza  
Matthew Roberts  
Sandra Smith

The following board member was not present:

Renee’ Gilanshan  
Bo Machayo

DPOR staff present for all or part of the meeting included:

Demetrios J. Melis, Director  
Kishore Thota, Chief Deputy Director  
Stephen Kirschner, Executive Director  
Tamika Rodriguez, Regulatory Operations Administrator  
Heather Garnett, Administrative Coordinator

Representative from the Office of the Attorney General was present for all or part of the meeting:

Elizabeth Peay, Assistant Attorney General

Mr. Roberts, Chair, determined a quorum was present and called the meeting to order at 9:07 a.m. **Call to Order**

Mr. Kirschner introduced new Board members Claudia Espinoza, Marques Blackmon, and Gregory Edwards, as well as new DPOR staff.

Mr. Kirschner informed the Board that agenda item 11, Zahra Ali Lakhani would not be considered at the meeting and that supplement fee decrease has been added to the agenda.

The Board took the agenda under consideration.

**Approval of  
Agenda**

Upon a motion by Ms. LaPierre and second by Ms. Smith the Board voted to adopt the amended agenda.

The members voting “yes” were Margaret LaPierre, Sandra Smith, Gregory Edwards, Emmanuel Gayot, Oanh “Tina” Dang, Marques Blackmon, Claudia Espinoza, and Matthew Roberts. There were no negative votes. The motion passed unanimously.

The Board took the minutes of the May 23, 2022, Board Meeting, and the May 26, 2022, Regulatory Advisory Committee Meeting on Cosmetology Training, under consideration.

**Approval of  
Minutes**

Upon a motion by Ms. LaPierre and seconded by Mr. Blackmon the Board voted to approve the minutes.

The Board members voting “yes” were Margaret LaPierre, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, Oanh “Tina” Dang, Claudia Espinoza, and Matthew Roberts. There were no negative votes. The motion passed unanimously.

Mr. Kirschner presented five written communications, three of which were available in the electronic agenda the Board received in advance. The Board reviewed correspondence from (1) Matthew Shafer, Deputy Policy Director for the Council of State Governments inviting participation in the provisional review of the cosmetology interstate compact licensure; (2) Maura Scali-Sheahan Ed D, NABBA Chief Executive Officer inviting comment regarding the proposed Cosmetology Compacts; and (3) Myra Reddy, Government Affairs Director for the Professional Beauty Association regarding the FDA’s approval of the use of silver nitrate; (4) John Turnage, Paul Mitchell the School of Roanoke concerning the lowering of training hours; and (5) Kalli Blackwell Peterman, General Manager, Aveda Arts & Sciences Institutes concerning training hour reductions.

**Communication**

Leslie Roste addressed the Board concerning the reduction in cosmetology training hours, encouraging them to focus on just what is need to ensure public safety.

**Public Comment**

Jonathan Melloul addressed the Board concerning the reduction in cosmetology training hours. He pointed out concerns with the Regulatory Advisory panel’s work product and asked the Board to leave the hours at 1500.

Materials contained in this agenda are proposed topics for discussion and are not to be considered as regulation or official Board position.



Bradley Loup addressed the Board concerning the reduction in cosmetology training hours pointing out concerns with the Regulatory Advisory Panel's work product and asking the Board to leave the hours at 1,500. Mr. Loup stated a 1000 hour cosmetology training program is not adequate.

Christine Werne addressed the Board concerning the cosmetology hours reduction, asking the Board to not include esthetics in the reduction.

Jaime Turgeon addressed the Board about the challenges involved in obtaining a new license after receiving a license under grandfather provisions. She requested a regulatory amendment for expired grandfather licenses.

Pedro Harris addressed the Board requesting business licensing inspections.

Matthew England addressed the Board concerning the cosmetology hours reduction, asking the Board to not include esthetics in the reduction. He mentioned reducing the esthetic hours will cause harm to the public.

Laura Todd addressed the Board concerning the cosmetology hours reduction, esthetic hours reductions, and stackable licensure. Reducing esthetic training hours would not allow adequate trained estheticians.

In the matter of **File Number 2016-03107 Ngoc Tran Thi Dang**, the Board reviewed the record which consisted of the Summary of the Informal Fact-Finding Conference, transcript, investigative file, Report of Findings, and exhibits.

Ngoc Tran Thi Dang did not appear at the meeting in person, by counsel, or by any other qualified representative.

Upon a motion by Ms. LaPierre and seconded by Ms. Dang, the Board voted to accept the recommendation which cites the following violations of the Board regulations: (Count 1) 18 VAC 41-30-280.A.3 and (Count 2) 18 VAC 41-30-280.6 violations of the Board's regulations.

The Board members voting "yes" were Margaret LaPierre, Sandra Smith, Gregory Edwards, Emmanuel Gayot, Oanh "Tina" Dang, Marques Blackmon, Claudia Espinoza, and Matthew Roberts. There were no negative votes, the motion passed unanimously.

### Cases

**File Number 2016-03107 Ngoc Tran Thi Dang**

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Upon a motion by Ms. LaPierre and seconded by Mr. Blackmon, the Board voted to accept the Summary of the Informal Fact-Finding Conference as the sanctions and impose the following: \$2,500 for violation Count 1; \$2,500 for violation Count 2, for a total monetary penalty of \$5,000; in addition, revocation of license for Counts 1 and 2.

The Board members voting “yes” were Margaret LaPierre, Sandra Smith, Gregory Edwards, Emmanuel Gayot, Oanh “Tina” Dang, Marques Blackmon, Claudia Espinoza, and Matthew Roberts. There were no negative votes, the motion passed unanimously.

In the matter of **File Number 2016-03179, Nhu-Y Thi Nguyen**, the Board reviewed the record which consisted of the Summary of the Informal Fact-Finding Conference, transcript, investigative file, Report of Findings, and exhibits.

**File Number  
2016-03179, Nhu-  
Y Thi Nguyen**

Nhu-Y Thi Nguyen did not appear at the meeting in person, by counsel, or by any other qualified representative.

Upon a motion by Ms. LaPierre and seconded by Ms. Smith, the Board voted to accept the recommendation in the Informal Fact-Finding Conference, (Count 1) 18 VAC 41-20-280-A.3 of this file be closed with a finding of no violation of Board Regulation.

The Board members voting “yes” were Margaret LaPierre, Sandra Smith, Gregory Edwards, Emmanuel Gayot, Oanh “Tina” Dang, Marques Blackmon, Claudia Espinoza, and Matthew Roberts. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2016-03220, Thuat Thi Vo**, Mr. Kirscher addressed the Board members that correspondence was received late from Thuat Thi Vo’s attorney, Alex Gordon, requesting a continuous until the next Board meeting on September 26, 2022 due to a scheduling conflict with the attorney.

**File Number 2016-  
03220, Thuat Thi  
Vo**

Upon motion by Ms. LaPierre and seconded by Mr. Gayot, the Board voted to accept the continuous.

The Board members voting “yes” were Margaret LaPierre, Marques Blackmon, Gregory Edwards, Emmanuel Gayot, Oanh “Tina” Dang, Claudia Espinoza, Matthew Roberts, and Sandra Smith. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2021-02013**, My Day Nails & Spa LLC, the Board members reviewed the record of the Informal Fact-Finding Conference, transcript, investigative file, Report of Findings, and exhibits.

**File Number 2021-02013**, My Day Nails & Spa LLC

Hue Le Hatcher and Steve Chludzinski appeared at the meeting in person and addressed the Board.

Upon motion by Ms. LaPierre and seconded by Mr. Edwards, the Board voted to accept the recommendation which cites (Count 1) 18 VAC 41-20-280.4.

The Board members voting “yes” were Margaret LaPierre, Sandra Smith, Gregory Edwards, Emmanuel Gayot, Oanh “Tina” Dang, Marques Blackmon, Claudia Espinoza, and Matthew Roberts which was unanimously approved.

Upon motion by Ms. LaPierre and seconded by Mr. Gayot, the Board voted to accept the Summary of the Informal Fact-Finding Conference as to the sanctions and impose the following: \$2,500 for the violation contained in Count 1; in addition license is placed on probation for a period of six months. Under the terms of the probation, My Day Nails & Spa LLC shall comply with quarterly inspections in order to determine that it is in compliance with all Board regulations.

The Board members voting “yes” were Margaret LaPierre, Sandra Smith, Gregory Edwards, Emmanuel Gayot, Oanh “Tina” Dang, Marques Blackmon, Claudia Espinoza, and Matthew Roberts. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2021-01501, Sheila Antionnette Turnage**, the Board members reviewed the record of the Informal Fact-Finding Conference, transcript, investigative file, Report of Findings, and exhibits.

**File Number 2021-01501, Sheila Antionnette Turnage**

Sheila Antionnette Turnage did not appear at the meeting in person, by counsel, or by any other qualified representative.

Upon a motion by Ms. LaPierre and seconded by Ms. Dang, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Sheila Antionnette Turnage’s master barber reinstatement application.

The Board members voting “yes” were Margaret LaPierre, Sandra Smith, Gregory Edwards, Emmanuel Gayot, Oanh “Tina” Dang, Marques Blackmon, Claudia Espinoza, and Matthew Roberts. There were no negative votes. The motion passed unanimously.

Materials contained in this agenda are prepared for submission and review to be certified as regulation or official Board position.

In the matter of **File Number 2021-02525, Moises Adolfo Molina**, the Board members reviewed the record of the Informal Fact-Finding Conference, transcript, investigative file, Report of Findings, and exhibits.

**File Number 2021-02525, Moises Adolfo Molina**

Moises Adolfo Molina appeared at the meeting in person and addressed the Board.

Upon a motion by Ms. LaPierre and seconded by Mr. Edwards, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Moises Adolfo Molina's tattoo license application.

The Board members voting "yes" were Margaret LaPierre, Sandra Smith, Gregory Edwards, Emmanuel Gayot, Oanh "Tina" Dang, Marques Blackmon, Claudia Espinoza, and Matthew Roberts. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2021-02531, Angelina Tran**, the Board reviewed the record which consisted of the Informal Fact-Finding Conference, transcript, investigative file, Report of Findings, and exhibits.

**File Number 2021-02531, Angelina Tran**

Angelina Tran did not appear at the meeting in person, by counsel, or by any other qualified representative.

Upon a motion by Ms. LaPierre and seconded by Ms. Dang, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and deny Angelina Tran's cosmetology license application.

The Board members voting "yes" were Margaret LaPierre, Sandra Smith, Gregory Edwards, Emmanuel Gayot, Oanh "Tina" Dang, Marques Blackmon, Claudia Espinoza, and Matthew Roberts. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2022-00047, Meredith Laconda Hardy**, the Board reviewed the record which consisted of the Informal Fact-Finding Conference, transcript, investigative file, Report of Findings, and exhibits.

**File Number 2022-00047, Meredith Laconda Hardy**

Meredith Laconda Hardy appeared at the meeting in person and addressed the Board.

Upon a motion by Ms. LaPierre and seconded by Mr. Blackmon, the Board voted to accept the recommendation in the Summary of the Informal Fact-

Finding Conference and approve Meredith Laconda Hardy's barber renewal application and barber shop license application.

The Board members voting "yes" were Margaret LaPierre, Sandra Smith, Gregory Edwards, Emmanuel Gayot, Oanh "Tina" Dang, Marques Blackmon, Claudia Espinoza, and Matthew Roberts. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2021-02793, Adrian Delvackeyo Jubilee**, the Board reviewed the record which consisted of the Informal Fact-Finding Conference, transcript, investigative file, Report of Findings, and exhibits.

**File Number 2021-02793, Adrian Delvackeyo Jubilee**

Adrian Delvackeyo Jubilee did not appear at the meeting in person, by counsel, or by any other qualified representative.

Upon a motion by Ms. LaPierre and seconded by Mr. Blackmon, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Adrian Delvackeyo Jubilee's barber license application.

