

American Hairbraiders & Natural Haircare Association

BRIEFING SUMMARY

The License to Practice African Style Hair Braiding, Locking & Chemical-Free Hair Styling

An Issue of Economic Liberty in the African-American Community

I. PURPOSE

II. BACKGROUND & ISSUES

III. REASONING

IV. OVERVIEW

I. PURPOSE OF ENACTING STATE LAWS

A. To Revise All State Codes Governing Cosmetology

1. Exemption or exclusion of hair braiders
2. Limited license to practice
3. Limited salon license
4. Limited apprentice license
5. Limited school license

B. Creation of new license categories

C. Creation of new board member

II. BACKGROUND & ISSUES

A. Changes within the practice and teaching of cosmetology

1. Have not kept pace with consumer attitudes towards stylistic preferences.
2. Scientific and technological advances not considered.

B. Styling Practice Changes

1. Increased popularity and demand for professional hair braiding and related services.
 - a. Individual Braids
 - b. Lacing
 - c. Interlock
 - d. Senegalese Twist
 - e. Dakar
 - f. Dufil
 - g. Goddess Braid
 - h. Micro Braids
2. Increased popularity and demand for chemical-free hair styling and natural hair care services.
 - a. Hand/Palm Roll
 - b. Twist Row
 - c. Twist
 - d. Locking
 - e. Twist-Out
 - f. Varying Hair Conditioning Treatments

3. Maintains cultural integrity of African and African-American tradition.
 - a. Roots of hair braiding
 - b. Survived the middle passage
 - c. Preservation of tradition, well preserved
4. Issue of braids in the workplace
 - a. subject to litigation
 - (1) Hyatt Hotels
 - (2) Marriott Hotels
 - (3) American Airlines
 - (4) Avis Rent-A-Car
 - (5) Metropolitan Police Department*
 - b. changes within employer practices
 - (1) Metropolitan Police Department*
 - (2) Giant Food Stores
 - (3) Smithsonian Institute
 - c. California legislature passing law, protecting the rights of persons to wear braids (1992)

C. Cultural and Political Statement

1. Favors naturally kinky textures of hair
2. Hair does not require chemical or artificial processing

D. Failure of the Present Law

1. Requiring hair braiders to learn the application of chemicals and color.
2. Use of chemicals is crux of the objection by professional hair braiders.
3. Definition of braiding, excluded from present law.
4. Burdensome requirements for braider to obtain cosmetology license, practice and open salon or school
 - a. Board of Cosmetology exam demonstrating proficiency in techniques foreign to hair braiders.
 - b. Pay for training and be tested on techniques they will never use.
 - c. Schools do not teach professional hair braiding techniques.
 - d. Textbooks do not instruct on the proper application of extensions or any basic techniques associated with hair braiding and natural hair care.
 - e. 1,000 to 2,100 hours of instruction
 - f. \$5,000 to \$12,000 for training in cosmetology with no applicability to hair braiding.
 - g. Braider with cosmetology license would still require Senior Cosmetologist to open braiding salon.

- h. All braiders in braiding salon must have cosmetology license or Senior Cosmetologist for every one apprentice, with the rule stipulating no more than one apprentice per each Senior Cosmetologist.
 - i. Of the average eleven (11) theoretical categories required by state rules, only three (3) have any applicability to hair braiding.
 - j. Of the average eleven (11) practical categories required by state rule, none (0) have any applicability to hair braiding
5. Technical violation within compliance
- a. Training by licensed senior cosmetologist or manager under state apprenticeship license program.
 - b. Senior Cosmetologist or manager not skilled in the disciplines of hairbraiding
 - c. Compliance with present law does not offer any protections of public health and safety
 - d. Obtaining highest state license (Instructor) does not equal parity; braiding schools not recognized.

E. Cosmetology Cartel / Opposition

- 1. National Cosmetology Association (local chapters & national office)
- 2. National Interstate Council of State Boards of Cosmetology
- 3. Product manufacturers
- 4. State regulatory agencies

III. REASONING

- A. Law needs updating
- B. Protection of Public Health and Safety
- C. Limited License Recognized for Other Cosmetology Disciplines
 - 1. Manicuring (Nails)
 - 2. Esthetics (Skin)
 - 3. Make-up
 - 4. Electrology (Hair Removal)
 - 5. Barbering
- D. Increased Employment Opportunities
 - 1. Tie to welfare reform
 - 2. Job training

E. Broaden State Tax Base

F. State Hair Braiding Laws Enacted

1. Washington, D.C. 1993
2. New York, 1993
3. Tennessee, 1996
4. Texas, 1997
5. Florida, 1996
6. Maryland, 1997

G. Benefit To All

1. Practice of hair braiding and natural hair care specifically
2. Lawful earning of income
3. Increased interest in hair braiding as a recognized profession
4. Additional fees and tax revenues to federal and state government

IV. OVERVIEW OF NEW STATE LAWS

- A. Highlight Changes
- B. Additions and Deletions
- C. Number of new licenses and categories
- D. Restrictions
- E. Best interest of state
- F. Best interest of citizens

** In 1991 under threat of a lawsuit, the D.C. Metropolitan Police Department changed its grooming standards with relationship to braids for rank and file officers. However, there is a pending lawsuit (1997) in federal court (Robinson v. MPD); in which a temporary restraining order was just issued, (7/17/97), against MPD, ordering them to reinstate Officer Robinson until there is a resolution to his pending action. Officer Robinson is a six year veteran, African-American male, who wears his hair in locks.*

AHNHA



American Hairbraiders & Natural Haircare Association 202 723-5495

1st Braider's Legislative Summit 1996, Washington DC

AHNHA'S POSITION

The Politics of Natural Hair; From *Welfare* to Work
The Other Civil Rights Struggle

The American Hairbraiders & Natural Haircare Association (AHNHA) opposes any attempts to license and/or regulate the cultural art form of African style hairbraiding in the United States. As part of a national association, with thousands of members and supporters throughout the United States, we will vigorously defend any attempt on the part of the cosmetology cartels or state legislators to regulate our cultural art form.

The attempt to regulate African style braiding does not come from any complaints by citizens, but from a cosmetology cartel made up of salon and school owners who are predisposed to control, manipulate and determine the economic power and destiny of African-American people, in general, women in particular; by controlling their means of earning a living. No state has any jurisdiction over hair braiding or their establishments. And other than being persuaded to stifle any competition to the traditional cosmetology industry, has gone far beyond its public health and safety edict.

Unlike traditional cosmetology, hair braiding, twisting, locking, chemical-free haircare; is part of the cultural fabric and integrity of a 5,000 year old art form and tradition amongst the African-American community; exempt from any licensure or regulation. States can no more license cornrowing, twisting, braiding or locking, than it can license religion; it is a part of the very fabric of who we are in America and our historical place in the world. It was brought to this country from Africa under adverse conditions. Our ancestors died bringing this tradition to these American shores; and to this day, it remains the only link to our cultural identity that survived the middle passage. American braiders have kept the tradition alive and well, making it possible for our indigenous African sisters to come to this country and earn a living.

AHNHA is protecting the cultural integrity of an art form; restoring a foothold to entry level entrepreneurship with a direct tie-in to welfare reform. Bottom line ---- our proposals would create jobs, revenue, business and commerce for this country and, is environmentally safe; we use no harsh chemicals or caustic substances. We can put people to work, not set up entry level barriers to economic freedom.

AHNHA has achieved victories in California and New York, by suing these states on behalf of our membership; in Maryland, where hair braiding has been deregulated from the cosmetology licensing process all together; in Michigan, where the cosmetology cartel has been defeated three times in their attempts to make chattel slaves out of braiders; in North Carolina, Ohio, Tennessee, Texas and Georgia, where we have kept braiding salons opened and braiders making money, despite the threat of prosecution by the state's boards of cosmetology; in Florida, Virginia, Washington, Minnesota, and Indiana, where groups of braiders are ready to openly defy their state's cosmetology laws; or any of the other 27 states or countries where AHNHA has members.

This issue is about money, control, politics, race and power. Our intent is to remove any entry level barriers to entrepreneurship, not regulate a hairstyle. We are asking all community and religious leaders, politicians, union and business leaders, students; people of all races, and ethnic backgrounds to support and protect what you know is right; the cultural integrity of any group of people when their very traditions are under attack.

WE NEED YOUR HELP!

Note: For more information contact Taalib-Din Uqdah, 202-726-3465
or fax; 202-882-3802 or e mail: ahnha@aol.com

»»» BRAIDERS UNITE! »»»

You Don't Need a License to Braid Hair.



Join AHNHA and Exercise
Your Right
To Open a Braid Salon

Become Involved in Exempting Hairbraiders and Locticians
from your State's Cosmetology Laws

- Open Your Salons • Open Your Schools
- Defy Cosmetology Laws
- Learn The Legislative Process & Politics to Make It Happen
- Preserve & Protect the Cultural Integrity of Our Haircare
- Stay Current on Issues About Braiders Across the Country

American Hairbraiders & Natural Haircare Association (AHNHA)

To Join call or write to:

AHNHA National Office P.O. Box 9726; Washington, D.C. 20016-9726
202-723-5495 • 1-800-743-5495 Ext.11 • e-mail: ahnha@aol.com

STATE BOARD

LICENSING REQUIREMENTS

Last year saw several important changes in licensing.

The state of Georgia temporarily suspended reciprocity to investigate a high number of applications and discovered that after the suspension, an employee fraudulently issued over 100 licenses. Reciprocity remains suspended.

A Nevada bill introduces a hairdressing-only license to the legislature. According to Nevada State Board member Mary Manna, cosmetology and barber boards are not merged in that state and a school owner discovered a demand for a hair-only license during exit interviews.

Hawaii already has such a license; California is considering one. In Massachusetts, a bill to eliminate licensing for cosmetology was defeated just last fall.

In the following chart, pending changes in legislation are noted whenever possible. Several states are in the process of increasing educational requirements for specialty licensing.

Reciprocity regulations are often complex, and only the basic requirements are covered here. Before even considering reciprocity, all states require that you have a current license in your issuing state. Within reciprocal licensing, "substantially equal" can refer to hours required and type of exam. Often, work experience can be substituted for hours.

States that use the National Exam often require a licensee who took a written-only exam in the issuing state to take a practical. Other states require a State Law Test from all applicants.

Frequently, reciprocity refers to cosmetology licenses only; always write or call the State Board for all specifics, including verifications, notarized statements from employers and other documentation required.

The difference between reciprocity and endorsement is that if a state offers reciprocity, you provide a copy of your license (after having met specific requirements) in return for a license in the new state. Endorsement, a more restrictive practice, is usually performed on an individual basis. You provide your qualifications, which are reviewed by the State Board. Depending on the Board's decision, you may or may not have to take the entire or part of your new state's test.

STATE BOARD	TYPE OF LICENSE	SCHOOL HOURS REQUIRED/ APPRENTICESHIP	RECIPROCITY/ENDORSEMENT
Alabama Board of Cosmetology 1000-A Interstate Park Dr. Montgomery AL 36130 334-242-5613	Cosmetologist Manicurist Esthetician	1,200/3,000 300 1,200/3,000 (requires separate license and test)	Accepts all out-of-state licenses. Manicurists required to take practical exam.
Alaska Board of Barbers and Hairdressers P.O. Box 110806 Juneau AK 99811 907-465-2547	Hairdresser Cosmetologist (skin care only)	1,650/2,000 350/350	Waiver of exam with 1650 hours, a current license and both written and practical exam. May allow 500 hours for each year notarized experience. Practical may be required.
Arizona Board of Cosmetology 1645 West Jefferson St. Phoenix AZ 85007 602-542-5301	Cosmetologist Nail Technician Esthetician	1,600 300 600	Granted for all three licenses with one year's work experience within the past five years and a current license.
Arkansas State Board of Cosmetology 101 East Capitol, Ste. 108 Little Rock AR 72201 501-682-2168	Cosmetologist Manicurist Skin Care Specialist	1,500 350 600	Granted with current license, if applicant passed written/practical exam in state in which license was held.
California Board of Barbering and Cosmetology 400 R St., Ste. 4080 Sacramento CA 95814 916-445-7061	Cosmetologist Manicurist Skin Care Specialist	1,600 400 600	No reciprocity. Applicants must take written and practical exam. (Written only needed for barber license.) Requires 10th grade completion.