The Board members voting "yes" were Margaret LaPierre, Sandra Smith, Gregory Edwards, Emmanuel Gayot, Oanh "Tina" Dang, Marques Blackmon, Claudia Espinoza, and Matthew Roberts. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2022-00682, Antonio LaRon Williams** the Board reviewed the record which consisted of the Informal Fact-Finding Conference, transcript, investigative file, Report of Findings, and exhibits.

**File Number 2022-00682, Antonio LaRon Williams**

Antonio LaRon Williams did not appear at the meeting in person, by counsel, or by any other qualified representative.

Upon a motion by Ms. LaPierre and seconded by Ms. Dang, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Antonio Williams' tattooer license application.

The Board members voting "yes" were Margaret LaPierre, Sandra Smith, Gregory Edwards, Emmanuel Gayot, Oanh "Tina" Dang, Marques Blackmon, Claudia Espinoza, and Matthew Roberts. There were no negative votes. The motion passed unanimously.

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Ms. Rodriguez provided a report on exams and will have the June public school results available at the September 26, 2022, Board Meeting.

Mr. Kirschner provided an update on PSI computer based testing (CBT). Mr. Kirschner stated PSI uses CBT testing for the public school theory portion of the exam, including on-site testing, special event testing, as well as the testing centers. Mr. Kirschner reported public school testing is complete and will have the results at the September 26, 2022 Board Meeting.

Mr. Kirschner introduced Shannon Webster, DPOR Workforce Developer and Director of Exams.

Mr. Kirschner provided a response letter from PSI regarding vendor exam scheduling complaints and practical exam availability.

The Board discussed the candidate application procedure for PSI.

Mr. Kirschner stated that the PSI contract is in the fourth year. Mr. Kirshner explained the exam procurement and transitioning process and recommended that the Board should discuss the vendor contract during future scheduled Board meetings.

## **EXAMINATIONS**

### **Statistics**

### **Report on Examinations**

### **Exam Vendor Contract**

## **REGULATORY ACTION AND BOARD GUIDANCE**

Mr. Kirschner stated that the Board Regulatory Review Committee will look at the current regulations to decrease unnecessary burdens within the regulations by 25%.

Ms. Rodriguez provided a report on current regulatory actions. She stated the Tattoo & Body Piercing Regulations were in the final stage at the governor's office. The amendment to the instructor training program is the proposed stage at the Governor's office. The two fast-track regulations regarding the facility bathroom requirement and eliminating the anti-bacterial soap requirement from the regulations were at the Department of Planning on Budget.

### **Regulatory Report**

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Ms. Rodriguez informed the Board the proposed regulatory change for facility bathroom requirement should be revised. During the Department of Planning and Budget review, staff discovered unintended consequences that may inadvertently cause some facilities to fall out of compliance. To ensure currently complaint facilities remain in compliance with the amended regulations, new language was proposed.

**Fast-Track  
Amendment-  
Bathroom  
Requirements for  
Facilities**

“For facilities newly occupied after January 1, 2017, the bathroom shall either be exclusively for clients' use or shared with other businesses in the same building. If the bathroom is shared, the bathroom shall be available for client use, within 200 feet of the entrance and must adhere to all sanitation requirements of this chapter.”

Upon a motion by Ms. LaPierre, and seconded by Mr. Edwards, moved to adopt the changes to the proposed language.

The Board members voting “yes” were Margaret LaPierre, Sandra Smith, Gregory Edwards, Emmanuel Gayot, Oanh “Tina” Dang, Marques Blackmon, Claudia Espinoza, and Matthew Roberts. There were no negative votes. The motion passed unanimously.

Mr. Kirschner presented the Board with the Regulatory Advisory Panel’s data and analysis for reducing the cosmetology training hours. Mr. Kirschner provided three options for reducing the cosmetology training hours to better reflect the minimum needed to achieve competency in cosmetology.

**Cosmetology  
Training Hours**

The Board discussed reducing the cosmetology training hours.

Upon a motion by Mr. Edwards, and seconded by Ms. LaPierre, the Board moved to adopt reducing cosmetology training hours to 1,000 hours.

The Board members voting “yes” were Margaret LaPierre, Sandra Smith, Gregory Edwards, Emmanuel Gayot, Claudia Espinoza, and Matthew Roberts.

The Board members voting “no” were, Oanh “Tina” Dang and Marques Blackmon.

The motion was adopted.

Mr. Kirschner reminded the Board about the May 23, 2022 the Board meeting discussion on expired grandfathered licenses. The Board considered regulatory language allowing individuals who obtained a license under a grandfathering

**Expired  
Grandfathered  
Licenses**

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provision eligibility for a new license. The individual must demonstrate five years of licensed practice in the profession.

Upon a motion by Ms. LaPierre, seconded by Ms. Dang, the Board moved to adopt the proposed regulatory change regarding expired grandfathered licenses.

The Board members voting “yes” were Margaret LaPierre, Sandra Smith, Gregory Edwards, Emmanuel Gayot, Oanh “Tina” Dang, Marques Blackmon, Claudia Espinoza, and Matthew Roberts. There were no negative votes. The motion passed unanimously.

## **NEW BUSINESS**

Mr. Kirschner informed the Board staff will conduct unannounced site inspections on new and existing schools.

## **School Inspections**

Mr. Kirschner requested Board volunteers for the Regulatory Review Committee. This committee will review all regulations to determine the least restrictive means in each profession. The Regulatory Review Committee will meet after the Board meetings.

## **Regulatory Review Committee**

Mr. Kirschner informed the Board that elections will need to be held. The Board agreed by consensus to elect board member at the September 2022, Board Meeting.

## **Other Business**

Mr. Blackmon would like to discuss the sponsor/apprentice ratio within the apprenticeship program. Mr. Kirschner stated staff can draft a proposal for the September 26, 2022 Board meeting.

Mr. Edwards would like to discuss requirement for criminal conviction reporting. Mr. Kirschner will collect data and present information at the September 26, 2022 Board meeting.

Mr. Kirschner stated the temporary fee reduction is set to expire on August 31, 2022. Mr. Kirschner presented the Department’s recommended fee decrease for two years from September 1, 2022 to August 31, 2024.

## **Temporary Fee Reduction**

Upon a motion by Mr. Edwards, and seconded by Mr. Gayot, the Board voted to initiate the temporary fee reduction for an additional two years.

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The Board members voting “yes” were Margaret LaPierre, Sandra Smith, Gregory Edwards, Emmanuel Gayot, Oanh “Tina” Dang, Marques Blackmon, Claudia Espinoza, and Matthew Roberts. There were no negative votes. The motion passed unanimously.

There being no further business to be brought before the Board, Mr. Roberts adjourned the meeting at 12:09 p.m.

**Adjourn**

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Matthew Roberts, Board Chair

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Demetrios J. Melis, Board Secretary

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DPOR Board for Barbers & Cosmetology, rr <barbercosmo@dpor.virginia.gov>

## Concerns regarding the Cosmetologist nail qualifications

1 message

**Julia A.M. Paul** <j.montneypaul@gmail.com>

Fri, Jul 22, 2022 at 11:00 AM

To: "DPOR Board for Barbers & Cosmetology (DPOR)" <BarberCosmo@dpor.virginia.gov>

Good morning,

As a Nail Technology professional, Cosmetology salon owner and nail instructor, I am receiving concerning feedback from licensed Cosmetologists, trained in Virginia as to the serious lack of artificial nail technology training they are receiving in schools.

Most are only doing 20 individual ( 2 full sets) on acrylic practice sheets and NOT mannequins or real people.

Practice sheets do not allow for proper product safety and client safety.

In addition, only demonstration of 20 individual nails is not enough to satisfy what a nail technician is expected to know to work safely!

Nail technology requires 200 minimum, why not for Cosmetologists?

There is a large difference in 20 vs. 200 nails.

This requirement needs to either be increased or removed from the cosmetology licensure.

If Cosmetologists cannot safely perform the service with chemicals as required with nails on the public, then it does not need to be on the licensure.

Cosmetologists do not know how to perform Nail client fill- in procedures either.

An additional area of concern is if Cosmetology Candidates are expected to know all procedures then they need to be tested and show artificial nail knowledge in a state board practical examination.

I was referred by NIC to ask about this lack of artificial nail technology demonstration on the practical examinations.

Could someone please address these concerns?

Thank you,

Julia Montney Paul  
757-582-9337

July 8, 2022

Stephen Kirchner  
Executive Director

Virginia Board for Barbers and Cosmetology, Department of Professional and Occupational Regulation  
9960 Mayland Drive, Suite 400  
Richmond, Virginia 23233

RE: Texture Education Coalition

Dear Executive Director Kirchner,

The recent third anniversary of The Crown Act continues to encourage a movement throughout all industries to create inclusive environments allowing everyone to feel seen and heard. The cosmetology industry touches every single person, regardless of race, gender, and age.

Equipping cosmetology students with an education that is inclusive of textured hair types, allows for their reach to be even more impactful. Clients with textured hair should have equitable access to professionally trained, licensed stylists with the skill set and experience to provide hair care services in a sanitary environment ensuring the health and safety of every client and all hair types.

In an effort to embrace the diversity of those in the professional beauty industry as well as the clients they serve, we invite states to adopt textured hair education as part of their curriculum and state board exam. Our industry seeks to develop experienced licensed beauty professionals who can create inclusive environments. Our goal is to empower cosmetologists with the confidence to consult and work with clients who have textured hair, while maintaining the health and safety standards they learn in their cosmetology program.

According to Naturally Curly's eighth edition of the TextureTrends report, an estimated 65% of the U.S. population has curly, coily or wavy hair. Only one state, Louisiana, requires cosmetology programs to teach how to cut textured hair.

Embracing equity and inclusion in the professional hair industry includes equipping future licensed cosmetologists with the skills needed to cut, color, care *and* style all hair textures resulting in a more inclusive experience for all clients. Acknowledging the technique and skillset needed to appropriately care for clients with textured hair emphasizes not only the existence but also the importance of a diverse population. The Louisiana Board of Cosmetology's addition of textured hair focused questions to the state cosmetology exam uplifts the beauty industry. This addition provides recognition needed for the different skills required to properly care for clients with wavy, curly, and coily hair.





The goal is for each state to:

- implement a resolution to replicate and expand upon Louisiana’s changes
  - include texture in licensing requirements for every discipline (e.g., color, styling, relaxing, in addition to cutting)
- employ educators who can teach textured hair care
- strive for a timeline to implement changes within four years

We can work together to celebrate natural hair, textured hair care, and educate professionals in the beauty industry and each other as we all learn to appreciate diversity and inclusion. We look forward to collaborating and serving as a resource to encourage positive change for the professional hair industry.

Respectfully,

*Myra Reddy*

Myra Reddy

Director of Government Affairs  
Professional Beauty Association

Alicia Williams  
Senior Director  
Anti-Racism & Racial Equality  
DevaCurl



Maude Okrah | Bonnti |  
Co-Founder  
Black Beauty Roster BBR



John Mosley, CEO  
Popular Nobody Brands

Erica Roberson  
VP DE&I Business Development  
Professional Products Division  
L'Oréal USA



Evie Johnson  
Hair Stylist and Salon Owner  
Designs by Evie



Corina Santoro, VP  
Product & Customer Experience  
Milady



Edwin Neill  
President and CEO  
Neill Corporation



Keya Neal  
Founder  
Texture Vs Race Movement  
Kolour Culture



Bonnie Conte, Chief  
Inspirational Officer  
Avalon Salon Spa Shop



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# State of Louisiana

Louisiana State Board of Cosmetology

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John Bel Edwards  
Governor

Edwin H. Neill, Chairman  
Hammond, LA

Mella B. Brown  
Shreveport, LA

Kevin A. Martin  
Lafayette, LA

William M. Grayson  
Hessmer, LA

Stephen Young  
Executive Director

Eliza Hill Hebert, Vice-Chairman  
Breaux Bridge, LA

Frances K. Hand  
Denham Springs, LA

Melinda Tilley  
Lake Charles, LA

James R. Williams  
New Orleans, LA

## Louisiana Board of Cosmetology Adds Textured Hair Section to Cosmetology Exam

Baton Rouge, LA — November 8, 2021 — The Louisiana Board of Cosmetology (BOC) moved to revise its testing requirements to promote textured hair education throughout the state of Louisiana. Textured hair includes wavy, curly and coily hair. This resolution was passed on Monday, November 1st, 2021 and goes into effect in June of 2022. In doing so, the Louisiana Board of Cosmetology set a standard to ensure that the new generation of hair stylists in Louisiana will be able to care for all clients, no matter what their hair type.