LICENSING REQUIREMENTS

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STATE BOARD	TYPE OF LICENSE	SCHOOL HOURS REQUIRED/ APPRENTICESHIP	RECIPROCITY/ENDORSEMENT
Colorado State Board of Barbers and Cosmetologists 1560 Broadway, Ste. 1340 Denver CO 80202 303-894-7772	Cosmetologist Manicurist Skin Care Specialist	1,450 350 550	Endorsement by individual review. Can be licensed without exam if applicant holds credentials equal or greater than Colorado's; applicant must have passed written and practical exam in home state.
Connecticut Board for Barbers, Hairdressers and Cosmeticians Dept. of Health Services 150 Washington St. Hartford CT 06106 203-566-1042	Cosmetologist	1,500	Granted without exam if hold current license in state with requirements commensurate to Connecticut's. (No practical exam required in Connecticut.)
Delaware Board of Cosmetology and Barbering Cannon Bldg. #203 P.O. Box 1401 Dover DE 19903 302-739-4522	Cosmetologist Nail Technician Skin Care Specialist	1,500/3,000 125/250 300/600	Granted if hold current license from state with equal requirements and have completed 10th grade. Work experience may be considered.
District of Columbia Board of Cosmetology 614 H St. NW Washington DC 20001 202-727-7468	Cosmetologist Manicurist Esthetician Natural Hair Care	1,500 125 (pending legislation to 350 hours) 125 (pending legislation to 350 hours) 850 (law pending)	Reciprocity with states with equal hours. Applicants with five years continuous practice immediately previous can challenge the D.C. Board.
Florida Dept. of Professional Regulation 1940 N. Monroe St. Tallahassee FL 32399 904-488-5702	Cosmetologist Manicurist Skin Care Specialist	1,200 240 260	Endorsement with current license for cosmetologist if passed written and practical exams in home state; pass in written exam only needed for manicurist or esthetician.
Georgia State Board of Cosmetology 166 Pryor St. SW Atlanta GA 30303 404-656-3909	Cosmetologist Manicurist Skin Care Specialist	1,500 320/640 750/1,500	TEMPORARILY SUSPENDED.
Hawaii Board of Cosmetology Dept. of Commerce and Consumer Affairs P.O. Box 4369 Honolulu, HI 96801 808-586-2699 or 808-586-3000	Cosmetologist Manicurist Cosmetician (skin care/nail specialist) Hairdressing (hair only)	1,800/3,600 350/700 550/1,100 1,250/2,500	Applicants with license and equivalent hours qualify for exam and can be issued a temporary permit. Those with fewer hours need one year experience. All applicants must take written exam.
Idaho State Board of Cosmetology 1109 Main St., Ste. 220 Boise ID 83702 208-334-3233	Cosmetologist Nail Technician Esthetician Electrologist/ Esthetician	2,000/4,000 300 500 800/1,600	Endorsement with license from state with equal laws or licensing and three years of work experience within the last five years. For applicants with fewer hours, work experience is credited at 200 hours for each year worked.
Illinois Dept. of Professional Regulation PSS, 320 W. Washington St. Springfield, IL 62786 217-785-0800	Cosmetologist Nail Technician Skin care Specialist	1,500 350 750 (plus 10 hours of continuing education a year)	Endorsement based on laws in issuing state compared to Illinois law during the period in which applicant was licensed. Work experience credit.
Indiana State Board of Cosmetology Examiners 302 W. Washington, Rm. EO-34 Indianapolis IN 46204 317-232-2980	Cosmetologist Manicurist Esthetician	1,500 300 700	Reciprocal with states that have substantially equal requirements. Applicant must have taken written & practical exam.
Iowa Cosmetology Board of Examiners Arts and Sciences Lucas State Office Bldg. East 12th and Grand Sts. Des Moines IA 50319 515-281-4422 or 515-281-4416	Cosmetologist Manicurist (natural nails only) Nail Technician Esthetician	2,100 40 325 600	For cosmetology: reciprocity with KY, ND, SD, WV, WY. Applicants from other states, if licensed for 12 of the preceding 24 months, are eligible to take written and practical exams. For Nail Tech and Esthetics licenses, endorsement for applicants from states with equal or greater hours, with state certification and current license.

LICENSING REQUIREMENTS

STATE BOARD	TYPE OF LICENSE	SCHOOL HOURS REQUIRED/ APPRENTICESHIP	RECIPROCITY/ENDORSEMENT
Kansas State Board of Cosmetology 603 SW Topeka Blvd., Ste. 100 Topeka KS 66603 913-296-3155	Cosmetologist Manicurist Esthetician	1,500 350 650	Granted all applicants with 1,500 hours and holding a current license for one year. If applicant has fewer hours and less than 1 year experience, practical exam is required. Similar rules for manicure/esthetics license, except must have taken a manicure test in home state, or be tested in Kansas.
Kentucky State Board of Hairdressing and Cosmetology 314 West Second St. Frankfort KY 40601 502-564-4262	Cosmetologist Manicurist	1,800 300	Reciprocity with ND, SD, IA, NV, NE. No reciprocity for manicuring.
Louisiana State Board of Cosmetology 11622 Sunbelt Court Baton Rouge LA 70809 504-756-3404	Cosmetologist Manicurist Esthetician	1,500 500 750	Granted if state requires equal hours.
Maine State Board of Cosmetology 35 State House Station Augusta ME 04333 207-624-8603	Cosmetologist Manicurist Skin Care Specialist	1,500/2,500 200/400 750/1,250	All states with equal requirements. If home state requires fewer hours, Maine will accept 1,000 hours and 2,500 hours work experience for written exam. Practical and state law exam required.
Maryland State Board of Cosmetology 501 St. Paul Place, 9th fl. Baltimore MD 21202 410-333-6320	Cosmetologist Manicurist Esthetician	1,500/24 months 100/three months 300/six months	Accepts licenses from states requiring credentials equal to Maryland, including written and practical exams.
Massachusetts Board of Cosmetology 100 Cambridge St., 14th fl. Boston MA 02202 617-727-9940	Cosmetologist Manicurist Advanced Manicurist Esthetician Advanced Esthetician	1,000 100 300 300 600	Accepts licenses from all states with equal requirements. (Accepts Florida hairdressers' license only.) Requires both written and practical.
Michigan State Board of Cosmetology 611 W. Ottawa, North Tower P.O. Box 30018 Lansing MI 48909 517-373-0580	Cosmetologist Manicurist	1,500/24 months 300/six months (pending legislation for 600 hours)	Endorsement for licenses from states with equal requirements granted on individual basis.
Minnesota Dept. of Commerce Licensing Div. 133 East 7th St. St. Paul MN 55101 612-297-7050	Cosmetologist Manicurist Esthetician	1,550 350 600 (Continuing education required if license has expired)	Requires 1,800 hours of work experience within the last three years for full-time worker, and 400 hours for each of last three years for part-time workers. Must pass Minnesota written exam.
Mississippi State Board of Cosmetology 1804 N. State St. P.O. Box 55689 Jackson MS 39296 601-354-6623	Cosmetologist Manicurist Esthetician	1,500 250 600	Accepts licenses from states with equal requirements that offer reciprocity with Mississippi. No reciprocity for manicurists.
Missouri State Board of Cosmetology 3605 Missouri Blvd. Jefferson City MO 65109 or P.O. Box 1062 Jefferson City MO 65102 314-751-1052	Cosmetologist Manicurist Skin Care Specialist	1,500/3,000 390/780 750/pending	Accepts licenses from all states with equal requirements. Missouri has both written and practical exams.
Montana Board of Cosmetologists 111 N. Jackson Helena MT 59620 406-444-4288 or 406-444-3737	Cosmetologist Manicurist	2,000 350	Currently changing to allow reciprocity only to states with substantially equal requirements. (Montana requires national exam.) May grant work experience in review.
Nebraska State Board of Cosmetology Examiners 301 Centennial Mall South P.O. Box 95007 Lincoln NE 68509 402-471-2115	Cosmetologist Esthetician	2,100/2,100 (plus 16 hours continuing education every two years) 600/600 (plus eight hours continuing education every two years)	Accepts licenses from states with substantially equal requirements. Experience can substitute for hours: 100 hours for each month.

LICENSING REQUIREMENTS

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STATE BOARD	TYPE OF LICENSE	SCHOOL HOURS REQUIRED/ APPRENTICESHIP	RECIPROCITY/ENDORSEMENT
Nevada State Board of Cosmetology 1785 East Sahara Ave., Ste. 255 Las Vegas NE 89104 702-486-6542	Cosmetologist Manicurist Esthetician Hair Designer	1,800 500 600 1,200	Accepts current out-of-state license, one year's experience within the last three years. Applicant must have passed national-sponsored written exam; certificate required.
New Hampshire Board of Cosmetology 2 Industrial Park Dr. Concord NH 03301 603-271-3608	Cosmetologist Manicurist Esthetician	1,500/two years & 3,000 hrs. 150/three months & 300 hrs. 450	Accepts licenses from states with substantially equal requirements.
New Jersey State Board of Cosmetology and Hairstyling P.O. Box 45003 Newark NJ 07101 201-504-6400	Cosmetologist Manicurist Esthetician	1,200 250 600	Grants endorsement as both barber and cosmetologist for cosmetologist or barber licenses, if applicant takes crossover exam. If applicants holds less than 1,200 hours, holding license for three years and presenting work experience may substitute for hours.
New Mexico State Board of Cosmetologists 1599 St. Francis Dr. Santa Fe NM 87504 505-827-7550	Cosmetologist Manicurist Skin Care Specialist	1,600 350 600	Grants if applicant has equivalent hours, holds current license, completed 10th grade schooling or equivalent. Gives 150 hours for every six months work experience within the last five years.
New York Dept. of State Division of Licensing Services 270 Broadway NY, NY 10007 212-417-5747	Cosmetologist Nail Specialist Esthetician Natural Hair Care Specialist	1,000 250 600 900	Accepts licenses from most states with substantially equal requirements.
North Carolina Board of Cosmetology 1110 Navaho Drive Raleigh NC 27609 919-850-2793	Cosmetologist Manicurist	1,500/1,200 hours plus six months 150	Accepts licenses from states with substantially equal requirements. Also offers "credentialling" with one year's experience within the past three years. Manicurists must take national exam.
North Dakota State Board of Cosmetology P.O. Box 2177 Bismark ND 58502 701-224-9800	Cosmetologist Manicurist Esthetician	1,800 350 900	Accepts licenses from all states with equal requirements. All applicants must take North Dakota law test.
Ohio State Board of Cosmetology 8 East Long St., Ste. 1000 Columbus OH 43215 614-466-3834	Cosmetologist Manicurist Esthetician	1,500 200 600 (To renew any license in 1997, four hours continuing education required)	Accepts licenses from all states with substantially equal requirements. Current license, state certification required. Applicants with less than 1,200 hours must acquire additional schooling.
Oklahoma State Board of Cosmetology 2200 Classen Blvd., Ste. 1530 Oklahoma City OK 73106 405-521-2441	Cosmetologist Manicurist Esthetician	1,500/3,000 600/1,200 600/1,200	Accepts licenses from all states with equal or greater requirements. Current license, certification required. No hours granted for work experience. Oklahoma requires both written and practical exams.
Oregon Board of Barbers and Hairdressers 700 Summer St. NE, Ste. 100 Salem OR 97310 503-378-8667	Cosmetologist Nail Technician Skin Care Specialist	1,800 350 350	No reciprocity. Applicants must acquire certificate of license and take written exam.
Pennsylvania State Board of Cosmetology P.O. Box 2649 Harrisburg PA 17105 717-783-7130	Cosmetologist Manicurist Skin Care Specialist	1,250/2,000 200 300	Accepts licenses from all states, except California, Connecticut, Colorado, Hawaii, New Jersey, New Mexico, Rhode Island, Utah, with current license and two years' experience.
Puerto Rico Board of Examiners of Beauty Specialists P.O. Box 3271 Old San Juan PR 00902 809-722-2121	Cosmetologist	1,000	Accepts current license from any state.

LICENSING REQUIREMENTS

STATE BOARD	TYPE OF LICENSE	SCHOOL HOURS REQUIRED/ APPRENTICESHIP	RECIPROCITY/ENDORSEMENT
Rhode Island State Div. of Professional Licensing 3 Capitol Hill, #209 Providence RI 02908 401-277-2511	Cosmetologist Manicurist Esthetician	1,500 300 600	Endorsement offered for cosmetology only from states with same hours and requiring national exam. Offers 100 hours for every three months of verifiable experience.
South Carolina State Board of Cosmetology 3710 Landmark Dr., Ste. 205 Columbia SC 29204 803-734-9660	Cosmetologist Manicurist Esthetician	1,500 300 450 (All licenses require six hours continuing education per year)	Accepts licensing from all states with substantially equal requirements. Individual review necessary for individuals with fewer than required hours. No reciprocity for manicuring.
South Dakota Cosmetology Commission 500 East Capital Ave. Pierre SD 57501 605-773-6193	Cosmetologist	2,100/18 months	Reciprocity for cosmetology only. Requires current license and 2,100 hours. Allows 1,000 hours per year of experience. Requires HS diploma or GED. Must take state law exam.
Tennessee State Board of Cosmetology 500 James Robertson Pkwy. Nashville TN 37243 615-741-2515	Cosmetologist Manicurist Esthetician	1,500 300 750	Accepts licenses from states with substantially equal requirements or proof of continuous practice in previous five years, all at Board's discretion.
Texas Cosmetology Commission P.O. Box 26700 Austin TX 78755 512-454-4674	Cosmetologist Manicurist Skin Care Specialist	1,500 600 600	Applicants from states requiring fewer hours, must take additional hours. Allows 250 hours per year of verifiable work experience.
Utah State Board of Cosmetology Div. of Occupational and Professional Licensing 160 East 300 South Salt Lake City UT 84145 801-530-6628	Cosmetologist	2,000/2,500	Reciprocity for cosmetology only. Applicant must meet equal standards, hold current license and have three years of experience.
Vermont State Board of Cosmetology Secretary of State's Office Office of Professional Regulation 109 State St. Montpelier VT 05609 802-828-2373	Cosmetologist Manicurist Skin Care Specialist	1,500 150 300	Applicants must have equivalent hours and a current license, or proof of employment in year immediately preceding application.
Virgin Islands Board for the Licensing of Barbers, Beautician and Manicurists Property and Procurement Bldg. No. 1 Sub Base, Rm. 205 St. Thomas VI 00801 809-774-3130	Cosmetologist Manicurist Skin Care Specialist	1,000/two years 150 250	No reciprocity.
Virginia Board of Cosmetology 3600 West Broad St. Richmond VA 23230 804-367-8509	Cosmetologist Nail Technician	1,500/3,000 hours in two years 150	Accepts licenses from all states Puerto Rico and Guam.
Washington State Cosmetology, Barber, Manicurist Board Div. of Professional Licensing P.O. Box 9026 Olympia WA 98507 360-586-6359	Cosmetologist Manicurist Skin Care Specialist	1,600 500 500	Applicants must take written exam.
West Virginia Board of Barbers and Cosmetologists 1716 Pennsylvania Ave., Ste. 7 Charleston WV 25302 304-558-2924	Cosmetologist Manicurist	2,000 400	Applicants are eligible if they meet 2,000 hour requirement. Allows 25 hours for each month worked. Applicants must have worked two years within the past five years.
Wisconsin Barbering and Cosmetology Examining Board P.O. Box 8935 Madison WI 53708 608-266-1630	Cosmetologist Manicurist Esthetician	1,800/4,000 300 in seven to 20 weeks 450 in 11 to 30 weeks	Applicants must have current license and 4,000 hours' work experience.
Wyoming State Board of Cosmetology P.O. Box 4480 Casper WY 82604 307-265-2917	Cosmetologist Manicurist Skin Care Specialist	1,700 350 600	Accepts licenses from all states if applicant took hands-on practical and written exam administered by State Board examiners.



AHNHA News Update

As of : August 1997

WASHINGTON, D.C.

Washington, D.C. passed its hair braiding law January 8, 1993. It created five separate licenses for braiders and their related fields; instructors, salons, schools, etc. To date, more than four years later, no rules have been established, nor any licenses issued. The rules are expected to be published soon, (late 1997), for public comment; dictating the number of hours a braider would be required to attend a braid training academy or cosmetology school. AHNHA has proposed, and we believe the board has accepted, a curriculum of no more than 100 hours.

NEW YORK

By contrast, New York passed a natural hair styling license about the same time. Their rules have been established, but to date, there is not one school in the entire state which offers the 900 hour course, nor has the state issued one license in the sub-field, except for those 'grandfathered' in under the present scheme. Additionally, a law suit was filed against the state January 7, 1997 seeking to reduce the number of hours required to obtain a license, under what most people (including the governor) consider to be bad law. The law suit is supported by the governor's office and we are actively negotiating with the Secretary of State to reduce the number of hours down from 900 (nine hundred) to something substantially less than 100 (one hundred) hour curriculum.

AHNHA's 70 hour curriculum is opposed by a small group of International Braiders Network (IBN) members who have offered a counter proposal of 230+ hours, which if enacted, would require a loctician (for example) to become proficient in interlocking and other braided hairstyles.

CALIFORNIA

The state of California requires anyone who desires to braid hair for compensation must have a cosmetology license, which requires 1,600 hours of cosmetological training, with no instruction on African style braiding. On January 28, 1997 we sued the state of California after it fined one of our members for unlicensed activity. Hairbraiders won round one, when federal Judge Rudi M. Brewster denied a motion by the state (May 2) to dismiss the lawsuit; it is still pending. Because California's law requires a review by public officials (sunset) to demonstrate why the board of cosmetology should continue to exist, there has been very little input from them, but all braiding salons in California are functioning without the benefit of burdensome regulation or threat of closure.

MARYLAND

AHNHA's two year effort in protecting braiding salons in Maryland, while supporting favorable legislation finally paid off; (God is Good). Maryland's bill (HB-515 and SB-501) was signed in to law by Governor Paris Glendenning on May 8, 1997 in an elaborate ceremony held in the State House in historic Annapolis, MD.

EFFECTIVE JULY 1, 1997 HAIRBRAIDERS IN THE STATE OF
MARYLAND ARE EXEMPTED FROM THE REQUIREMENT TO ATTEND
COSMETOLOGY SCHOOL OR TO BE REQUIRED TO DISPLAY A
COSMETOLOGY LICENSE.

There will no longer be a licensing requirement for braiders, in the state of Maryland. Hairbraiding in the state of Maryland has been exempted under cosmetology. The new law reads;

Hair Braiding Services - Exemption from Licensure

FOR the purpose of excluding from the scope of licensure certain hair braiding services;

The practice of cosmetology does not include a service that results in tension on hair strands or roots by twisting, wrapping, weaving, extending, locking or braiding by hand . . . provided that the service does not include the application of dyes, reactive chemicals, or other preparations to alter the color of the hair or to straighten, curl, or alter the structure of the hair.

MICHIGAN

What a victory! A silly one, but a victory, nevertheless. After at least three failed attempts to pass some unfavorable braid legislation; two times in the past three years; on August 6, 1997, effective immediately, the governor signed into law House Bill No. 4219, exempting braiders, their salons and schools from the cosmetology licensing scheme. There is also a grandfather clause for those braiders wanting a license until the year 2000, (and here's the silly part), if they can find a test (or in its absence) an evaluation of your experience by the board. On April 23, 1997 AHNHA members attended a hearing where Senate committee chairman Sen. Bill Schuette and his colleagues unanimously passed a bill granting exemption to hairbraiders around the state. The bill's house sponsor, Rep. Ilona Varga reluctantly agreed to accept the changes proposed by the Senate committee, rather than see her bill fail. She publicly promised not to change the Senate's version, but less than 2 weeks later, broke that promise.

Rep. Varga re-proposed the inclusion of hairbraiders within the definition of cosmetology, by requiring them to attend a cosmetology school for 400 hours of instruction, and only allowing them to work within a cosmetology salon. No separate schools, no separate salons. Senator Schuette and his colleagues fought hard for our position, during compromise hearings, and by God's grace, we prevailed. This doesn't mean the cosmetology cartel in the state of Michigan won't try again in the not to distant future, but for now, braid until you're tired of braiding. Don't offer any other services, other than braids, twist and locks (shampooing is alright), keep your salon clean, and remember, those opposed to our victory, the National Cosmetology Association, and their Michigan Chapter, the Wolverines (a black cosmetology association) and the Michigan School Cosmetology Association, only agreed to our position to get what they wanted out of the bill for nails and esthetics, (skin care). If we're not careful and ever vigilant, guiding and policing our own through this process, *we may find ourselves as the proverbial dog, given just enough rope to hang himself.*

TENNESSEE

Approximately one year ago, Tennessee passed an innocuous law, calling for a 300 hour curriculum, then emergency rules and regulations; but like New York, no schools offer the course and there is no test or testing procedures to follow a successful applicants completion of the required curriculum, even if it were available. The law, in affect, has become wholly unenforceable, because braiders couldn't comply with it, even if they wanted too. We have been encouraging our membership to defy the law, in open opposition to its implementation and have gotten some state officials to agree with our position.

NORTH CAROLINA

North Carolina's Board of Cosmetic Art is considering drafting legislation to submit to its general assembly. The first proposal on the table was a 25 hour course in sanitation and hygiene, strongly objected to by licensed cosmetologist, salon and school owners. Its February meeting, by invitation to specific groups only, excluded braiders, locticians, and natural hair stylists. The board may now be considering more hours under any new proposals. AHNHA has sent correspondence to the Division of Legislative Services (Mr. Douglas Van Essen) and the Honorable Governor James Hunt, Jr. expressing our position.

OHIO

Ohio has made several failed attempts to control the spread of what it calls "unlicensed activity" in the state. Like most states, its notices of violation extend to licensing issues only, not sanitation and hygiene.

A bill was introduced and failed to pass the Ohio General Assembly, two years ago, during AHNHA's early formation; it has now been re-introduced this year. However, our review of that legislative proposal, though well intended, continues to fall way short of providing our membership the protections it needs from unwarranted intrusions on the part of the Ohio State Board of Cosmetology.

One of our members is under the threat of a violation notice dated 1/28/97, but she's still braiding with no further threats to her or her business. A lawsuit against the state is scheduled to be filed, mid-summer.

AHNHA ALERT We are looking for braiders, locticians or natural haircare providers who would like to join in the lawsuit against the state of Ohio. Please contact us immediately, at 1-800 743-5495 ext. 11, if you have an interest in making history.

In addition, State Senator Robert F. Hagan (33rd District) has called for an investigation of the Ohio State Board of Cosmetology, requiring them to show cause as to why, all of a sudden, hairbraiders need to be licensed and to provide his office with all the complaints on file by consumers against braiders in the state of Ohio.