Approximately 65% of people have textured hair, and many cosmetology schools have been enhancing their curriculum for texture education. This led Edwin Neill, Chairman of the State Board of Cosmetology and president of Aveda Arts & Sciences Institute to question why the state had not yet required textured hair competency for cosmetologists to receive their license. Working with board member and cosmetology instructor Kevin Martin and BOC staff, Edwin Neill, proposed a change in the cosmetology exam to ensure competence with textured hair. The revised test will include a section on cutting textured hair.

“There are many salon horror stories about what happens when cosmetologists are not properly educated on working with textured hair. Today there are still sometimes disparities in the salon experience between people with textured-hair and those with naturally straight hair. We want to ensure that licensed cosmetologists in Louisiana are able to do all types of hair,” says Edwin Neill.

This is not the first reform undertaken by the current BOC. Last year, the board removed the ban on cosmetology licensing for the formerly incarcerated.

The Louisiana Board of Cosmetology regulates and monitors the cosmetology industry in Louisiana to maintain public health and welfare standards for the consumer public, ensures that individuals receiving licenses meet the education requirements established by the State of Louisiana and that licensed professionals maintain the highest standards while providing services to the public.

Materials contained in this agenda are proposed for discussion and are not to be construed as regulation or official Board position.





**75%**

of stylists reported in a TRESemme study that they want more training in how to style textured, coily, and/or kinky hair

TRESemme Hair Bias Study (2019)

**66%**

of BIPOC models who worked Milan, London, New York, and Paris fashion weeks have experienced a hairstylist who was unable to cater to their hair texture

Models of Color Matter Diversity on the Runway Study (2019)

# Addressing hair texture bias at the start: Cosmetology education

## Its time to diversify the way we train cosmetologists

Many stylists avoid servicing clientele with extremely curly or coily hair due to a lack of understanding. The makeup of our families are changing and it's our responsibility to be able to service anyone who sits in our chair.

-Melissa Taylor

Curly hair consumers spend an average of

**\$82**

on hair products over a three month period.

Women who do not have curly hair spend an average of

**\$40**

Texture Media Study

"Until the state board adds textured hair theory to its exams, the necessary level of skills and comprehension to style my hair won't be met. I'd like to see the board of directors encourage textbooks to include sections on natural, curly, and kinky hair"

Geo Biran Henning

**65%**

of the world's consumer population which is approximately

**1 Billion**

Consumers have textured hair, which makes this an enormous market opportunity for stylists

Solvay Chemicals



## FDA Update Silver Nitrate

From: Myra Reddy <myra@probeauty.org>  
Date: Wed, Aug 10, 2022 at 11:09 AM  
Subject: FDA Update Silver Nitrate  
To: steve.kirschner@dpor.virginia.gov <steve.kirschner@dpor.virginia.gov>

Hello Steve,

I hope you are well. The U.S. Food & Drug Administration (FDA) has updated their website regarding the safety and use of silver nitrate as a color additive approved for dyeing eyebrows or eyelashes. The FDA issued a final rule on October 6, 2021 (86 FR 55494) and confirmed the rule on December 29, 2021 (86 FR 55494), a copy of the regulation is attached. I have also included an FDA Fact sheet for your review.

The following excerpts are included on the FDA's website:

*Although there are color additives approved for use in products such as mascara and eyebrow pencils, silver nitrate is the only color additive approved for dyeing the eyebrows or eyelashes, but for professional use only. The FDA has provided for the safe use of silver nitrate as a color additive, in professional-use only cosmetics, to color eyebrows and eyelashes [21 CFR 73.2550]. Use is restricted to up to 4 percent silver nitrate (by weight) in a viscous gel product. These silver nitrate containing cosmetic products are not intended for use on persons under the age of 16 or for application for longer than 1 minute. Furthermore, these products are not for distribution or direct sale to consumers. (<https://www.fda.gov/industry/color-additives-specific-products/color-additives-and-cosmetics-fact-sheet>)*

*Dying to dye your eyelashes?*

*Permanent eyelash and eyebrow tints and dyes have been known to cause serious eye injuries, including blindness. The FDA has provided for the safe use of silver nitrate as a color additive, in professional-use only cosmetics, to color eyebrows and eyelashes [21 CFR 73.2550]. Use is restricted to up to 4 percent silver nitrate (by weight) in a viscous gel product. These silver nitrate containing cosmetic products are not intended for use on persons under the age of 16 or for application for longer than 1 minute. Furthermore, these products are not for distribution or direct sale to consumers. FDA has an Import Alert in effect for eyelash and eyebrow dyes containing coal tar colors. (<https://www.fda.gov/cosmetics/cosmetic-products/eye-cosmetic-safety>)*

We are happy to provide resources we received directly from the FDA petitioner for the approval of silver nitrate. The guidance from the petitioner highlights the proper application and use of a product containing silver nitrate. Please let me know how we can further provide support to you by sharing information and resources.

We look forward to serving as a resource and connecting to assist with any questions. Thank you.

Myra Reddy  
Professional Beauty Association (PBA)

2 attachments  
Color Additives and Cosmetics\_ Fact Sheet \_ FDA.pdf

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135K

FDA2021-21755.pdf  
279K

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DRAFT AGENDA  
DRAFT AGENDA  
DRAFT AGENDA



public comment are not required to be given for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, are not applicable. Accordingly, no regulatory flexibility analysis is required and none has been prepared.

**List of Subjects in 15 CFR Part 774**

Exports, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, part 774 of the Export Administration Regulations (15 CFR parts 730–774) is amended as follows:

**PART 774—THE COMMERCE CONTROL LIST**

■ 1. The authority citation for 15 CFR part 774 continues to read as follows:

**Authority:** 50 U.S.C. 4801–4852; 50 U.S.C. 4601 *et seq.*; 50 U.S.C. 1701 *et seq.*; 10 U.S.C. 8720; 10 U.S.C. 8730(e); 22 U.S.C. 287c, 22 U.S.C. 3201 *et seq.*; 22 U.S.C. 6004; 42 U.S.C. 2139a; 15 U.S.C. 1824; 50 U.S.C. 4305; 22 U.S.C. 7201 *et seq.*; 22 U.S.C. 7210; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783.

■ 2. In Supplement No. 1 to part 774, Category 1, revise Export Control Classification Number (ECCN) 1C298 to read as follows:

\* \* \* \* \*

**1C298 Graphite and deuterium that is intended for use other than in a nuclear reactor, as follows (see List of Items Controlled).**

**License Requirements**

*Reason for Control:* NP

<i>Control(s)</i>	<i>Country chart (see Supp. No. 1 to part 738)</i>
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NP applies to entire entry. NP Column 2.

*License Requirement Note:* The graphite and deuterium, as defined in this entry, when intended for use in a nuclear reactor, is subject to the export licensing authority of the Nuclear Regulatory Commission (see 10 CFR part 110).

**List Based License Exceptions (See Part 740 for a description of all license exceptions)**

LVS: N/A  
GBS: N/A

**List of Items Controlled**

*Related Controls:* (1) See also 1C107. (2) Graphite having a purity level of less than 5 parts per million “boron equivalent” as measured according to ASTM standard C-1233–98 and intended for use in a nuclear reactor is subject to the export licensing authority of the Nuclear Regulatory Commission (see 10 CFR part 110). (3) Deuterium and any deuterium compound,

including heavy water, in which the ratio of deuterium atoms to hydrogen atoms exceeds 1:5000; and intended for use in a nuclear reactor is subject to the export licensing authority of the Nuclear Regulatory Commission (see 10 CFR part 110).

*Related Definitions:* For the purpose of this entry, graphite with a purity level better than 5 parts per million boron equivalent is determined according to ASTM standard C1233–98. In applying ASTM standard C1233–98, the boron equivalence of the element carbon is not included in the boron equivalence calculation, since carbon is not considered an impurity. For the purpose of this entry, ‘Deuterium’ means deuterium and any deuterium compound, including heavy water, in which the ratio of deuterium atoms to hydrogen atoms exceeds 1:5000.

Items:

a. Graphite with a boron content of less than 5 parts per million and a density greater than 1.5 grams per cubic centimeter that is intended for use other than in a nuclear reactor;

b. ‘Deuterium’ not for use in a nuclear reactor.

\* \* \* \* \*

**Matthew S. Borman,**  
*Deputy Assistant Secretary for Export Administration.*

[FR Doc. 2021–21509 Filed 10–5–21; 8:45 am]

BILLING CODE 3510–33–P

**DEPARTMENT OF COMMERCE**

**Office of the Under-Secretary for Economic Affairs**

**15 CFR Part 1500**

[Docket No.: 210820–0165]

RIN: 0605–AA53

**Concrete Masonry Products Research, Education, and Promotion Order**

**AGENCY:** Under-Secretary for Economic Affairs, United States Department of Commerce.

**ACTION:** Final rule; correction.

**SUMMARY:** This action contains a correction to the final rule published on September 15, 2021, setting forth the Concrete Masonry Products Research, Education, and Promotion Order, as authorized by the Concrete Masonry Products Research, Education, and Promotion Act of 2018, which establishes a Concrete Masonry Products Board (Board) composed of industry members appointed by the Secretary of Commerce (Secretary) to develop and implement programs of research, education, and promotion in the concrete masonry products industry. This action corrects email contact

information found in the previously published rule.

**DATES:** October 6, 2021.

**FOR FURTHER INFORMATION CONTACT:** Mr. Michael Thompson, Communications for the Commerce Checkoff Implementation Program, Office of the Under Secretary for Economic Affairs, telephone: (202) 482–0671 or via electronic mail: *michael.thompson@trade.gov*.

**SUPPLEMENTARY INFORMATION:** The Department of Commerce published a final rule on September 15, 2021 (86 FR 51456), establishing a Concrete Masonry Products Research, Education, and Promotion Order, as authorized by the Concrete Masonry Products Research, Education, and Promotion Act of 2018. The final rule incorrectly reported the email address found in the For Further Information Contact section of the rule. Please see the corrected email address in the **FOR FURTHER INFORMATION CONTACT** section of this correction.

Dated: September 30, 2021.

**Kenneth White,**  
*Senior Policy Analyst, Under Secretary for Economic Affairs.*

[FR Doc. 2021–21788 Filed 10–5–21; 8:45 am]

BILLING CODE 3510–20–P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

**21 CFR Part 73**

[Docket No. FDA–2018–C–0617]

**Listing of Color Additives Exempt From Certification; Silver Nitrate**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA or we) is amending the color additive regulations to provide for the safe use of silver nitrate as a color additive in professional-use only cosmetics to color eyebrows and eyelashes. This action is in response to a color additive petition (CAP) filed by GW Cosmetics GmbH. **DATES:** This rule is effective November 8, 2021. See section VIII for further information on the filing of objections. Submit either electronic or written objections and requests for a hearing on the final rule by November 5, 2021.

**ADDRESSES:** You may submit objections and requests for a hearing as follows. Please note that late, untimely filed objections will not be considered.

Electronic objections must be submitted on or before November 5, 2021. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of November 5, 2021. Objections received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

#### Electronic Submissions

Submit electronic objections in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Objections submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your objection will be made public, you are solely responsible for ensuring that your objection does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your objection, that information will be posted on <https://www.regulations.gov>.