In recent (May 1997) correspondence to Senator Hagan, the board's executive director Dick Williamson, disavowed any knowledge of any written or formal complaints, but peppered his two page response with assertions from traditional licensed cosmetologist, of African-American descent, that they had brought this matter to his attention.

FLORIDA

The present law is one of the more racist in the country. It requires any person who desires to braid hair in the state to attend a 16 hour course in HIV/AIDS related diseases, receive a certificate for same and be tested by the state on what they know about HIV/AIDS. A successful student/applicant would then, by law, be required to work in a licensed cosmetology salon only, under the supervision of a licensed cosmetologist, who has not been trained in the discipline of braiding, twisting, locking or chemical-free hair care. If any person desires to offer braid services, with extensions, the entire 1,600 hour cosmetology course would be required, even though the curriculum doesn't cover it, nor are there any qualified teachers or books to offer it. AHNHA is attempting to work with the Florida legislature to exempt hairbraiding and hairbraiders from cosmetology.

AHNHA ALERT We have confirmed a rumor that a Disney Corp. sub-contractor, "Ecorights," was either successful in being granted an exemption, or took exception to Florida's law and hired a group of 30 braiders to do 'hair wrapping' as a part of an "African" theme park exhibit. Can anyone in Florida identify a braider who was hired by this group? If so, Please contact us immediately, at 1-800 743-5495 ext. 11.

TEXAS

The state board recently passed a change in its rules governing hair weaving and braiding. In contradiction to its own law, the state board changed the title of the hair weaving license (authorized by law) to a hair weaving/hair braiding license, by changing its curriculum. Though the board is empowered to codify the rules and regulations, it is not authorized to change the name of the license by rule; only law.

By rule, Texas has created essentially a 300 hour hair weaving course with a designated number of hours for hair weaving.

AHNHA is contemplating a lawsuit against the state. Its membership has been advised to defy the law in anticipation of a legal challenge. Braiders are being encouraged not to take the course.

GEORGIA

After a couple of years of trying to clean up its own act from a cosmetology scandal that forced the state of Georgia to suspend reciprocity for out-of-state licensee's, the board is now back to its old tricks of fining braiding salons for unlicensed activities; including violations against skin care and manicuring, even if those services are not being offered.

A recent AHNHA member has received such a notice and we are handling the situation for her, but we're going to need your help during the administrative hearing, should they have one, to testify against the inclusion of hairbraiders within the cosmetology scheme. Our members braiding salon is still open, and she's still making money, but we need to act. If you wish to be a part of a lawsuit against the state, please contact us immediately.

AHNHA ALERT Anyone having news articles or knowledge of the approximate dates and/or number of persons involved in Georgia's licensing scandal, please contact us immediately at: 1-800-743-5495 ext. 11. Our knowledge of this situation is that the state board temporarily suspended all out-of-state licensing because a staff member of the licensing branch was giving away manicuring/nail licenses. We have a partial list of names of those persons granted licenses, illegally. Were there any articles or television coverage written or carried locally about this? When? Which stations or what newspapers? Thanks for your help.

ALL OTHER STATES AND U.S. TERRITORIES

AHNHA has determined that all states are requiring hairbraiders to attend cosmetology school, be tested for and pass the cosmetology test, get a license and comply with cosmetology salon rules before opening a braiding salon.

If you're braiding without a license in your home, your salon or a licensed beauty salon and no one's bothering you, keep working. But if you want to open your own braiding salon, without a license, AHNHA can tell you how to do so, in order to put the greatest amount of protection on yourself.

That is not to say you won't have problems, you probably will; but we'll be there to defend you, every step of the way; don't be afraid. No state board in any state has any more power or jurisdiction over you, than what you allow them to have. On our watch, not one braiding salon has been shut down by any state or board of cosmetology.

We will vigorously defend your constitutional right to own and operate a braiding salon without getting a cosmetology license. Requiring licenses that have no rational relationship to the services performed violates substantive due process, equal protection, property rights, and the privileges and immunities of citizenship clauses guaranteed by the United States Constitution. If you or anyone you know has any problems with your state's board of cosmetology, or investigators contact AHNHA immediately.

But, whatever you do, don't submit to the jurisdiction of your state's board of cosmetology.

THE NEED FOR AN ECONOMIC CIVIL RIGHTS ACT

On August 22, 1996, the President of the United States (William Jefferson Clinton) signed a new welfare reform act, mandating compulsory changes within the welfare system, which will ultimately abolish the system of public assistance as we've come to know it.

Over the next few years, welfare recipients will, in effect, need to "show cause" as to why they should continue to receive federal and/or state aide. By the year 2000, we will no longer recognize welfare as we do today.

On numerous occasions, the President and the Congress have called for a public / private partnership with the business community to help put Americans back to work, by sponsoring jobs, training programs, and entry level positions targeting former welfare recipients.

AHNHA is responding to that call.

Over the next 3-5 years, we will be able to identify, train and support 3,000 or more young women, (presently on public assistance) between the ages of 17-55, in 30 or more urban cities across the United States, earning a minimum base salary of \$15,000 to \$25,000 per year; working a 4-5 day work week as a professional hairbraider, loctician or natural haircare specialist. These same practitioners will be afforded the opportunity to start their own business, train their own staff or remain independent contractors.

The average hairbraiding salon with a minimum staff of 3 full-time independent practitioners, operating 5 days a week, grosses an average of \$200,000 to \$250,000 per year, with individual salaries ranging from \$35,000 to \$60,000 per annum.

The revenues state and federal governments will earn from federal and state taxes, employer withholding, unemployment compensation, social security, Medicare, sales tax, personal property and real estate taxes; in addition to ancillary benefits to wholesalers, other retailers and an assortment of unnamed recipients far exceeds the average federal or state payment made to an individual on public assistance.

Our proposal creates jobs, revenue, business, commerce and self-esteem; and we are environmentally safe. The process of braiding, twisting and locking uses no harsh chemicals or caustic substances as is continued to be used in the traditional cosmetology industry.

In order to begin the process of identifying these 3,000+ people, we need to remove major state regulatory obstacles, which have become entry level barriers to entrepreneurship. AHNHA could continue to accomplish its goals, simply by continuing to wage state-by-state battles around the country. At the rate we're going now, by the year 2015 our task should be complete.

But with a carefully fashioned federal law, we could make the process easier. We need the President and the Congress of the United States to help ease the transition from a welfare roll to a work roll, by creating a legal mechanism which in effect will remove these entry level barriers to entrepreneurship.

We are proposing the establishment of an amendment to the welfare reform act, making it a violation of federal law for any state to impinge on a citizens right to be able to earn a living; an economic civil rights act. Create incentives for state governments that establish limited licensure laws and guidelines for entry level participants coming off of welfare.

This economic civil rights act would need to be broad based; not favoring one profession over another, but inclusive of many of the service trades; have the appearance of not impinging on state's rights to regulate occupational licensure, by making it specific to welfare reform. Incentives for implementation make the proposal more palatable to state governments.

Opposition to this Act, would more than likely come from trade union organizations and licensed professions. But the need to allow more entry level professionals into the trades and service oriented businesses amongst former welfare recipients, in our opinion, far outweighs any predisposition on the part of licensed professionals to close ranks and claim privilege.

What Price Beauty?

Judging the Safety of What Goes in Your Hair And on Your Face

On her 29th birthday, Susan Swierczewski retired from the career she loved. Swierczewski, of Fair Lawn, N.J., was a hairdresser for 11 years, until a series of ailments—including difficulty breathing, burns in her sinuses and severe headaches—prompted her to quit in August 1985.

"I noticed I had to run out of the shop," particularly after doing permanents and frostings, she recalled. "I got completely congested. I had customers offer to buy me a face mask. They asked, 'How can you do this all day?'"

She consulted several doctors whose conclusion, she said, was one she didn't want to hear: "It's your job."

But Swierczewski, who now works as a real estate agent and says her health has improved, isn't sure exactly what caused her problems. The reason, in part, is that she has little idea what was in the products she used in her beautician job.

This lack of labeling is neither unusual nor illegal. Although cosmetic manufacturers are required to list ingredients contained in products sold to consumers, they need not do so for products sold for use only by professionals.

As a result, the average consumer "runs a greater risk going to the hairdresser than buying a cosmetic off the shelf," said Eleanor Kennelly, director of special services for Food & Allied Service Trades, which does research for service-sector unions, including the United Food and Commercial Workers Union. The UFCW has 40,000 barbers and cosmetologists among its 1.3 million members.

But even labeled products bought off the shelf can trigger a variety of problems for some people, such as acne, rashes and allergies, dermatologists say.

"It's difficult for consumers to know what's safe [for them] and what isn't," says Mary Ellen Fise, product safety director for the Consumer Federation of America. "The burden [of assessing cosmetic safety] is on the consumer, and it is a tremendous burden." The amount of information given to consumers on the effects of different formulations in cosmetics "is abysmal," Fise said, adding that "not many people run right off to the dermatologist when they have a problem, and many might not recognize that a cosmetic caused it."

The word "cosmetics" constitutes a far greater range of products than most consumers would suspect. And the Food and Drug Administration's regulation of them is much less stringent than most might guess.

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By Susanni D. Wendell

Washington Post Staff Writer

COSMETICS, From Page 12

FDA literature defines cosmetics as "articles intended to be applied to the human body for cleansing, beautifying, promoting attractiveness or altering the appearance without affecting the body's structure or functions." These include toothpaste, shampoo, aftershave and deodorant.

In a subgroup are cosmetics that also are considered drugs, and therefore are subject to increased government scrutiny. These are defined as cosmetics that "are intended to treat or prevent disease, or affect the structure or functions of the human body." Included are fluoride toothpaste, hormone creams, suntanning lotions intended to protect against sunburn, antiperspirants that are also deodorants and anticandida shampoo.

In yet another regulatory basket are color additives, the ubiquitous dyes found in food and drugs as well as cosmetics—for example, the red coloring in lipstick, the blue hue of shampoo, the golden color of perfume. A law passed in 1960 required FDA to rule on the safety of about 200, putting them on a "provisional" approved list until they either were permanently approved or "delisted." The agency has approved 128, delisted (or banned) 66 and not taken final action on 11.

The FDA spends less on cosmetics regulation than it does for any other program. In fiscal 1986, after imposition of the

Gramm-Rudman-Hollings budget-cutting plan, cosmetics were allotted \$2.7 million, a fraction of the \$403.6 million budget for FDA. By contrast, drugs and biologics, the largest program in FDA's budget, received \$129.6 million, and food safety, the second-largest, was allotted \$104.3 million. The staff assigned to cosmetics numbers 55, compared with 6,942 for all of FDA.

Cosmetics, the UFCW notes, are covered under statutes that have been changed little since the Federal Food, Drug and Cosmetic Act was written in 1938—a time when scientists were unaware that the skin afforded entry for substances into the body. Substances rubbed on the skin now are known to find their way into the bloodstream. Some medicines actually are administered through patches worn on the skin.

Cosmetic manufacturers are legally responsible for assuring the safety of their products. FDA is empowered to order a product it judges unsafe off the market or to prohibit manufacturers from using a certain ingredient. Consumers who feel they have been injured by a cosmetic may file a standard liability suit against the manufacturer.

But under current law, the FDA: cannot require manufacturers to test the safety of any product or to submit any results of those tests; has no authority to require manufacturers to submit a list of all ingredients used in

their products, although it has a voluntary registration program;

cannot require manufacturers to notify it when a new cosmetic product is put on the market;

has no authority to impose sanctions on some potentially harmful hair dyes if the label bears a conspicuous warning: "Caution—This product contains ingredients which may cause skin irritation on certain individuals, and a preliminary test according to accompanying directions should first be made. This product must not be used for dyeing the eyelashes or eyebrows; to do so may cause blindness." (These so-called "coal tar" dyes, FDA says, can be used safely on hair if consumers and salon professionals follow instructions to conduct simple tests for sensitivity.)