- If you want to submit an objection with confidential information that you do not wish to be made available to the public, submit the objection as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

#### Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand Delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper objections submitted to the Dockets Management Staff, FDA will post your objection, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

**Instructions:** All submissions received must include the Docket No. FDA-2018-C-0617 for "Listing of Color Additives Exempt from Certification; Silver Nitrate." Received objections, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly

viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500.

- **Confidential Submissions**—To submit an objection with confidential information that you do not wish to be made publicly available, submit your objections only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." We will review this copy, including the claimed confidential information, in our consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23339.pdf>.

**Docket:** For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

**FOR FURTHER INFORMATION CONTACT:** Rachel Morissette, Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740-3835, 240-402-1212.

#### SUPPLEMENTARY INFORMATION:

#### I. Introduction

In a notice published in the **Federal Register** of March 7, 2018 (83 FR 9715), we announced that we filed a color additive petition (CAP 8C0312) submitted by GW Cosmetics GmbH (GW), c/o EAS Consulting Group, LLC, 1700 Diagonal Rd., Suite 750, Alexandria, VA 22314. The petition and

its supporting documents proposed to amend the color additive regulations in part 73 (21 CFR part 73), *Listing of Color Additives Exempt from Certification*, to provide for the safe use of silver nitrate as a color additive, at a level of up to 4 percent by weight in the final product, in professional-use only cosmetics to color eyebrows and eyelashes in persons age 16 and older.

Silver nitrate is a highly purified inorganic compound obtained as the recrystallized precipitate from the concentrated reaction mixture of silver and excess nitric acid at elevated temperatures, followed by drying the decanted, filtered, and washed crystals. Silver nitrate has the chemical formula AgNO<sub>3</sub>. Although silver nitrate is colorless, when it comes into contact with argentaffin, the melanin-rich protein filaments in the hair, it is reduced to black-brown metallic silver, which remains in the filaments (Ref. 1). GW formulates the silver nitrate into a viscous gel, which limits migration of the gel components into the eye during and after the application procedure, thereby minimizing potential extraneous staining or irritation.

#### II. Safety Evaluation

Under section 721(b)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379e(b)(4)), a color additive cannot be listed for a proposed use unless the data and information available to FDA establish that the color additive is safe for that use. Our color additive regulations in § 70.3(i) (21 CFR 70.3(i)) define "safe" to mean that there is convincing evidence establishing with reasonable certainty that no harm will result from the intended use of the color additive. As part of our safety evaluation to establish with reasonable certainty that a color additive is not harmful under its intended conditions of use, we consider the color additive's manufacturing and stability; the projected human exposure to the color additive and any impurities resulting from the petitioned use of the color additive; the additive's toxicological data; and other relevant information (such as published literature) available to us.

#### A. Estimated Dermal Exposure

To support the safety of the intended use of silver nitrate, GW provided estimates of the systemic exposure to silver from the petitioned use of silver nitrate using various published dermal absorption values. However, as we explain in a separate memorandum (Ref. 2), we consider the most comprehensive measure of skin penetration of silver to come from a recent published mass

balance percutaneous penetration study that determined the distribution of silver penetrating the different layers of human skin (Ref. 3). Therefore, we used these published dermal absorption values, expressed as a dermal absorption percentage of the amount of silver applied, and assumptions made in GW's exposure estimate, to estimate that the dermal exposure to silver from the intended use of silver nitrate would be 0.15 micrograms ( $\mu\text{g}$ ) silver/person (p)/day (d) per application. Since the exposure to silver could also be affected by the duration of the silver nitrate's contact with the skin at the application site, we further refined the exposure based on an exaggerated upper-bound application time of 3 minutes (Ref. 2). Thus, the maximum estimated dermal exposure to silver from the intended use of silver nitrate to color eyebrows and eyelashes is estimated to be 0.3 nanograms (ng)/p/d per application and exposure to silver nitrate is estimated to be 0.5 ng/p/d per application (Ref. 2).

#### B. Acceptable Intake Level for Silver

In the evaluation of the safe use of an ingredient or substance that can be absorbed systemically (e.g., a color additive for use in a cosmetic), we consider overall probable exposure (Ref. 4). We calculated the oral cumulative estimated daily intake (CEDI) of silver to be 72  $\mu\text{g}/\text{p}/\text{d}$  in our previous evaluations (Ref. 5). The conservative estimate of systemic exposure to silver from its color additive use in a high-viscosity gel formulation applied to eyebrows and eyelashes (0.3 ng/p/d per application) is approximately 0.0004 percent of the CEDI (Ref. 4). However, the systemic exposure to silver is likely to be far less than the estimate of 0.3 ng/p/d per application due to three default factors and assumptions used in that estimate. First, a dermal retention factor of 0.1 (10 percent) for a "leave-on" (i.e., not intended to be rinsed off) product was used, although excess gel is intended to be removed as directed; second, a 20 percent skin "reach" factor (i.e., 20 percent of the applied silver nitrate gel is in contact with the skin) was used, though this number is likely much less, provided the gel is thoroughly removed from the eyebrows or eyelashes as directed; and third, a 1 in 10 day use factor was used, which is likely to be conservative when considering exposure over a lifetime. For example, GW notes that the coloring effects should last up to 6 weeks. Therefore, if an individual decreases their use from once every 10 days to once every 2 weeks, there would be a 30 percent decrease in the exposure to silver. Furthermore, silver binds tightly to

protein and would not be expected to transfer from the protein in the hair follicles (Ref. 4).

Considering the very low percentage (0.0004 percent) of the CEDI represented by our estimated systemic exposure from the intended use of silver nitrate as a color additive for dyeing eyebrows and eyelashes, and the likelihood that probable systemic exposure to silver is orders of magnitude lower than the 0.3 ng/p/d per application estimate, we conclude that the exposure to silver from the petitioned intended use is negligible, and it does not impact the CEDI of silver (Ref. 4).

#### C. Toxicological Considerations

To establish that silver nitrate is safe for use as a color additive to color eyebrows and eyelashes, GW provided data from two in vitro ocular irritation assays conducted with the proposed silver nitrate gel. Both of these in vitro studies, using colorimetric measurements as predictors of ocular irritancy, indicate that the silver nitrate gel product contains severe eye irritating ingredient(s). However, the color of this product interferes with colorimetric measurement portion of these studies, limiting the utility of these studies to non-colorimetric dependent portions of the assessment. Colorimetric results cannot be used to determine the ocular irritancy of a colorant such as silver nitrate; therefore, the assays provided only limited value to the current safety assessment. Nevertheless, the color of silver nitrate does not affect the histological assessment portion included in one of the in vitro studies. The histopathological results from one in vitro assay performed on bovine corneas treated with the silver nitrate gel did not reveal any significant physical effects or potential for damage, even following a 10-minute continuous exposure with full immersion (Refs. 5 and 6). In comparison, GW's proposed upper-bound application time of the silver nitrate gel is only 3 minutes. Additionally, the viscosity of the silver nitrate gel formulation limits entry into the eye during and after application to eyelashes. The ocular exposure to silver nitrate would be incidental and would initiate ocular tearing, which would dilute the silver nitrate concentration (Ref. 6). Additionally, we are requiring the instruction "Rinse eyes immediately if product comes into contact with them" on the label of cosmetic products containing this color additive. We expect this instruction will further minimize the chances of potential harm. Therefore, we expect no permanent ocular damage (Ref. 6).

GW also submitted results from a single-application, intended-use study in human subjects. The study included a pretreatment step with a preparation gel not containing silver nitrate to open hair cuticles prior to application of GW's silver nitrate gel to both eyebrows and eyelashes. During and after the study, only two adverse effects were identified in a limited number of users, which included burning sensations in the eyes (most occurrences were "slight" in degree and lasted less than 1 minute after the removal of the product, as self-reported by the study subjects) and skin staining primarily beneath the eyebrows (which was infrequent). We also found no clinically significant findings related to the eye (Ref. 7), which is consistent with the corneal histopathology findings. Based on these results, we conclude that potential ocular irritancy (i.e., burning sensations) and skin staining present minimal risks to safety. Furthermore, we expect they will be mitigated by statements required to be on the label of a cosmetic product containing silver nitrate. See 21 CFR 73.2550(d)(2).

This final rule includes an age use limitation to help ensure that professionals apply silver nitrate cosmetics only to individuals with fully mature facial size and structural development. The human eye and associated structures generally reach full adult size and structural development by 12 years of age. Therefore, limiting the age use to 16 years and older provides a safety margin for those few individuals whose facial size and structures might not have fully developed by age 12 (Ref. 7).

This final rule includes a restriction on distribution or direct sale to consumers and a professional-use only limitation to increase the likelihood that professionals who are trained in and knowledgeable about applying cosmetics will apply the silver nitrate product. "Professional" in this rule means an individual who, as part of an occupation, is permitted by the jurisdiction in which the individual practices to apply cosmetics for dyeing eyebrows and eyelashes.

This final rule includes a limited application time to limit the amount of any potential systemic absorption of the silver nitrate. Silver nitrate absorption in the skin is time dependent; therefore, limiting the skin contact time will result in a negligible level of systemic absorption. We did not identify any evidence suggesting that GW's intended conditions of use of silver nitrate are of toxicological concern (Ref. 6).

Based on the totality of the safety data and our conclusion that the systemic



exposure to silver nitrate under the conditions of use is negligible, we conclude that there is a reasonable certainty of no harm from the intended use of silver nitrate in professional-use only cosmetics to color eyebrows and eyelashes of persons age 16 and older at a level of up to 4 percent by weight in the final product. To mitigate the risk of adverse effects from the use of silver nitrate in these cosmetic products, the labeling of the cosmetic product must include statements about the potential ocular irritancy and skin staining, an age use limitation, professional-use only designation, and limited application time.

### III. Response to Comment

We received two comments in response to our filing of the color additive petition. One comment, however, did not address silver nitrate or color additives. The other comment claimed that the assumption that only trained beauticians or cosmetologists will be applying this product to consumers poses public health concerns because States have their own requirements regarding the licensure of makeup artists. The comment also stated that applying this product to the eyes and the surrounding area poses serious health concerns. The comment claimed that silver nitrate is considered highly toxic and that the gel containing the silver nitrate will travel down the hair shaft directly onto the skin and into the eye.

Regarding the professional-use only status of the product, we acknowledge that FDA does not regulate the professional practice of applying those cosmetics to consumers. This final rule includes a professional-use only limitation, along with a restriction on distribution or direct sale to consumers, to increase the likelihood that professionals who are trained in and knowledgeable about applying cosmetics will apply the silver nitrate product. As explained above, we reviewed data and information to establish that silver nitrate when applied as a gel under the conditions described herein is safe for its intended use. As demonstrated in the testing conditions that were described in the submitted petition, the silver nitrate gel product, when applied as intended, was not toxic and did not result in ocular damage. In this case, the intended use of silver nitrate is in specific professional-use only cosmetics, and we have determined that this intended use is safe.

Regarding the safety of applying this product to the eyes and the surrounding areas, we have determined, as explained

in the discussion of our safety evaluation, that the intended use of silver nitrate as a color additive in certain cosmetic products is safe.

### IV. Conclusion

FDA reviewed the data and information in the petition, and other available relevant material, and determined the petitioned use of silver nitrate, at a level of up to 4 percent by weight in the final viscous gel product, in professional-use only cosmetics to color eyebrows and eyelashes is safe. We further conclude that the color additive will achieve its intended technical effect and is suitable for the petitioned use. Consequently, we are amending the color additive regulations in part 73 to provide for the safe use of this color additive as set forth in this document. In addition, based upon the factors listed in 21 CFR 71.20(b), we conclude that certification of silver nitrate is not necessary for the protection of public health.