"We can only do what the law permits us to do," said Heinz Eiermann, director of the FDA's Division of Cosmetics Technology. "Apparently, the concern [about cosmetics] is not that high, when you compare it with a life-saving drug . . . The flip side is that a lot of consumers think cosmetics are much more carefully regulated than they are."

Cosmetics manufacturers now act under a kind of honor system, the centerpiece of which is the industry-funded Cosmetics Ingredient Review (CIR). The panel was set up in 1976 with the ambitious mandate of independently reviewing the safety of all the estimated 1,700 cosmetic ingredients in use.

CIR created a priority list of ingredients for review depending on such factors as their frequency of use and any known or suspected toxicity or adverse reactions. It then offered the list for comment by the industry, consumer groups and the general public. Its first tentative priority list was published in October 1977; since then, suit stances have been shifted up or down on the list as new data has come to light.

CIR, which does not conduct its own tests, asks manufacturers to submit test data or to undertake sometimes costly tests, according to its director, Robert L. Elder, former FDA official. The test results then are reviewed by an expert panel of seven specialists in such fields as dermatology and biochemistry, and recommendations are made to the industry on their use. Liaisons from industry and the Consumer Federation of America and FDA are present at the panel's meetings, though they don't vote.

To date, CIR has reviewed 229 ingredients, Elder said, judging 196 to be safe, currently used, 29 safe with qualifications, three lacking data upon which to base a decision and only one unsafe—hydroxyanisole, found to remove pigment from skin. An additional 72 ingredients are in various stages of review, he said.

Industry has set no time limit on review, Elder said, adding that there is commitment to continue testing "as long as they [manufacturers] are creative and

Disputed Ingredients: Union, FDA, Industry Disagree on Extent of Danger

Several ingredients common in cosmetics may be hazardous to health, concluded the United Food and Commercial Workers union in a detailed "Special Report for Barbers and Cosmetologists."

The report, released last November, is intended for professionals, whose exposure generally is much greater than that of the average user. Consumers, however, come into contact with these ingredients during visits to salons and when using some products sold off the shelf.

The following are among the chemicals cited as potentially harmful, with details of the union's findings; the Food and Drug Administration's position on the chemical (according to Heinz Eiermann, director of the FDA's Division of Cosmetics Technology); and the comments of the Cosmetic Tology and Fragrance Association, an industry group (compiled by spokeswoman Page Blankingship):

m Methylolammonium chloride. Solvent and flame suppressant in aerosol hair sprays.

Union: A central nervous system depressant. Inhalation may cause mental confusion, light-headedness, nausea, vomiting and headaches. Found to cause cancer in laboratory animals and suspected to cause cancer in humans.

FDA: Proposed a ban on its use in hairsprays on Dec. 18, 1985. (Although it is also used to decaffeinate coffee, this use has not been banned because of "de minimus," or minimal, risk.) Animal studies indicate its use in cosmetics may pose a significant risk to the public

health. For hair care specialists, there is a risk of between one in 100 and one in 1,000 of dying from exposure to it. Hardly in use anymore. FDA has received comments on the proposed ban and has not yet set a date for issuing a final ruling.

Industry: Disputes that it is a "known carcinogen," or cancer-causing agent. One study—the 1985 National Toxicology Program inhalation study, which resulted in the proposed ban—has established it as animal carcinogen. But no other study has confirmed this result. Epidemiological studies on workers have not identified increased cancer risk. But many firms already have voluntarily removed it from cosmetics products.

m Formaldehyde. Used primarily as a preservative in almost 1,000 cosmetics, including shampoos, mascara and nail products. Once used widely for equipment sterilization in salons.

Union: Tests have shown formaldehyde causes eye, nose and throat irritation, coughing, asthma, shortness of breath, nausea, vomiting, skin rashes, nose bleeds, headaches and dizziness. It is suspected of causing cancer.

FDA: Proven to cause cancer in animals inhaling it, but has no proven carcinogenic effect when used as a preservative in cosmetics.

Industry: Its use as a preservative in shampoos and other cosmetics presents no carcinogenic risk and minimal risk of allergic reactions. Its usefulness in preventing the contamination of cosmetics by microbes that can cause blindness if they infect the eye far outweighs any toxic consideration.

m "Coal-tar based" hair dyes. An outdated term for permanent dyes once produced from coal tar that are now made synthetically.

Union: Risk of cancer, as well as skin irritation and allergic reactions.

FDA: Because of "coal-tar exemption" written into the food and drug statutes enacted in 1938, the FDA cannot ban these dyes if they bear proper warning labels. They may cause an allergic reaction in some people, and beauticians should conduct patch tests on customers as well as themselves to determine whether they are allergic.

Industry: So-called "coal-tar dyes" currently in use are safe or may be used at no additional risk while agency completes its review of the studies.

m Ammonium thioglycolate and calcium thioglycolate. Main chemicals used in permanent-wave solutions.

Union: If swallowed, they can be toxic even in small quantities, and they can cause blindness if they enter the eye. The ingredients are so corrosive they can damage fabrics and metals as well as sensitive skin and hair.

FDA: Can cause irritation and even corrosion of the skin under extreme circumstances. Proper use in accordance with directions is very important.

Industry: Although they can cause chemical irritation, perms containing these ingredients can be used safely if proper precautions are taken, such as wearing gloves while administering them and protecting the neck of the person getting the perm with petroleum jelly or towels and cotton.

m Triethanolamine (TEA) and

diethanolamine (DEA). Used in permanent-waving solutions and shampoos.

Union: By themselves, DEA and TEA are safe. But they can be contaminated with nitrosamines, which are proven to cause cancer in animals. The contamination occurs when the "amine" in TEA or DEA reacts chemically with a nitrosating agent.

FDA: The danger of nitrosamine contamination in products containing TEA and DEA has been recognized since 1978, when some products were found to have large amounts of nitrosamines. Manufacturers since have reformulated products to minimize the risk.

Industry: The industry's Cosmetic Ingredient Review concluded in 1981 that these were safe in "rinse-off" products intended for brief use—five or 10 minutes—followed by thorough rinsing from skin surface. In products intended for prolonged use, the concentration of ethanolamines should not exceed 5 percent. They should not be used in products containing N-nitrosating agents.

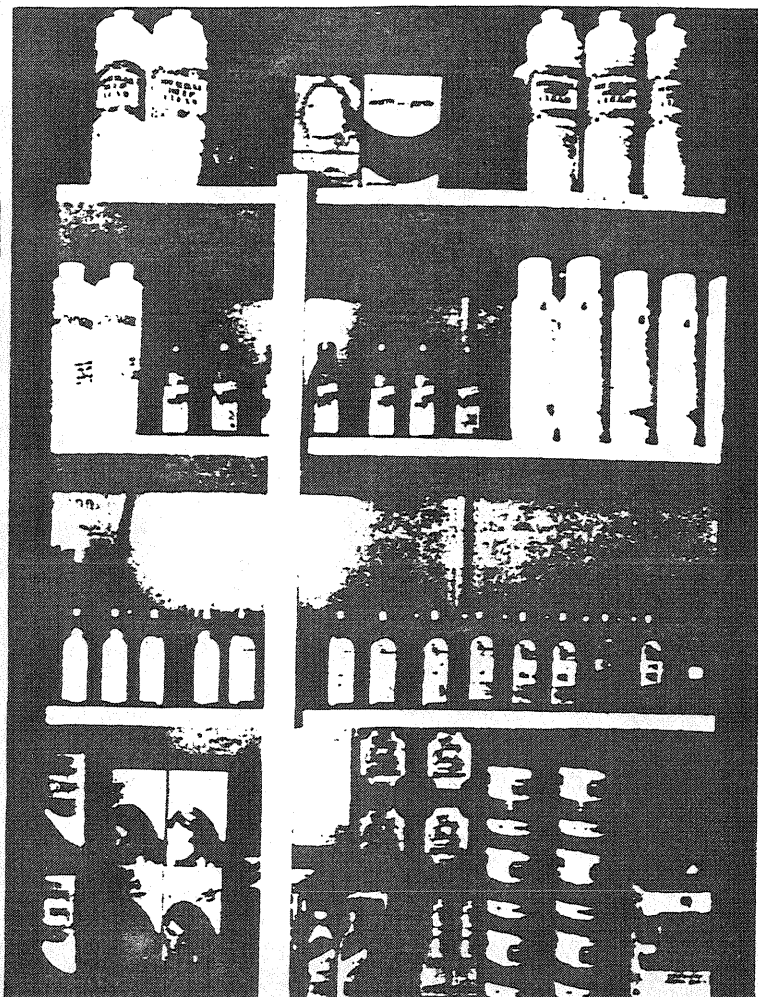
m Ethyl methacrylate and methyl methacrylate. Ingredient in artificial and sculptured nails.

Union: Linked to neurological problems.

FDA: Has tendency to affect nervous system when inhaled in large concentrations and can cause headaches. In rare instances can produce allergic reactions. Proper ventilation necessary.

Industry: Ethyl methacrylate is a skin irritant, and care must be used in handling. Kits come with directions for safe use.

— Susanni D. Wendell



Products on a salon shelf. Critics say many are not well-labeled as to their ingredients.

BY JOHN McDONNELL—THE WASHINGTON POST

forming new ingredients. Caveat emptor no longer is a valid way to sell."

Manufacturers have no legal obligation to follow CIR's recommendations, but Elder says that almost all of them do, either by taking the ingredients out altogether or altering them as the panel recommends. The industry is concentrated, with the 10 largest manufacturers controlling an estimated 50 percent of the market.

As an example of industry's responsibility, Elder notes that manufacturers petitioned CIR for an accelerated review of methylene chloride, used in hairsprays, before FDA proposed a ban on it in December 1985, and that most manufacturers already have reformulated products to remove the substance.

Still, concern over the health effects of cosmetics is far greater for professional salon workers than for the average consumer, because of their much greater exposure to the substances.

"We're finding now that long-term exposure becomes a problem," said Richard A. Plumb, director of the UFCW's Barbers and Cosmetologists Division. "We wonder about the cumulative effect over 25 to 30 years." Plumb, himself a barber for 26 years, had a tumor removed from his nose several years ago that he believes may have been caused by exposure to formaldehyde, used to sterilize brushes and combs.

"I can't say directly that it's job related," he said, "but tests show that formaldehyde can cause nose tumors, so it seems like a reasonable assumption." Plumb recalled that the fumes the substance emitted "were so strong that you had to turn your head away when you used it."

Many shops since have ceased using formaldehyde as a sterilizer, Plumb said.

Those concerned with cosmetologists' and beauticians' occupational health have focused their energies on solving the seemingly simple problem encountered by former hairdresser

Swierczewski—lack of a requirement for labeling of products used by professionals.

Industry has fought the requirement for a variety of reasons—among them the danger of giving away trade secrets and a contention that information provided to salon owners by manufacturers negates the need to list it on every bottle's label.

"Our historical position has been that we don't think professional products need [ingredient] labeling," said Robert P. Brady, vice president and general counsel of the Cosmetic, Toiletry and Fragrance Association, whose members include more than 230 companies that manufacture or distribute 90 percent of the cosmetics sold in the United States. The products, he said, "are used by trained beauticians who know how to use them, and they've been tested for safety."

Listing ingredients would make "copycatting" easier, said one cosmetics industry insider, who asked not to be identified. "A competitor could put my ingredient listing on his product and tell a salon owner during a one-on-one sales pitch that his product is as good as mine—even though his ingredients could very well be in different levels and at lower concentrations than mine," he said.

But the UFCW is pinning its hopes on a federal ruling last year that directed the Occupational Safety and Health Administration to consider extending the scope of its "hazard communication standard" to "service workers" such as hospital employees and beauticians.