### V. Public Disclosure

In accordance with § 71.15 (21 CFR 71.15), the petition and the documents that we considered and relied upon in reaching our decision to approve the petition will be made available for public disclosure (see **FOR FURTHER INFORMATION CONTACT**). As provided in § 71.15, we will delete from the documents any materials that are not available for public disclosure.

### VI. Analysis of Environmental Impact

We considered the environmental effects of this rule, as stated in the March 7, 2018, **Federal Register** notice of petition for CAP 8C0312. We have concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. We did not receive any new information or comments that would affect this determination. Our finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Staff (see **ADDRESSES**) between 9 a.m. and 4 p.m., Monday through Friday.

### VII. Paperwork Reduction Act of 1995

This final rule contains no collection of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

### VIII. Objections

This rule is effective as shown in the **DATES** section, except as to any provisions that may be stayed by the

filing of proper objections. If you will be adversely affected by one or more provisions of this regulation, you may file with the Dockets Management Staff (see **ADDRESSES**) either electronic or written objections. You must separately number each objection, and within each numbered objection you must specify with particularity the provision(s) to which you object, and the grounds for your objection. Within each numbered objection, you must specifically state whether you are requesting a hearing on the particular provision that you specify in that numbered objection. If you do not request a hearing for any particular objection, you waive the right to a hearing on that objection. If you request a hearing, your objection must include a detailed description and analysis of the specific factual information you intend to present in support of the objection in the event that a hearing is held. If you do not include such a description and analysis for any particular objection, you waive the right to a hearing on the objection.

Any objections received in response to the regulation may be seen in the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at <https://www.regulations.gov>. We will publish notice of the objections that we have received or lack thereof in the **Federal Register**.

### IX. References

The following references marked with an asterisk (\*) are on display at the Dockets Management Staff (see **ADDRESSES**) and are available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; they also are available electronically at <https://www.regulations.gov>. References without asterisks are not on public display at <https://www.regulations.gov> because they have copyright restriction. Some may be available at the website address, if listed. References without asterisks are available for viewing only at the Dockets Management Staff. FDA has verified the website addresses, as of the date this document publishes in the **Federal Register**, but websites are subject to change over time.

- \*1. Memorandum from N. Hepp, Color Technology Branch, Office of Cosmetics and Colors, Center for Food Safety and Applied Nutrition (CFSAN), FDA to R. Morissette, Regulatory Review Branch (RRB), DFI, OFAS, CFSAN, FDA, September 10, 2021.
- \*2. Memorandum from H. Lee, Chemistry Review Branch (CRB), Division of Food Ingredients (DFI), Office of Food Additive Safety (OFAS), CFSAN, FDA to

R. Morissette, RRB, DFI, OFAS, CFSAN, FDA, June 22, 2021.

3. Kraeling, M.E.K., V.D. Topping, Z.M. Keltner, et al. "In Vitro Percutaneous Penetration of Silver Nanoparticles in Pig and Human Skin." *Regulatory Toxicology and Pharmacology* (2018) 95: 314–322.
- \*4. Memorandum from M. DiNovi, OFAS, CFSAN, FDA to R. Morissette, RRB, DFI, OFAS, CFSAN, FDA, June 22, 2021.
- \*5. Memorandum from A. GonzalezBonet, CRB, Division of Food Contact Substances, OFAS, CFSAN, FDA to M. Swain, CRB, DFI, OFAS, CFSAN, FDA, April 7, 2017.
- \*6. Memorandum from M. Wyatt, Cosmetics Division, Office of Cosmetics and Colors, CFSAN, FDA to R. Morissette, RRB, DFI, OFAS, CFSAN, FDA, September 10, 2021.
- \*7. Memorandum from W. Chambers, Ophthalmology, Office of New Drugs, Center for Drug Evaluation and Research, FDA to R. Morissette, RRB, DFI, OFAS, CFSAN, FDA, September 2, 2021.

#### List of Subjects in 21 CFR Part 73

Color additives, Cosmetics, Drugs, Foods, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 73 is amended as follows:

#### PART 73—LISTING OF COLOR ADDITIVES EXEMPT FROM CERTIFICATION

- 1. The authority citation for part 73 continues to read as follows:

**Authority:** 21 U.S.C. 321, 341, 342, 343, 348, 351, 352, 355, 361, 362, 371, 379e.

- 2. Add § 73.2550 to read as follows:

##### § 73.2550 Silver nitrate.

(a) *Identity.* The color additive silver nitrate is a purified inorganic compound obtained as the recrystallized precipitate from the concentrated reaction mixture of silver and excess nitric acid at elevated temperatures, followed by drying the decanted, filtered, and washed crystals. The color additive has the chemical formula  $\text{AgNO}_3$ .

(b) *Specifications.* Silver nitrate shall conform to the following specifications and shall be free from impurities other than those named to the extent that such impurities may be avoided by good manufacturing practice:

- (1) Arsenic, not more than 3 milligrams/kilogram (mg/kg) (3 parts per million (ppm)).
- (2) Cadmium, not more than 5 mg/kg (5 ppm).
- (3) Lead, not more than 10 mg/kg (10 ppm).
- (4) Mercury, not more than 1 mg/kg (1 ppm).

(5) Volatile matter, calculated as water, not more than 0.1 percent.

(6) Total color, not less than 99.9 percent.

(c) *Uses and restrictions.* The color additive silver nitrate may be safely used in externally applied professional-use only cosmetics intended to impart color to the eyebrows and eyelashes subject to the following restrictions:

(1) The amount of silver nitrate in the cosmetic product shall not be more than 4 percent by weight.

(2) The viscosity of the cosmetic formulation shall be not less than 120 Pascal-seconds (Pa-s) and not more than 180 Pa-s at normal temperature and pressure.

(3) The cosmetic containing silver nitrate is not intended for use on persons under the age of 16.

(4) Application of the cosmetic containing silver nitrate is not intended to exceed 1 minute and is intended to be followed by immediate removal.

(5) The cosmetic containing silver nitrate is applied by a professional.

(6) The cosmetic containing silver nitrate is not distributed or directly sold to consumers.

(d) *Labeling requirements.* (1) The label of the color additive and any mixture prepared therefrom intended solely or in part for coloring purposes shall conform to the requirements of § 70.25 of this chapter and include adequate directions to prepare a final product complying with the limitations prescribed in paragraph (c) of this section.

(2) The label of any cosmetic containing the color additive silver nitrate, in addition to other information required by law, shall contain the following statements: Contains silver nitrate. Silver nitrate may permanently stain skin with which it comes into contact. Silver nitrate may irritate the eyes. For application by professionals only for dyeing eyebrows and eyelashes, in accordance with the directions for use. Not for use on persons under the age of 16. Apply to eyebrows and eyelashes for no more than 1 minute, followed by immediate removal. Rinse eyes immediately if product comes into contact with them. Consult a physician if any irritation persists. Not for distribution or direct sale to consumers.

(e) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from the certification requirements of section 721(c) of the Federal Food, Drug, and Cosmetic Act.

Dated: September 30, 2021.

**Lauren K. Roth,**

*Acting Principal Associate Commissioner for Policy.*

[FR Doc. 2021–21755 Filed 10–5–21; 8:45 am]

**BILLING CODE 4164–01–P**

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

#### 37 CFR Part 6

[Docket No. PTO–T–2021–0041]

RIN 0651–AD57

#### International Trademark Classification Changes

**AGENCY:** United States Patent and Trademark Office, Department of Commerce.

**ACTION:** Final rule.

**SUMMARY:** The United States Patent and Trademark Office (USPTO) issues this final rule to incorporate classification changes adopted by the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Agreement). These changes are listed in the International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification), which is published by the World Intellectual Property Organization (WIPO), and will become effective on January 1, 2022.

**DATES:** This rule is effective on January 1, 2022.

#### FOR FURTHER INFORMATION CONTACT:

Catherine Cain, Office of the Deputy Commissioner for Trademark Examination Policy, at 571–272–8946, or by email at [TMPolicy@uspto.gov](mailto:TMPolicy@uspto.gov).

#### SUPPLEMENTARY INFORMATION:

*Purpose:* As noted above, this final rule incorporates classification changes adopted by the Nice Agreement that will become effective on January 1, 2022. Specifically, this rule adds new goods to, or deletes existing goods from, two class headings to further define the types of goods appropriate to the class.

*Summary of Major Provisions:* The USPTO is revising § 6.1 of 37 CFR part 6 to incorporate classification changes and modifications, as listed in the Nice Classification (11th ed., ver. 2022), published by WIPO, that will become effective on January 1, 2022.

The Nice Agreement is a multilateral treaty, administered by WIPO, that establishes the international classification of goods and services for the purposes of registering trademarks

# Color Additives and Cosmetics: Fact Sheet

Color additives are subject to a strict system of approval under U.S. law [Federal Food, Drug, and Cosmetic Act (/federal-food-drug-and-cosmetic-act-fdc-act) (FD&C Act), sec. 721; 21 U.S.C. 379e]. Except in the case of coal-tar hair dyes, failure to meet U.S. color additive requirements causes a cosmetic to be adulterated [FD&C Act, sec. 601(e); 21 U.S. Code 361(e)]. Color additive violations are a common reason for detaining imported cosmetic products offered for entry into this country.

Available in:

- [Spanish, PDF: 186KB \(/media/96248/download\)](#)
- [French, PDF: 190KB \(/media/96258/download\)](#)
- [Simplified Chinese: PDF 278KB \(/media/96287/download\)](#)
- [Traditional Chinese, PDF: 226KB \(/media/96305/download\)](#)
- [Korean, PDF: 283KB \(/media/96321/download\)](#)

## Some Basic Requirements

If your product (except coal-tar hair dyes) contains a color additive, by law [FD&C Act, Sec. 721; 21 U.S.C. 379e; 21 CFR Parts 70 and 80] you must adhere to requirements for:

- **Approval.** All color additives used in cosmetics (or any other FDA-regulated product) must be approved by FDA. There must be a regulation specifically addressing a substance's use as a color additive, specifications, and restrictions.
- **Certification.** In addition to approval, a number of color additives must be batch certified by FDA if they are to be used in cosmetics (or any other FDA-regulated product) marketed in the U.S.
- **Identity and specifications.** All color additives must meet the requirements for identity and specifications stated in the Code of Federal Regulations (CFR).
- **Use and restrictions.** Color additives may be used only for the intended uses stated in the regulations that pertain to them. The regulations also specify other

restrictions for certain colors, such as the maximum permissible concentration in the finished product.

## How are color additives categorized?

The FD&C Act Section 721(c) [21 U.S. C. 379e(c)] and color additive regulations [21 CFR Parts 70 and 80] separate approved color additives into two main categories: those subject to certification (sometimes called "certifiable") and those exempt from certification. In addition, the regulations refer to other classifications, such as straight colors and lakes.

- **Colors subject to certification.** These color additives are derived primarily from petroleum and are sometimes known as "coal-tar dyes" or "synthetic-organic" colors. (**NOTE:** Coal-tar colors are materials consisting of one or more substances that either are made from coal-tar or can be derived from intermediates of the same identity as coal-tar intermediates. They may also include diluents or substrata. (See *Federal Register*, May 9, 1939, page 1922.) Today, most are made from petroleum.)
  - Except in the case of coal-tar hair dyes, these colors must not be used unless FDA has certified that the batch in question has passed analysis of its composition and purity in FDA's own labs. If the batch is not FDA-certified, don't use it.
  - These certified colors generally have three-part names. The names include a prefix FD&C, D&C, or External D&C; a color; and a number. An example is "FD&C Yellow No. 5." Certified colors also may be identified in cosmetic ingredient declarations by color and number alone, without a prefix (such as "Yellow 5").
- **Colors exempt from certification.** These color additives are obtained primarily from mineral, plant, or animal sources. They are not subject to batch certification requirements. However, they still are considered artificial colors, and when used in cosmetics or other FDA-regulated products, they must comply with the identity, specifications, uses, restrictions, and labeling requirements stated in the regulations [21 CFR 73].
- **Straight color.** "Straight color" refers to any color additive listed in 21 CFR 73, 74, and 81 [21 CFR 70.3(j)].
- **Lake.** A lake is a straight color extended on a substratum by adsorption, coprecipitation, or chemical combination that does not include any combination of ingredients made by a simple mixing process [21 CFR 70.3(l)]. Because lakes are not soluble in water, they often are used when it is important to keep a color from "bleeding," as in lipstick. In some cases, special restrictions apply to their use. As



with any color additive, it is important to check the Summary of Color Additives Listed for Use in the United States in Foods, Drugs, Cosmetics and Medical Devices (</industry/color-additive-inventories/summary-color-additives-use-united-states-foods-drugs-cosmetics-and-medical-devices>) and the regulations themselves [21 CFR 82, Subparts B and C] to be sure you are using lakes only for their approved uses.