Based on the premise that workers have a right to know what's in products they work with, the standard would require labels on ingredients, training for workers using the product, and material safety data sheets (containing such information as the chemicals' identity, the manufacturer, permissible exposure limits, health hazards and recommendations for safe handling), according to Mike Talmont, an industrial hygienist in OSHA's Office of Health Compliance.

Physicians, too, have an interest in know-

See COSMETICS, Page 16

Consumers Face Little Risk, but Beauticians Receive More Intense Exposure

In the late 1970s, following reports that some hair-dye ingredients could cause cancer in animals, Food and Drug Administration official Heinz Eiermann received a phone call from an anxious 65-year-old woman.

"She said she had been dyeing her hair all her life, and she wanted to ask me could she dye her hair one more time to go to her brother's wedding," recalled Eiermann, head of the agency's Division of Cosmetics Technology. "I said, 'Do you smoke?' and she said yes. I said before you give that up, you should give up smoking, and then stop drinking soda pop with saccharin. Then stay away from hair dye."

For the average consumer, say Eiermann and many dermatologists, the risk of cosmetics is small compared with known health hazards such as smoking.

"Most reactions to cosmetics are really not severe and are transient," Eiermann said. Rarely, ulceration of the eye and even blindness can result if a cosmetic becomes contaminated with microorganisms after purchase and the user accidentally scratches his or her eyeball during application.

Even misuse of cosmetics doesn't usually result in serious injury, Eiermann says, although he recalls an incident in which a man powdered his body and his bedsheets with a thick coat of talc and suffocated during his sleep.

"You're not going to get any fatal disease from cosmetics," said Dr. Marianne O'Donoghue, associate professor of dermatology at Rush Presbyterian St. Luke's Medical School in Illinois. "The problem we see most commonly [from cosmetics] is acne cosmetica," or pimples caused when some women use moisturizers. Such consumers should avoid cocoa butter and lanolin, among other ingredients, she says.

Another common problem is allergies to preservatives in eye makeup, such as EDTA, thimerosal and parabens, she notes.

"We don't feel cosmetics induce any serious illnesses or increase morbidity," says Dr. Wilma Bergfeld, a dermatologist at the Cleveland Clinic who also serves as one of seven experts on the industry-sponsored Cosmetic Ingredient Review. Along with contact dermatitis and allergies, she listed photosensitivity—

cosmetic-related rashes triggered by exposure to sunlight—as a common problem.

For beauticians and cosmetologists, she notes, problems can be more severe. Allergies and chronic hand dermatitis may force some people to find other lines of work.

"The largest expanding market for cosmetics is men and blacks," she said, and "their cosmetics are being changed" so that they are much less oily and less likely to cause rashes and pimples. "Men are using all kinds of coloring agents. Like trial lawyers and TV men. But they've not been using them as long as females, and they're not as well-versed in home remedies" for minor irritations, she says.

Another caution physicians have passed onto cosmetics consumers: Pregnant women should not have hair permanents or frostings done. Perms and hair dye can be absorbed through the scalp, and their effect on fetuses has not been determined, said Dr. Constance Bohon of Women Physicians, a group of women obstetrician/gynecologists with offices in the District and Gaithersburg.

Scientists are studying whether perms

and hair dyes could mimic their effect of altering the structure of hair proteins by altering protein structures of the fetus. "The data is not in, but because the question has been raised, we decided to be conservative," she said.

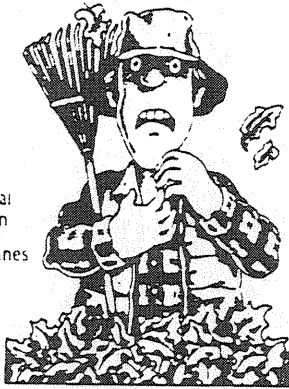
"There almost never will be a documented case where someone died because of Red No. 3 [a color additive] in lipstick," said William B. Schultz, an attorney with Ralph Nader's Public Citizen, a consumer activist group. "People are exposed to so many carcinogens that you can't say which one caused the cancer. But just because there are no identifiable victims doesn't mean it's safe."

— Susanai D. Wendell

Resources

- "A Consumer's Dictionary of Cosmetic Ingredients" by Ruth Winter. Crown Publishers Inc. \$8.95.
- "Save Your Money, Save Your Face: What Every Cosmetics Buyer Needs to Know" by Elaine Brumberg. Facts on File Publications. \$17.95.
- "Strictly Female" by Carol Ann Rinzier. Mosby/New American Library. \$7.95.

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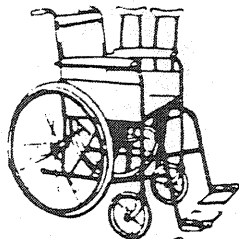
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COSMETICS, From Page 15

ing ingredients. Lack of labeling or incomplete labeling "is a tremendous problem for dermatologists and allergists," said Dr. Michael Matnikow of Fair Lawn, N.J., the allergist who treated Swierczewski. The problem is not confined to cosmetics, but includes food and medicines as well, he said. Matnikow said he must resort to requesting ingredient lists from manufacturers, although he has found that "in most cases, drug companies will cooperate and send you samples of cosmetics."

OSHA is expected to issue a proposed rule in November.

Not all barbers and cosmetologists favor ingredient labeling. The UFCW's rival, the St. Louis-based National Hairdressers and Cosmetologists Association, has come out against it.

"At the present time we're of the opinion that cosmetologists receive training that prepares them for the use of chemicals," says Richard Swinney, president of the association and owner of Our Gang, a 12-person salon in St. Paul, Minn.

"If there is a hazard, CIR finds a substitute ingredient that could not possibly be hazardous," he said. "Aside from my duties with the association, I can say quite honestly that personally, I have never felt a concern about a particular product because of my faith in the industry. It wouldn't be in their best interests to use hazardous materials. I spent a year in school before I was licensed and could find out what's in something if I wanted to."

Beyond the issue of the safety of individual ingredients, the UFCW notes, CIR does not address occupational exposure to the ingredients, an area in which few conclusive studies have been made. As a result, there has been sharp disagreement in assessing those that have been done.

"Well-conducted epidemiology studies on these workers have not shown significant morbidity or mortality associated with exposure to the products being used by these workers," CTFA wrote OSHA in its comments on the hazard communication standard.

UFCW, on the other hand, argued the opposite to OSHA, writing that "recent studies indi-

cate that workers in the barber and beauty trades may be at a higher risk than the general population for certain health problems, from cancer to dermatitis."

"Nobody can completely identify all the hazards to which barbers and cosmetologists are exposed," said Jeanne M. Stellman, director of Women's Occupational Safety Health Research Center at Columbia University. "Only a number of adequate studies have been done, though there are more than half a million people in the field. That's one reason we need labeling."

Occupational health in general, Stellman has been an overlooked field of study—occupations in which women dominate, such as cosmetology, receiving the least attention.

"Many substances in cosmetics are highly suspicious, such as formaldehyde, dyes and fragrances," said Stellman. "And there is the matter of age—a cosmetician is using these substances day in and day out. In addition, beauticians work under certain special circumstances: Aerosol spray is the most effective way to enter the respiratory system, and cosmetologists' hands are always wet, causing cracks in the skin that reduce its protective quality."

John Frounes, a professor in the public health department at the University of California at Los Angeles, speculated that one reason there is a dearth of studies is that "it's sort of like dealing with a needle in a haystack. In a hair shop, first person does three hair cuts, then a permanent then dyes someone's hair, then does more. They're being exposed to multiple different chemicals. People have complaints, but were always nonspecific."

Frounes' own study of manicurists working with synthetic fingernails in Los Angeles revealed "sort of classic central nervous system problems: headaches, a slight loss of mental tiredness; generally, things you associate with chemical that causes neurological problems."

"Labeling is all part of forcing greater concern in this area," said Columbia University's Stellman. "It won't be all and end all, but it increases awareness and gives people options... If you were a cosmetologist, wouldn't you like to know?"

Chemistry 101: Reading the Label

The first ingredient generally listed on the labels of many cosmetics is one over which there is no controversy: water.

But once the consumer gets past H₂O, the ingredients may begin to sound like gobbledygook.

"The ingredient declaration is the key to opening the door, but it does not give you the library [of cosmetics knowledge]," said Heinz Eiermann, director of the Food and Drug Administration's Division of Cosmetics Technology. "A chemist wouldn't necessarily even make heads or tails out of it."

Eiermann compares the situation to one in which a consumer is informed whether a used car has six or eight cylinders—buyers may not understand the difference or even care, but they are entitled to know.

Libraries typically contain cosmetic-ingredient dictionaries, Eiermann said, but they "may not necessarily be sufficient to solve the question asked. Then you have to go further and go to the Merck index [of chemical compounds]... or ultimately, microbiological literature."

Only a few warning statements are required on packages by law, Eiermann says. So consumers should learn which cosmetics bother them and avoid these—a knowledge best gained through tests.

One such test is the so-called "patch" test, which is often included with hair dyes and some other products. But beauty salon workers and customers rarely bother to use them because the patch must remain in place for 48 hours, said Dr. Wilma Bergfeld, a dermatologist at the Cleveland Clinic. The test involves putting the substance on the arm in diluted form, covering the patch with a bandage and checking it 48 hours later. If no rash appears, the user has no allergy or sensitivity to the product.

Another test, the "use" test, involves applying a cosmetic in full strength to the bend of the inner elbow every day for five days, and then checking for a rash. However, neither of these two tests establishes exactly which ingredient in the product is the culprit, Bergfeld noted. For that, a consumer must see a dermatologist, who will break down the product into its constituents (consulting the manufacturer if necessary) and apply each to as many as 50 sites on the back. After two days, Bergfeld said, the consumer will know exactly which substance or substances caused the irritation.

Then the story comes full circle—back to the label, which the consumer must decipher to avoid buying products with the offending substances.

—Susanni D. Wendell

Targeting Black Dollars

White-owned companies muscle minority firms out of the hair-care market

In the early 1960s a black elementary-school principal named Edward Gardner began mixing hair-care products in his basement. With the help of his wife and four children, Gardner hawked his Soft Sheen products out of the back of his car, going block to block through his South Side Chicago neighborhood. His determination transformed Soft Sheen Products, Inc., into an \$80 million family company. Then a heavyweight challenger hit the streets. Revlon, Inc., began packaging many of its ethnic hair-care products in a yellow-and-red design that looks remarkably like Soft Sheen's best-selling Care Free Curl brand. "I heard that the people at Revlon say, 'We don't want just part of the market, we want all of it,'" Gardner says. "Well, they're not going to get it."

Soft Sheen faces more than a South Side turf battle. White companies are waging war in the black hair-care market—and many black-owned companies are losing. The ethnic hair-care industry, now worth \$1 billion a year, is a victim of its own success. Struggling with slow growth, white-owned cosmetics companies have targeted blacks, who tend to spend more than whites on hair care. They now make a host of "me too" black hair-care products, such as Alberto-Culver's TCB ("taking care of business") and Lustrasilk's Right On. Carson Products, a white-run Georgia firm, makes a best-selling ethnic hair coloring. White businesses now control 50 percent of the ethnic hair-care market—and they'll elbow out more black businesses if, as expected, Procter & Gamble, Gillette and Chanel enter the industry. Irving Bottner, president of Revlon's professional-products division, says, "In the next couple of years, the black-owned businesses will disappear. They'll all be sold to the white companies."