## How can I guard against color additive violations?

Several precautions can help you avoid color additive violations that will cause your cosmetic to be adulterated:

- **Do not confuse certified colors with their uncertified counterparts.** For example, FD&C Yellow No. 5 is the certified form of tartrazine, and is approved for use in cosmetics generally. But tartrazine, which has not undergone FDA analysis and received FDA certification, must not be substituted for or identified in an ingredient declaration as FD&C Yellow No. 5.
- **Do not confuse certified colors with colors identified only by a Colour Index (CI) number, or by the E number sometimes used in European color identification.** You must not use a color subject to certification unless FDA has certified the batch in question [FD&C Act, sec. 721(a)(1)(A)]. A CI or E number does not indicate FDA certification.
- **When purchasing color additives subject to certification, check the label.** If the lot is certified, the color's label must state the legal name for the color (such as "FD&C Yellow No. 5"), or, if it is a mixture, the name of each ingredient; the FDA lot certification number; and the color's uses and restrictions as stated in the CFR [21 CFR 70.25).
- **Check the Summary of Color Additives (</industry/color-additive-inventories/summary-color-additives-use-united-states-foods-drugs-cosmetics-and-medical-devices>) on FDA's Web site.** Although this table is not a substitute for the regulations, it is an easy-to-use reference that introduces you to FDA-approved color additives and directs you to the regulations addressing specific color additives.
- **Become familiar with the regulations themselves.** The color additive regulations are in 21 CFR Parts 70 through 82. Specific color additives are addressed in Parts 73, 74, and 82. The color additive regulations are posted on FDA's Web site (</industry/color-additives/color-additive-laws-regulations-and-guidance>). To purchase printed copies of the CFR by credit card, call the Government Printing



Office at (202) 512-1800, Monday through Friday, from 8:00 a.m. to 4:00 p.m., Eastern Standard Time. To pay by check, write to the Superintendent of Documents, Attn: New Orders, P.O. Box 371954, Pittsburgh, PA 15250-7954. Contact the Government Printing Office directly for current costs.

- **Confirm the status of color additives before use.** There may be changes in color additive approvals and changes in the uses and restrictions that apply to a color additive. Such changes may affect colors subject to certification as well as colors exempt from certification. To stay current with the regulations, you can check the latest edition of the CFR and FDA Dockets. You also may contact FDA at [Color.Cert@fda.hhs.gov](mailto:Color.Cert@fda.hhs.gov) (<mailto:mailto:Color.Cert@fda.hhs.gov?subject=>).
- **When purchasing colors subject to certification, confirm that the manufacturer has requested certification.** For example, you can choose a manufacturer from [FDA's list of companies that have requested color certification within the past two years](#) ([/companies-requesting-color-certification-within-last-two-years](#)). If the company that appears on the color additive label is not on this list, you may contact FDA at [Color.Cert@fda.hhs.gov](mailto:Color.Cert@fda.hhs.gov) (<mailto:mailto:Color.Cert@fda.hhs.gov?subject=>) to determine whether the company has in fact requested certification of its color additives.

### Must I match colors with intended use?

Yes. No matter whether a particular color is subject to certification or exempt from certification, U.S. law prohibits its use in cosmetics (or any other FDA-regulated product) unless it is approved specifically for the intended use [FD&C Act, sec. 721(a)(1)(A); 21 U.S.C. 379e(a)(1)(A)].

The regulations also restrict intended use as follows:

- **Eye-area use:** You may not use a color additive in the area of the eye unless the regulation for that additive specifically permits such use [21 CFR 70.5(a)]. The "area of the eye" includes "the area enclosed within the circumference of the supra-orbital ridge and the infra-orbital ridge, including the eyebrow, the skin below the eyebrow, the eyelids and the eyelashes, and conjunctival sac of the eye, the eyeball, and the soft areolar tissue that lies within the perimeter of the infra-orbital ridge" [21 CFR 70.3(s)]. Although there are color additives approved for use in products such as mascara and eyebrow pencils, silver nitrate is the only color additive approved for dyeing the eyebrows or eyelashes, but for professional use only. The FDA has provided for the safe use of silver nitrate as a color additive, in professional-use only cosmetics, to color eyebrows and eyelashes [21 CFR 73.2550].

(<https://www.federalregister.gov/documents/2021/10/06/2021-21755/listing-of-color-additives-exempt-from-certification-silver-nitrate>)]. Use is restricted to up to 4 percent silver nitrate (by weight) in a viscous gel product. These silver nitrate containing cosmetic products are not intended for use on persons under the age of 16 or for application for longer than 1 minute. Furthermore, these products are not for distribution or direct sale to consumers.

- **Externally applied cosmetics:** This term does not apply to the lips or any body surface covered by mucous membrane. For instance, if a color additive is approved for use in externally applied cosmetics, you may not use it in products such as lipsticks unless the regulation specifically permits this use [21 CFR 70.3 (v)].
- **Injection:** No color additive may be used in injections unless its listing in the regulations specifically provides for such use. This includes injection into the skin for tattooing or permanent makeup. The fact that a color additive is listed for any other use does not mean that it may be used for injections [21 CFR 70.5(b)]. There are no color additives listed in the regulations as approved for injections.


## What about special effects and novelty use?

No matter how exotic or novel the color additive or its intended use, it is subject to the same regulations as the more everyday colors and products. The following items are a sampling of some out-of-the-ordinary color additives. This list is not exhaustive. Rather, it is intended to show how the regulations apply to such colors:

- **Color-changing pigments:** Colors that change in response to such factors as change in pH or exposure to oxygen or temperature are subject to the same regulations as all other color additives.
- **Composite pigments:** Color additives used in combination to achieve variable effects, such as those found in pearlescent products, are subject to the same regulations as all other color additives. Some color additives, when used in combination, may form new pigments, which may not be approved for the intended use. An example is a "holographic" glitter, consisting of aluminum, an approved color additive, bonded to an etched plastic film.
- **Fluorescent colors:** Only the following fluorescent colors are approved for use in cosmetics, and there are limits on their intended uses: D&C Orange No. 5, No. 10, and No. 11; and D&C Red No. 21, No. 22, No. 27, and No. 28 [21 CFR 74.2254, 74.2260, 74.2261, 74.2321, 74.2322, 74.2327, and 74.2328].
- **Glow-in-the-dark colors:** Luminescent zinc sulfide is the only approved glow-in-the-dark color additive [21 CFR 73.2995].

- **Halloween makeup:** These products are considered cosmetics [FD&C Act, sec. 201(i); 21 U.S.C. 321(i)] and are therefore subject to the same regulations as other cosmetics, including the same restrictions on color additives.
- **Liquid crystal colors:** These additives, which produce color motifs in a product through diffraction, are unapproved color additives. Their use in cosmetics is therefore illegal [FD&C Act, sec. 601(e); 21 U.S.C. 361(e)].
- **Tattoo pigments:** As noted above, no color additives are approved for injection into the skin, as in tattoos and permanent makeup.
- **Theatrical makeup:** Like Halloween makeup, these products are considered cosmetics [FD&C Act, sec. 201(i); 21 U.S.C. 321(i)] and are therefore subject to the same regulations as other cosmetics, including the same restrictions on color additives.

## Resources For You

- [Color Additives Listed for Use in Cosmetics \(From the Code of Federal Regulations\)](https://www.fda.gov/industry/color-additive-inventories/summary-color-additives-use-united-states-foods-drugs-cosmetics-and-medical-devices#table3A) (<https://www.fda.gov/industry/color-additive-inventories/summary-color-additives-use-united-states-foods-drugs-cosmetics-and-medical-devices#table3A>)
- [Color Additives Permitted for Use in Cosmetics: Quick-Reference Table](/cosmetics/ingredient-names/color-additives-permitted-use-cosmetics) (</cosmetics/ingredient-names/color-additives-permitted-use-cosmetics>)
- [Color Additive Petitions: Information on the Color Additive Approval Process](/color-additive-petitions) (</color-additive-petitions>)
- [Follow FDA Cosmetics on Twitter \(https://twitter.com/FDACosmetics\)](https://twitter.com/FDACosmetics)  (<http://www.fda.gov/about-fda/website-policies/website-disclaimer>)

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## Texture Education Coalition | Invitation

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From: **Myra Reddy** <myra@probeauty.org>  
Date: Wed, Aug 10, 2022 at 1:12 PM  
Subject: Texture Education Coalition | Invitation  
To: [steve.kirschner@dpor.virginia.gov](mailto:steve.kirschner@dpor.virginia.gov) <[steve.kirschner@dpor.virginia.gov](mailto:steve.kirschner@dpor.virginia.gov)>

Hello Steve,

I hope you are well. I am reaching out on behalf of the Professional Beauty Association (PBA) to share resources and information. Together with industry professionals, PBA is working with the Texture Education Coalition (TEC). The coalition seeks to invite states to include texture hair care related questions to the state exam for cosmetology as well as expand the teachings of texture hair care in cosmetology programs. Last year Louisiana's state board passed a resolution (attached) to include a texture hair section on their state board exam. These changes will encourage diversity within education and training of cosmetology students allowing licensed beauty professionals the ability to ensure the health and safety of all clients. Attached you will find more information regarding the mission and efforts of the TEC. We would like to schedule a call to learn how we can support you and work together on this mission. I look forward to hearing from you.

Thank you,

Myra Reddy

Professional Beauty Association (PBA)

Texture Education Coalition Member

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### 2 attachments

 **TEC\_Outreach2022.pdf**

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 274K

 **Textured Hair Resolution.pdf**  
481K

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**DRAFT AGENDA**

**DRAFT AGENDA**

August 9, 2022

The recent third anniversary of The Crown Act continues to encourage a movement throughout all industries to create inclusive environments allowing everyone to feel seen and heard. The cosmetology industry touches every single person, regardless of race, gender, and age.

Equipping cosmetology students with an education that is inclusive of textured hair types, allows for their reach to be even more impactful. Clients with textured hair should have equitable access to professionally trained, licensed stylists with the skill set and experience to provide hair care services in a sanitary environment ensuring the health and safety of every client and all hair types.

In an effort to embrace the diversity of those in the professional beauty industry as well as the clients they serve, we invite states to adopt textured hair education as part of their curriculum and state board exam. Our industry seeks to develop experienced licensed beauty professionals who can create inclusive environments. Our goal is to empower cosmetologists with the confidence to consult and work with clients who have textured hair, while maintaining the health and safety standards they learn in their cosmetology program.

According to Naturally Curly's eighth edition of the Texture Trends report, an estimated 65% of the U.S. population has curly, coily or wavy hair. Only one state, Louisiana, requires cosmetology programs to teach how to cut textured hair.

Embracing equity and inclusion in the professional hair industry includes equipping future licensed cosmetologists with the skills needed to cut, color, care *and* style all hair textures resulting in a more inclusive experience for all clients. Acknowledging the technique and skillset needed to appropriately care for clients with textured hair emphasizes not only the existence but also the importance of a diverse population. The Louisiana Board of Cosmetology's addition of textured hair focused questions to the state cosmetology exam uplifts the beauty industry. This addition provides recognition needed for the different skills required to properly care for clients with wavy, curly, and coily hair.