If black hair-care companies

vanish, so too will the last real bastion of black-to-black enterprise. Over the past two decades black businesses, which thrived in segregated markets, have been giving way to white companies. Franchise chains like McDonald's replaced many mom-and-pop soul-food restaurants. Many black-owned hotels, banks and insurance firms are disappearing. In 1982 black companies grossed \$12.4 billion, only .16 percent of all business revenues. Some sectors, like the

black media, remain healthy, says University of Maryland Prof. William Bradford. But the only black businesses still making big profits serving blacks are the hair-care companies. "What's happening in the ethnic market happens all of the time," says Stuart Meyer, business professor at Northwestern University. "It will happen to any pioneer of a segmented market that is identified as significant. It's not nefarious; it's the Darwinian business world."

Black business was not just economics; it was part of a dream. At one time, many blacks—and whites, too—believed that building a strong black-business sector was the surest way to achieve racial and economic equality. Successful black entrepreneurs—like Madame C. J. Walker, inventor of the straightening comb—were local heroes. Today black business has less appeal for the younger generation, who believe these goals can be reached more effectively in mainstream companies. "They get the M.B.A. and go right to work for the major corporation and forget about building their own businesses," says Gardner. If these young businessmen don't realize the importance of black-owned enterprises, he argues, blacks will never break the cycle of poverty.

Brand names: Black consumers seem just as oblivious to the needs of black business. Like everyone else they base many of their buying decisions on price or designer cachet. This year blacks will spend only 7.4 percent of their \$200 billion income at black establishments, according to economist Andrew Brimmer. Lafayette Jones, executive director of the American Health and Beauty Aids Institute, a black trade group, argues, "It's the younger blacks, who didn't live through the civil-rights movement, who don't understand why they should care." He complains that younger consumers are too



Defending the dream of black enterprise: Soft Sheen's Gardner

MICHAEL J. ABRAMSON

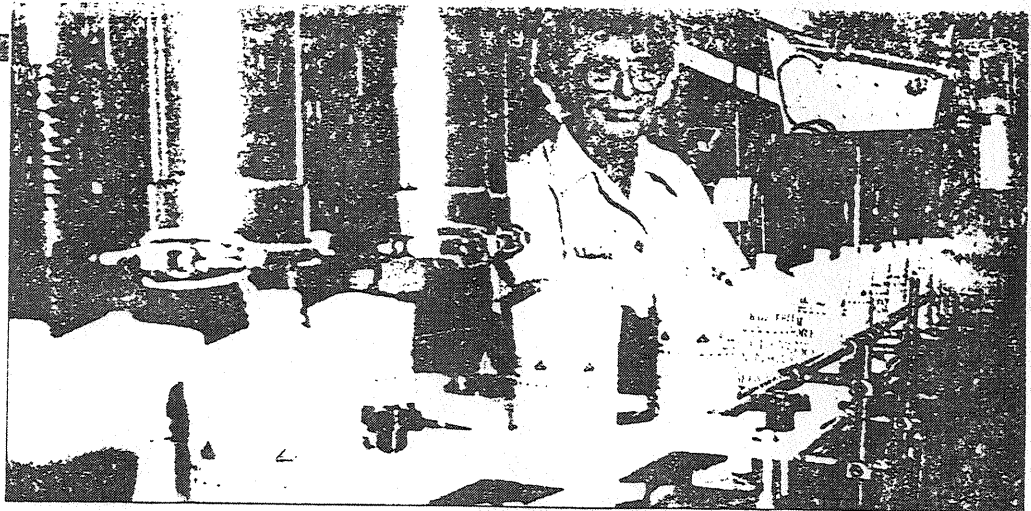
influenced by brand names.

The AHBAI recently launched a \$2 million promotion to change these attitudes. Using a silhouette of a "proud lady" as the logo, the campaign urges blacks to buy from black companies. "When you're under this much business pressure, you use any advantage you've got—and we have the advantage of being black," Jones says. White businesses say the campaign is unfair. "They're making a social issue out of a business issue," Bottner argues. "When you produce what the consumer wants, loyalties disappear."

Black beauty businesses will need more than ethnic pride to fend off the aggressive marketing and bigger budgets of their white competitors. With their quality marketing and ability to offer pricing advantages, they outperform the black companies. Bottner says some black companies tend to offer poorer-grade products. "We are accused of taking business away from the black companies, but black consumers buy quality products—too often their black brothers didn't do them any good." The intense competition has reduced prices across the board, says Carol Cornell at Business Trend Analysts. Previously, black companies could set higher prices, since black consumers had fewer alternatives.

Many black businessmen complain that distributors and retailers lack the expertise to sell their products. Cornell McBride, cofounder of M&M Products, an Atlanta-based hair-care company, says, "I've gone to many chain stores where there is a little old white lady doing the purchasing and not getting an adequate return." Although many black-made products could be used by whites, store owners tend to place them on separate shelves, giving them less visibility and less space. In many supermarkets, ethnic products make up 40 percent of personal-care purchases but get only 25 percent of the space. "Food stores still have some prejudice," says McBride. "They think that if you bring more blacks to the store, there will be more pilferage."

Many young black businessmen say that these problems lie more in outdated business practices than discrimination. Harold Augustus, 37-year-old advertising manager for Worlds of Curls, brings in big sales with his multiracial, contemporary ads. He also put together a joint promotion contest with American Honda Motor Co., offering



STEVE STARR—PICTURE GROUP



MICHAEL SALAS

Multiracial marketing strategies combine high hopes and Hondas:
Revlon factory (top), advertising executive Augustus

hair-product buyers the chance to win a Honda scooter. The companies advertised the contest in both ethnic and general markets—a coup, since Japanese firms rarely target black markets. Another black company, American Beauty Products in Tulsa, actively courts white consumers in its ads for Donnie's Super Curl: "Whether black or white, Super Curl is out of sight!"

Young Turks: Established black companies resisted such strategies far too long—and many still cling to selling styles that worked for their original urban-poor customer base. The AHBAI's Jones admits there is a split in the black business community between the street-smart founders and the M.B.A.-trained Young Turks. "We've had our fiery discussions, but we understand that if we don't work together, we won't be here." The AHBAI, which represents \$390 million in sales clout, is attempting to improve distribution and to provide members with managerial advice.

The clash between old and new business practices has been especially damaging to Johnson Products, the modern pioneer in black hair care. Founded in 1954 by George Johnson, a sharecropper's grand-

son, the \$38 million company hit it big in the '60s, when the Afro hairstyle created huge demand for its Afro Sheen brand; at its peak Johnson Products owned 80 percent of the market. Since the Afro went out of style, the company has lost ground. Johnson is not granting interviews, but critics say his biggest mistake was to delay entering the curl market. The curl—a loose-perm look that requires a bevy of maintenance products—was introduced by white-run International Playtex Corp., makers of Jheri-Kurl, and popularized by stars like Michael Jackson. From 1978 to 1982 the curl spurred industry growth at a 32 percent rate. But the curl may be on the way out, and fashion experts say the latest trend is "extensions," attachable braids that need no maintenance.

Faced with slowing sales, even old-line companies see the need to target new markets. Johnson makes a new line of men's toiletries endorsed by basketball star Michael Jordan. Gardner sells a new line of men's hair-care products in Great Britain, which he sees as a "gateway to the African market." He also diversified into food and bakeware with products targeted at both whites and blacks. By employing such strategies, some black businesses should be able to hang on successfully. But the real question seems to be: will it be worth it? Today many young businessmen—both black and white—prefer big bucks to social causes. Augustus says that selling out to a white company may be irresistible to smaller businesses. "I might find it hard, but if there is enough of a carrot I'd go for it," he says. "I'm not like the black fathers with the black pride and all. The bottom line is to make money." In which case, black entrepreneurship may become a civil right that no one cares to defend.

PENELOPE WANG and MAGGIE MALONE
in Chicago

Health & Beauty Aids Manufacturers Miss The Mark! By T. A. Uqdah

Recently, (October 13, 1986), an article appeared in the business section of NEWSWEEK entitled, "Targeting Black Dollars". Black manufactures across the country were incensed at the gall of some white industry representatives and their viceregents who declared they wanted all of the megabucked health and beauty aids industry, that black products were inferior to white products, and that blacks would sell out their own for a better position and more money.

Granted, the article was written with racist overtones and allowed to inflame an already delicate situation; that is the making of 'black dollars' and who you spend those dollars with. And granted, on the surface, it is arguable that two of the three statements made may be true. It is not true, however, that one product is superior or inferior to another. If the truth be known, basic ingredients are the same with most health & beauty aids products and the consumer is not suffering from inferior vs. superior product lines, but from product glut and a host of "me-too----same stuff in a different bottle" marketing strategies.

But the article did more than fan the flames of ugly racist attitudes in the beauty industry. It acted as a barometer on where the health and beauty aids industry is going, particularly for African people who comprise 50% of the product market with sales in the hundreds of millions of dollars. It gauged the temperature of the consumer who is warming up to the traditional African style of haircare and fashion beauty in cornrows and braids; and it screamed to African people that it is time to set your own standards of beauty, free of chemicals and pull away from an industry that is starving for refreshment and creativity, that promotes straight hair, keen features and artificially colored skin tones.

NEWSWEEK stated that "...since the afro went out of style... the curl---a loose perm look that requires a bevy of maintenance products... was introduced by white-run International Playtex Corp., makers of Jheri-Kurl, 1978 to 1982 the curl spurred industry growth but the curl may be on the way out, and fashion experts say the latest trend is "extensions", attachable braids that need no maintenance."

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Given the current climate nationwide the temperature reading is clear. The issue, as it has been proposed, is not who will control the lion's share of the purse, but the bigger issue is who will survive the changing shifts and attitudes in personal haircare products and services and can the industry adapt to those impending changes.

The ill fated health and beauty aids industry as we have come to know it is fading fast and a culturally indicative hairstyling art form is on the horizon and offers the cure for what ails this countries' haircare problems. Style and versatility, little to no maintenance and a healthy head of hair and scalp are attractive features for any consumer. Industry leaders would do well to heed the winds of change.

The Author is Owner/Manager of Cornrows & Co.
Washington, D.C.
Professional Hairbraiding Chemical-Free Hairstyling

MICHELLE MALKIN / *Times* editorial columnist

Braiders' protest breathes life into textbook economics



What do African-style hairbraiders and stodgy economists have in common? More than you ever might have imagined.

According to a coterie of professors who teach something called "public choice theory," govern-

ment regulation is often used to restrict competition and protect industries with political clout. While many of these laws — including health and safety standards, environmental rules, and stringent licensing requirements — are passed under the guise of protecting the "public interest," they can also benefit special interests by erecting barriers to entry into the marketplace.

Public-choice theorists make their case with painstaking analytical rigor in obscure academic journals. But some of the most convincing teachers of this basic lesson in law and economics don't wear tweed and don't need textbook formulas to prove the point. In urban neighborhoods and inner-city neighborhoods from Washington state to Washington, D.C., African-style hairbraiders are battling the effects of restrictive business regulations.

And they're winning.

Take Taalib-Din Uqdah, owner of Cornrows, Co. in the District of Columbia. Uqdah's tough course in the politics of regulation began four years ago when city inspectors demanded that he obtain an occupational license in cosmetology to run his hair-braiding business. The license required a year of training in everything from manicures to eyebrow arching at a cost of thousands of dollars — but none of the classes covered hairbraiding techniques and other African styles.

"I don't have any problem with government wanting to protect public health and

safety," Uqdah explained to me last week. "But the city's code required me to go to an expensive cosmetology school for a year and learn chemical techniques and practices that have nothing to do with what we do. Complying would have killed my company — and pushed many other law-abiding minority business owners underground."

Uqdah is blunt when asked why the city would crack down on hairbraiders: "We're new, we're popular, we're a threat. Licensing is a way for old-line cosmetologists to squash a growing cottage industry of people who are skilled in a cultural art form that's foreign to them."

Uqdah and his wife successfully challenged the city's outdated cosmetology code with legal help from the nonprofit Institute for Justice based in D.C. As a result, the D.C. government deregulated the cosmetology industry and allowed hairbraiders to obtain a separate operating license with sensible training requirements.