The goal is for each state to:

- implement a resolution to replicate and expand upon Louisiana's changes
  - include texture in licensing requirements for every discipline (e.g., color, styling, relaxing, in addition to cutting)
- employ educators who can teach textured hair care
- strive for a timeline to implement changes within four years



We can work together to celebrate natural hair, textured hair care, and educate professionals in the beauty industry and each other as we all learn to appreciate diversity and inclusion. We look forward to collaborating and serving as a resource to encourage positive change for the professional hair industry.

Respectfully,

Myra Reddy  
Director of Government Affairs  
Professional Beauty Association

Alicia Williams  
Senior Director  
Anti-Racism & Racial Equality  
DevaCurl



Maude Okrah | Bonnti |  
Co-Founder  
Black Beauty Roster BBR



John Mosley, CEO  
Popular Nobody Brands

Zach Rieken  
Chief Executive Officer  
Living proof.  
**Living proof.™**

Erica Roberson  
VP DE&I Business Development  
Professional Products Division  
L'Oréal USA  
**L'ORÉAL  
USA**

Evie Johnson  
Hair Stylist and Salon Owner  
Designs by Evie



Corina Santoro, VP  
Product & Customer Experience  
Milady



Beth Carson  
Co-Founder & President  
The Sam Villa Company | Allvus LLC  
**SAM VILLA™**

Edwin Neill  
President and CEO  
Neill Corporation



Keya Neal  
Founder  
Texture Vs Race Movement  
Colour Culture



Bonnie Conte, Chief  
Inspirational Officer  
Avalon Salon Spa Shop  
**avalon** salon  
spa  
shop

Brittnee Alcalá  
Business Development Manager  
LANZA  
**L'ANZA**  
HEALING HAIR COLOR & CARE



## State of Louisiana

Louisiana State Board of Cosmetology  
11622 Sunbelt Court, Baton Rouge, LA 70809  
(225) 756-3404 Telephone - (225) 756-3410 Fax  
Web Address: [www.lsbclouisiana.gov](http://www.lsbclouisiana.gov)

John Bel Edwards  
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James R. Williams  
New Orleans, LA

### Louisiana Board of Cosmetology Adds Textured Hair Section to Cosmetology Exam

Baton Rouge, LA — November 8, 2021 — The Louisiana Board of Cosmetology (BOC) moved to revise its testing requirements to promote textured hair education throughout the state of Louisiana. Textured hair includes wavy, curly and coily hair. This resolution was passed on Monday, November 1st, 2021 and goes into effect in June of 2022. In doing so, the Louisiana Board of Cosmetology set a standard to ensure that the new generation of hair stylists in Louisiana will be able to care for all clients, no matter what their hair type.

Approximately 65% of people have textured hair, and many cosmetology schools have been enhancing their curriculum for texture education. This led Edwin Neill, Chairman of the State Board of Cosmetology and president of Aveda Arts & Sciences Institute to question why the state had not yet required textured hair competency for cosmetologists to receive their license. Working with board member and cosmetology instructor Kevin Martin and BOC staff, Edwin Neill, proposed a change in the cosmetology exam to ensure competence with textured hair. The revised test will include a section on cutting textured hair.

"There are many salon horror stories about what happens when cosmetologists are not properly educated on working with textured hair. Today there are still sometimes disparities in the salon experience between people with textured-hair and those with naturally straight hair. We want to ensure that licensed cosmetologists in Louisiana are able to do all types of hair," says Edwin Neill.

This is not the first reform undertaken by the current BOC. Last year, the board removed the ban on cosmetology licensing for the formerly incarcerated.

The Louisiana Board of Cosmetology regulates and monitors the cosmetology industry in Louisiana to maintain public health and welfare standards for the consumer public, ensures that individuals receiving licenses meet the education requirements established by the State of Louisiana and that licensed professionals maintain the highest standards while providing services to the public.



Agency

Department of Professional and Occupational Regulation

Board

Board for Barbers and Cosmetology

**Guidance Document Change:** Guidance regarding online instruction for health education certifying agencies

[Back to List of Comments](#)

**Commenter:** Sharon Painter, Body Art Tattoo

8/31/22 11:04 am

### Response to Education Guidance Documents

Good morning. My name is Sharon Painter. I am the owner of Body Art Tattoo Studio in Berryville, VA. I very much appreciate the opportunity to comment on the proposed changes to the Guidance documentation for certifying for CPR, First Aid and Bloodborne Pathogens.

My thoughts and comments relative to the required certifications: I'd rank the importance or priority of each certification as

- 1) Bloodborne Pathogens;
- 2) First Aid; and
- 3) CPR.

Of the three, Bloodborne Pathogens is the primary certification as it relates to public health safety relative to the work that we do and is renewed annually.

First Aid is common sense care and response to injury and has some relevance to the work we do. It is renewed every two years.

CPR is honestly not as important as the other two certifications. In most cases, in today's age of COVID/Monkeypox, lawsuits, etc., you will not find many willing to provide CPR actions, but rather call 911 as their only response.

The online courses offered by each of the vendors that your office recommend are sufficient to provide ample understanding in all 3 of these areas of certification.

I would vote to remove the requirement for any in-person training for any of the 3 certifications and to accept online training/certification.

As an aside, I'd also vote to remove the requirement for CPR certification, or at least make it optional, as an added bonus for any artist who chose to maintain that certification and would be willing to actually do CPR.

Relative to conventions, yes, for us, it is a hassle to line your certifications up with ongoing conventions and it has become a significant challenge to certify in person by the time your certification expires.

I hope this helps.

Sharon Painter



CommentID: **127468**

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DRAFT AGENDA

DRAFT AGENDA



**TO:** VIRGINIA BOARD FOR BARBERS AND COSMETOLOGY  
**FROM:** STEPHEN KIRSCHNER, EXECUTIVE DIRECTOR  
**SUBJECT:** GUIDANCE DOCUMENT REVIEW  
**DATE:** SEPTEMBER 12, 2022

The Board will have the opportunity to revise and repeal guidance documents during its meeting on September 26, 2022, in response to newly-enacted regulations. Copies of the three guidance documents, along with suggested modifications, have been provided by staff. Below you will find a chart listing several current guidance documents and whether staff recommend to Revise or Repeal. Following the chart is a detailed explanation of the recommended changes for those documents. Please review these documents for discussion and approval at the meeting. The guidance documents with proposed revisions follow this memo.

Category	Title of Guidance	Date Issued	Action
School	Barber & Cosmetology School Awarding Credits and/or Hours to Transfer Students	5/12/2014	Repeal
Applicants	Substantial Equivalence	8/11/2014	Retain and Revise

**Barber & Cosmetology School Awarding Credits and/or Hours to Transfer Students** – staff are recommending repeal as the issue this document addressed has been resolved through amended regulations for transfer students effective March 7, 2022.

**Substantial Equivalence** – For endorsement and exam eligibility, it incorporates the 80% hours rule for esthetics and tattooing professions. Staff is recommending the repeal of the substantial equivalent section for barbering, cosmetology, nails, and wax, as the issue addressed in the document has been rectified by revised regulations that will allow experience to substitute training hours as of October 1, 2021.

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**TO:** VIRGINIA BOARD FOR BARBERS AND COSMETOLOGY  
**FROM:** STEPHEN KIRSCHNER, DEPUTY DIRECTOR OF LICENSING AND REGULATORY PROGRAMS  
**SUBJECT:** NEW GUIDANCE DOCUMENT – FREQUENCY OF PROVIDING SCHOOL ROSTERS  
**DATE:** SEPTEMBER 11, 2022

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In February 2017, the Board changed its regulations regarding reporting requirements for licensed schools. Under Board regulations 18 VAC 41-20-250.A and 18 VAC 41-70-250.A, barber, cosmetology, nail, wax, and esthetics schools are required to provide rosters of current students and students who attended in the last six months in the manner, format, and frequency prescribed by the Board. To date, the Board has not prescribed a manner, format, and frequency for schools to provide these rosters.

Due to an increase in complaints and discipline against licensed schools, along with the recommendation of the 2018 JLARC study of the agency, DPOR is moving towards initiating unannounced inspections of schools. In order for DPOR to conduct adequate inspections of the schools, it is necessary for the Department to have recent student rosters. Staff are requesting the Board issue specific manner, format, and frequency requirements under these regulations. Staff recommend the following requirements:

1. Rosters must be submitted quarterly, with rosters due on January 15, April 15, July 15, and October 15 every year. The roster should be current to within 15 days of the submission. For example, the January 15 roster should be current through December 31.
2. Rosters will include all students enrolled in the school as well as any students who completed in the past six months. Students who are enrolled, but have not begun classes must be included in the report.
3. Rosters will be provided on a Board supplied spreadsheet, which will include the students full name, date of birth, program type, date enrolled, the total number of hours to-date, and the date completed (if applicable).
4. Schools with no students enrolled, but the intention of operating, must submit a report to that effect. Schools with no students enrolled that no longer wish to operate should terminate their license in accordance with Board regulations.
5. Rosters must be submitted by email to [schoolroster@dpor.virginia.gov](mailto:schoolroster@dpor.virginia.gov) with the school name as the title of the email.

6. In each calendar year, schools will not be penalized on their first instance of reporting after the deadline, provided the report is provided within 15 days of the deadline. Subsequent late filings or failing to report within 15 days of the deadline will result in a referral for disciplinary action.

These requirements should be enacted as Board Guidance. Please come prepared to discuss this reporting requirement at the meeting. The Board can adopt the requirement with a motion to “adopt the proposed manner, format and frequency of reporting requirements.”

*Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.*



# REPEAL



Department of Professional and Occupational Regulation

## ~~Board for Barbers and Cosmetology~~

~~Revised Effective July 12, 2022~~

### ~~Guidance Document: Barber and Cosmetology Schools— Awarding Credits and/or Hours to Transfer Students.~~

~~Interpretation of what may constitute a ‘completed approved program’ as noted in 18 VAC 41-20-20.B.1. Additionally, this method will be the sole manner in which a school may give credit for or allow transfer of hours in order to remain in compliance with 18 VAC 41-20-280.B.1:~~

~~A completed approved program may be composed of transferred hours under the following conditions:~~

- ~~• Both the new and originating school must hold a valid license by the appropriate state licensing entity while the student is enrolled. The current curriculum must be approved by the state licensing entity.~~
- ~~• The transfer hours earned at the originating school must have been earned no more than two years prior to enrolling in the new school.~~
- ~~• Both the new and originating school must hold valid accreditation by a U.S. Department of Education recognized accrediting agency.~~
- ~~• The new school may only transfer completed content hours, and must substantiate, based on the student’s transcript, how the school accepted the hours towards each content area.~~
- ~~• The applicant must be able to provide the Board with satisfactory evidence of the above.~~



## Board for Barbers and Cosmetology

Revised Effective September 26, 2022

### Guidance Document - Substantial Equivalence

#### Substantial equivalence in relation to licensure endorsement

The Board has determined that substantial equivalence in reference to 18 VAC 41-50-30 and 18 VAC 41-70-30 means:

“At least 80% of the required hours in Virginia and curriculum content covering Virginia’s scope of practice for that profession.”

#### Substantial equivalence in relation to examination eligibility in reference to 18 VAC 41-50-20, and 18 VAC 41-70-20 means:

“At least 80% of the required hours in Virginia and curriculum content covering Virginia’s scope of practice for that profession.”

**For cosmetology and master barber candidates with less than 80% of the hours, substantially equivalent training means the following until the Board’s regulatory change allowing experience to substitute for training hours takes effect:**

Under 18 VAC 41-20-20.B.2.a., it states that,

“Any person completing a barber or cosmetology training program that is substantially equivalent to the Virginia program but is outside of the Commonwealth of Virginia must submit to the board documentation of the successful completion of 1,500 hours of barber or cosmetology training to be eligible for examination. If less than 1,500 hours of master barber or cosmetology training was completed, an applicant must submit a certificate, diploma or other documentation acceptable to the board verifying the completion of a substantially equivalent master barber or cosmetology course and documentation of six months of master barber or cosmetology work experience in order to be eligible for examination.”

Substantially equivalent under this section means applicants would be eligible for examination if they have submitted documentation showing:

- ~~1,500 hours of training; or~~
- ~~1200-1499 hours of training (at least 80% of the required hours in Virginia) and six (6) months of full time work experience; or~~
- ~~1000-1199 hours of training and completion of the 'general' or 'intro' portions of the curriculum of an approved Virginia program (as provided below) and six (6) months of full time work experience; and~~

~~Any amount less than 1000 hours of training outside of Virginia will not count towards eligibility for examination.~~

The 'general' or 'intro' portions of the curriculum, as indicated in the Guidance Document for Non-Traditional Classroom Education, include the following courses:

- Orientation
- School Policies
- State laws and regulations
- Health and safety
- Personal hygiene
- Sanitation and Sterilization
- Ethics
- Salon/Shop/Parlor Management
- Analyzing skin or scalp conditions
- Anatomy
- Client Consultation
- Care of equipment



**TO:** VIRGINIA BOARD FOR BARBERS AND COSMETOLOGY  
**FROM:** STEPHEN KIRSCHNER, DEPUTY DIRECTOR OF LICENSING AND REGULATORY PROGRAMS  
**SUBJECT:** APPRENTICESHIP SUPERVISOR RATIO  
**DATE:** SEPTEMBER 12, 2022

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Apprenticeships are a common training method used by professions under the board. Apprenticeships are on-the-job training programs, where apprentices work alongside licensees to learn the profession in the salon, spa, or parlor environment. The Board currently utilizes Registered Apprenticeships under the Department of Labor and Industry (DOLI) for cosmetology, barber, nail technician, esthetics, and master esthetics apprenticeships. The Board administers its own apprenticeships for tattooing and body piercing.

Currently, the Board requires that, under the DOLI registered apprenticeships, a sponsoring salon, shop, or spa employ at least two licensees for every one apprentice. Functionally, that means there must be two licensees supervising each apprentice. For tattoo and body piercing apprentices, the numbers are reversed, and each licensed tattooer/body piercer may supervise two apprentices.

We have received several complaints from DOLI apprenticeship sponsors that the requirement for two licensees for every one apprentice is onerous. In contrast, the tattoo and body piercing requirement allowing two apprentices for every sponsor has not resulted in complaints. Neither has there been any evidence that the less stringent requirement of two apprentices for every supervisor has resulted in poor training. We have not received any safety related complaints relating to this requirement.

Staff are requesting the Board consider easing the DOLI apprenticeship supervisor requirements. The Board could consider reducing the apprentice/supervisor requirement to 1:1, or emulate the tattoo/body piercing requirement of two apprentices for every one supervisor. Please come prepared to discuss this issue at the meeting.

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.





**TO:** VIRGINIA BOARD FOR BARBERS AND COSMETOLOGY  
**FROM:** STEPHEN KIRSCHNER, DEPUTY DIRECTOR OF LICENSING AND REGULATORY PROGRAMS  
**SUBJECT:** COSMETOLOGY APPRENTICESHIP HOURS  
**DATE:** SEPTEMBER 12, 2022

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Currently, the cosmetology apprenticeship requires 3,000 hours of on-the-job training, including related technical instruction. Historically in Virginia, and commonly across the country, cosmetology apprenticeship hours have been set at double the school curriculum hours. There are currently 20 states that allow a cosmetology apprenticeship. Of those, eleven (including Virginia) require 3,000 hours or more, three require between 2,001 and 2,999 hours, and six require 2,000 hours or below. Several of Virginia's neighboring states are at or near 2,000 hours for their cosmetology apprenticeships, including Maryland at 2,080, Pennsylvania at 2,000, and the District of Columbia at 2,000.

At the July 11, 2022 meeting, the Board voted to reduce the cosmetology school training hours from 1,500 to 1,000 hours. Staff recommend the Board consider making a corresponding change to the cosmetology apprenticeship hours. Please come to the meeting prepared to discuss changing the hours to the cosmetology apprenticeship.

Materials contained in this agenda are proposed for discussion and are not to be construed as regulation or official Board position.

DRAFT AGENDA

DRAFT AGENDA



**TO:** VIRGINIA BOARD FOR BARBERS AND COSMETOLOGY  
**FROM:** STEPHEN KIRSCHNER, DEPUTY DIRECTOR OF LICENSING AND REGULATORY PROGRAMS  
**SUBJECT:** BOARD POLICY - CONTINUANCES  
**DATE:** SEPTEMBER 12, 2022

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From time to time, Board staff are contacted by individuals or attorneys requesting a continuance of their disciplinary case going before the board. Staff recommend the Board adopt a policy governing continuances for disciplinary cases. This will ensure everyone in similar situations is treated the same way. Please review the attached proposed policy on continuances for discussion at the meeting.

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## **Board for Barbers and Cosmetology**

**September 26, 2022**

### **Board Policy: Granting Continuances for Disciplinary and Licensing Cases**

The following policy will govern when and how requests for continuances for disciplinary and licensing cases are handled.

1. All requests for a continuance of a disciplinary case must be in writing.
2. Requests for a continuance of a licensing case may be granted administratively by the Board's Executive Director or designee.
3. Requests for a continuance for disciplinary cases where the recommended sanction does not include license revocation may be granted administratively by the Board's Executive Director or designee. The Executive Director may only grant one continuance to the next meeting for any case. Any further requests for a continuance may only be granted by vote of the Board at the meeting in which the meeting was scheduled.
4. Requests for a continuance for disciplinary cases where the recommended sanction includes license revocation may only be granted by vote of the Board at the meeting in which the meeting was scheduled.



**TO:** VIRGINIA BOARD FOR BARBERS AND COSMETOLOGY  
**FROM:** STEPHEN KIRSCHNER, DEPUTY DIRECTOR OF LICENSING AND  
REGULATORY PROGRAMS  
**SUBJECT:** FINANCIAL STATEMENTS  
**DATE:** SEPTEMBER 12, 2022

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Attached you will find the most recent Statement of Financial Activity and the Supporting Statement of Year-to-Date Activity for the Board. Additionally, you will find the Agency Statement of Financial Activity.

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Department of Professional and Occupational Regulation

Statement of Financial Activity

Board for Barbers and Cosmetology

954230

2022-2024 Biennium

July 2022

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

	July 2022 Activity	Biennium-to-Date Comparison	
		July 2020 -	July 2022 -
Cash/Revenue Balance Brought Forward			810,212
Revenues	377,931	301,086	377,931
Cumulative Revenues			1,188,143
Cost Categories:			
Board Expenditures	30,275	31,667	30,275
Board Administration	139,956	131,448	139,956
Administration of Exams	7,982	7,323	7,982
Enforcement	125,993	103,589	125,993
Legal Services	0	0	0
Information Systems	38,182	37,653	38,182
Facilities and Support Services	18,971	33,030	18,971
Agency Administration	69,707	56,274	69,707
Other / Transfers	0	0	0
Total Expenses	431,065	400,985	431,065
Transfer To/(From) Cash Reserves	(53,134)	0	(53,134)
Ending Cash/Revenue Balance			810,212

Cash Reserve Beginning Balance	5,431,044	0	5,431,044
Change in Cash Reserve	(53,134)	0	(53,134)
Ending Cash Reserve Balance	5,377,910	0	5,377,910

Number of Regulants	
Current Month	74,291
Previous Biennium-to-Date	72,869

Department of Professional and Occupational Regulation  
 Supporting Statement of Year-to-Date Activity  
 Board for Barbers and Cosmetology - 954230  
 Fiscal Year 2022

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Fiscal YTD Charges	Planned Annual Charges	Current Balance	Projected Charges at 6/30	Projected Variance Favorable (Unfavorable)	
																	Amount	%
<b>Board Expenditures</b>	17,192	21,410	14,159	19,277	11,697	14,685	17,368	9,084	26,384	12,234	16,284	15,595	195,368	216,310	20,941	195,368	20,941	9.7%
<b>Board Administration</b>	139,347	94,342	90,598	89,274	91,838	88,531	88,069	85,646	86,808	90,576	92,940	51,186	1,089,154	1,472,047	382,893	1,089,154	382,893	26.0%
<b>Administration of Exams</b>	5,925	4,076	4,059	4,064	4,076	4,064	4,072	4,072	4,056	4,056	4,086	2,036	48,643	54,842	6,199	48,643	6,199	11.3%
<b>Enforcement</b>	113,005	77,011	80,025	81,006	81,774	81,443	80,939	83,072	81,519	81,844	85,088	43,173	969,900	1,233,428	263,529	969,900	263,529	21.4%
<b>Legal Services</b>	0	8,834	8,834	0	0	0	8,834	0	8,834	0	0	0	35,336	35,336	0	35,336	0	0.0%
<b>Information Systems</b>	40,051	107,444	58,197	69,039	60,550	19,552	76,611	68,830	95,552	54,304	65,506	80,771	796,406	842,939	46,533	796,406	46,533	5.5%
<b>Facilities / Support Svcs</b>	35,236	29,509	25,916	25,511	30,972	28,092	27,774	26,914	27,275	32,622	28,542	42,283	360,645	410,726	50,081	360,645	50,081	12.2%
<b>Agency Administration</b>	60,229	41,299	38,277	48,882	39,873	44,391	42,501	44,281	51,270	50,375	44,384	22,380	528,143	742,847	214,704	528,143	214,704	28.9%
<b>Other / Transfers</b>	0	0	0	0	0	-3	0	0	0	0	0	13	10	0	-10	10	-10	
<b>Total Charges</b>	<b>410,986</b>	<b>383,926</b>	<b>320,065</b>	<b>337,052</b>	<b>320,779</b>	<b>280,756</b>	<b>346,168</b>	<b>321,899</b>	<b>381,697</b>	<b>326,010</b>	<b>336,829</b>	<b>257,437</b>	<b>4,023,605</b>	<b>5,008,476</b>	<b>984,870</b>	<b>4,023,605</b>	<b>984,870</b>	<b>19.7%</b>

**Department of Professional and Occupational Regulation  
Statement of Financial Activity**

**Agency Total**

**2022-2024 Biennium**

**July 2022**

*Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.*

	July 2022 Activity	Biennium-to-Date Comparison	
		July 2020 -	July 2022 -
<b>Cash/Revenue Balance Brought Forward</b>			3,453,476
<b>Revenues</b>	1,536,097	1,644,945	1,536,097
<b>Cumulative Revenues</b>			4,989,573
<b>Cost Categories:</b>			
<b>Board Expenditures</b>	240,785	185,719	240,785
<b>Board Administration</b>	581,962	531,424	581,962
<b>Administration of Exams</b>	39,210	35,408	39,210
<b>Enforcement</b>	939,715	823,358	939,715
<b>Legal Services</b>	0	0	0
<b>Information Systems</b>	162,794	156,002	162,794
<b>Facilities and Support Services</b>	108,265	176,837	108,265
<b>Agency Administration</b>	297,208	233,150	297,208
<b>Other / Transfers</b>	0	0	0
<b>Total Expenses</b>	2,369,938	2,141,898	2,369,938
<b>Transfer To/(From) Cash Reserves</b>	(855,303)	0	(855,303)
<b>Ending Cash/Revenue Balance</b>			3,474,938

<b>Cash Reserve Beginning Balance</b>	17,993,950	0	17,993,950
<b>Change in Cash Reserve</b>	(855,303)	0	(855,303)
<b>Ending Cash Reserve Balance</b>	17,138,648	0	17,138,648

**Number of Regulants**

Current Month	320,344
Previous Biennium-to-Date	308,696