To spread the word, Uqdah founded the American Hairbraiders and Natural Hair Care Association. One member in Memphis, Tenn., pushed successfully for creation of a "natural hair styling" license that requires one-third the hours of instruction required of cosmetologists. And in San Diego this month, the association and the Institute for Justice moved forward with a federal civil-rights suit against the state cosmetology board on behalf of African-American studies professor and hairbraider JoAnne Cornwell.

Cornwell, who has been braiding hair since she was a young girl, sees this as a fight not only for the "economic liberty rights of hairbraiders," but for many other working poor immigrants and minorities struggling to enter the workforce. A victory looks promising. Two weeks ago, federal court judge Rudi Brewster rejected a motion to dismiss the lawsuit. Observing that only 4

percent of the required curriculum actually relates to health and safety — the state's supposed "compelling interest" in regulating hairbraiding — Brewster concluded that the rules place "an almost insurmountable barrier in front of anyone who seeks to practice African hair styling," the effect of which "is to force African hair stylists out of business in favor of mainstream hair stylists and barbers."

The case could have significant impact here in Washington state, which has almost identical state regulations covering hairbraiders, including 1,600 hours of traditional cosmetology classes. "I definitely think a lot of my training was not relevant," says Renee Stewart, owner of Braids 4 Dayz in the Rainier Valley. "We spent a lot of time learning to straighten hair and work with chemicals. But I don't use them. What's worse is that none of the classes I took ever addressed African hairstyles."

Economist Milton Friedman wrote in *Capitalism and Freedom*, "In practice, the considerations taken into account in determining who shall get a license often involve matters that, so far as a layman can see, have no relation whatsoever to professional competence."

Shari Hamilton, owner of Sista's United of Styles in Seattle, says it better. "They don't teach you nothing about nothing. I think it's more of a money and power thing." Hamilton wishes she could have used some of the money she "spent on useless training to hire a few more employees instead." Straight up.

Critics of welfare reform complain there aren't enough jobs to absorb new entrants into the marketplace. But Uqdah of the American Hairbraiders and Natural Hair Care Association has a message for politicians from President Clinton on down: "Open your eyes! I alone could put 3,000 people to work if we got rid of all the insane barriers and rules that keep people from earning an honest living."

The message is easy to discount when delivered by ivory-tower intellectuals — but impossible to ignore when sounded by small-business owners fighting for their livelihoods, off the chalkboards, out of the theoretical realm, in living color.

Michelle Malkin's column appears Tuesday on editorial pages of The Times. Her e-mail address is: malkin1@ix.netcom.com.

The Washington Post

Sunday, August 3, 1997

George F. Will

Can't Get the Government Out of Their Hair

When braiding becomes an "unlicensed activity."

SAN DIEGO—JoAnne Cornwell, an African American intellectual and entrepreneur, is a petite person. So was Napoleon, breaker of nations. And all Cornwell wants to break is the restraint foolish laws put on her entrepreneurship. She is fighting them with the help of friends far away.

Ali Rasheed, who has the same problem and friends, operates the Braiderie, a hairstyling salon. He, too, just wants the state of California to get out of his hair. Or, more exactly, out of his customers' hair.

He, too, has the help of the Institute for Justice, a merry band of libertarian litigators in Washington who fight for economic rights wherever they are menaced. Which means wherever government dispenses domestic protectionism to organized economic factions. Which means everywhere. On the shores of the shining Pacific it has found the kind of case it most relishes, one combining "outrageous facts and sympathetic clients."

Cornwell, 48, was born in Detroit, came to California for college and now teaches French and African studies at San Diego State University. She also has invented (and markets with a 16-hour video training program) a way of braiding African American hair she calls "sisterlocks." It is complex, elegant and, because it greatly minimizes maintenance, practical.

Today tens of thousands of women and increasing numbers of men—"hair renegades," Cornwell calls them—have various styles of braided hair, but few get their braiding done by licensed cosmetologists. Getting licensed costs a ridiculous amount of time and money. The licensing requirements restrict entry into the hairstyling profession and enrich those private interests who provide the nine months of "training" that costs \$5,000 to \$7,000. Of the 1,600 hours of training, only 4 percent pertains to health and safety.

What are often unhealthy are the effects of the heat and chemicals African American women have used to straighten their hair. Cornwell, who has a PhD and can brandish academic categories with panache, says straightening is often destructive of the spirit as well as the hair because it is among the "strategies" for conforming to "encoded" racial stereotypes of white society. Braiding, she says, is not just a business but a cultural expression.

Rasheed, 56, speaks with the unvarnished exasperation of a businessman who has been afflicted by bureaucrats "with their little clipboards," pestering him

for the offense of committing an "unlicensed activity." An unlicensed activity used to be called freedom, when freedom was understood as the silence of the law: What was not forbidden was permitted. Now nearly 500 occupations (including selling lightning rods, installing fences, keeping bees, cleaning septic tanks) are regulated, often by boards composed of members of the regulated professions.

Rasheed came here in 1971 from North Carolina and started a business. He is no Bill Gates, but he is, in a sense, more important than Microsoft's founder. People like Rasheed create more jobs than Microsoft and the rest of the Fortune 500 corporations combined. He considers it imbecilic that, at a time when public policy is trying to move people up from welfare to independence, state licensing requirements put high barriers between people and remunerative work like braiding that requires little capital and rewards traditional skills.

Braiding was practiced for many centuries before Manifest Destiny produced California and manifold foolishness produced requirements that people who simply want to use braiding skills they learned from their mothers must go to school to be taught manicuring, pedicuring, eyebrow arching and removal, application of artificial fingernails and other things irrelevant to the craft they wish to practice. Rasheed says African American braiders are supposed to go to schools that teach everything but braiding, and they wind up teaching braiding to fellow trainees, and braiding—without pay—in salons run by the training institutions.

The Institute for Justice argues that regulations that restrict entry into a field violate constitutional guarantees of liberty and equal protection of the laws when they bear no rational relationship to a legitimate government objective. In recent years the institute's litigators have opened the taxi markets of Denver, Cincinnati and Indianapolis and have emancipated the providers of jitney services in Houston, generally for the benefit of minorities and to the consternation of protected interests.

Today the institute is fighting New York's city council, which lives on a short leash jerked by the Transport Workers Union. The council is trying to stamp out private van services used by up to 40,000 of the city's poorer people each day. Imagine. African American van drivers could transport African American customers to African American braiders, if government would just get out of the way.

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REVIEW & OUTLOOK

The Other Civil-Rights Struggle

Congress has argued over the Lawyers' Civil Rights Act for well over a year, but as far as Washington, D.C., entrepreneur Taalib-Dan Abdul Uqdah is concerned it has little relevance to his problems. Mr. Uqdah runs Cornrows & Co., a salon that specializes in braiding the hair of African-American women. But the D.C. government is doing its best to force him to comply with burdensome and arbitrary cosmetology regulations that don't recognize hair-braiding as a legitimate profession.

Mr. Uqdah started Cornrows in 1980 on a grubstake of \$500. Today, he has a \$500,000-a-year hair-care business that eschews chemicals and uses a 4,000-year-old hair style brought to this country from Africa. The process is all-natural and weaves the hair into hundreds of tiny braids.

The district government has tried to prosecute Mr. Uqdah on four separate occasions for operating his shop without a license. Anyone who works with hair in the district must first spend nine months in cosmetology school, at a cost of more than \$3,000. But the schools teach none of Mr. Uqdah's methods, and don't even mention hair-braiding. The Jim Crow-era regulations were imposed in 1938. "At that time, African-Americans couldn't even go into beauty salons, and the regulations took none of our needs into account," Mr. Uqdah told us.

Starting in 1982, Mr. Uqdah has petitioned the D.C. Board of Cosmetology to create a license for braiding, since its nonchemical process can't be regarded as cosmetology. When the board refused, Mr. Uqdah appealed to the City Council but his bill was killed

after lobbying by the board. Unable to obtain a hair-braiding license, he is frequently harassed by the board and was recently hit with a \$1,000 fine for "operating an unlicensed beauty shop."

In a 1985 study the District of Columbia bar found that cosmetology in the district is "strongly overregulated" and that "heavy licensing and regulations impose an improper barrier to the practice of cosmetology, without offering significant consumer protection."

This month, the Institute for Justice, headquartered in Washington, D.C., filed a lawsuit challenging the constitutionality of these regulations. Clint Bolick, the institute's vice president, thinks it is high time the courts protected economic liberty as a fundamental civil right. "Regulations like these cut off the bottom rungs of the economic ladder for people," says Mr. Bolick. "It's time Mr. Uqdah and others have the right to earn their bread as best they can."

Government regulation often has very real and harmful effects on minorities, but traditional civil-rights groups appear to have little interest in fighting to sweep away public-sector impediments to black enterprise. For his part, Mr. Uqdah is disappointed that the civil-rights groups haven't supported his nonviolent refusal to pay any fines. "I'm part of the struggle too," he told Washington, D.C.'s City Paper. "Officials told Rosa Parks and all those people down in Montgomery: 'It's the law.' They told us to sit in the back of the bus. I'm not sitting in the back of the bus. I'm not buying into that old nonsense."

WILLIAM RASPBERRY
William Raspberry

When Rules Collide With Common Sense

A member of the District of Columbia's Cosmetology Board was on ABC's "20/20" program the other night, looking hidebound and ridiculous.

Small wonder. She was defending the city's attempt to close down Cornrows & Co., a beauty salon that specializes in African-style hair braiding, all because the operators are not school-trained and certified in pin-curling, chemical treatments and a host of other techniques the shop never uses. (There is no city-certified training for cornrowing.)

It looked for all the world as though the members of the Cosmetology Board, almost all of them beauty shop and/or beauty school operators, were more interested in protecting their own interests than in reaching a sensible resolution of the licensing case.

Why couldn't they just make sure the place was kept clean, safe and

the remedy for their recertification was more ridiculous yet. Sandra and her brother had to spend their savings on clothes, jewelry, shoes—the welfare agency didn't care what—until they got below the \$1,000 asset limit.

It was worse for a Milwaukee mother. Gracia Capetillo, by shopping in thrift stores, making do and doing without, managed to put aside some \$3,000 for a new washing machine and her daughter's education. When the authorities found out, she was not only ordered to pay back the \$15,545 she had received after her bank account passed the \$1,000 limit; she was actually convicted of welfare fraud and put on probation for a year.

Hidebound and ridiculous? Of course. We should be encouraging the poor to break the welfare cycle, and sending the children to college is an excellent way of doing that. In any case, it seems silly to punish thrift and initiative, and positively absurd to require the children of the welfare poor to spend their extra income in the month in which it is earned.

But look at it another way. It seems clear enough that Sandra Mercado was saving for college. She's now 20 and in college. But Grace Capetillo's daughter is 7. Who knows whether the girl will want to go to college or whether her mother will decide she'd rather buy a car or take a trip?

The rules were enacted by Congress to avoid situations in which people continued to collect public benefits while accumulating significant assets of their own.

The asset limit may be too low. (It used to be higher until Congress recently reduced it.) Maybe there ought to be exceptions to the limit—college funds, for instance, if the money is put into escrow and not usable except for college or certified emergency.

In the case of Cornrows & Co, the shop's owner, Taalib-Din Abdul Uqdah, proposed a most reasonable solution: a limited license for braiders only.

But the Cosmetology Board is not empowered to issue a limited license on Uqdah's promise that he won't do *Jherri curis*—any more than the examiner at the Department of Motor Vehicles can issue you a limited license on your word that you'll stay off the interstate.

Exemptions and exceptions, however sensible, are issues for the lawmakers, not the enforcers and regulators, to decide. Those charged with enforcing the law must enforce as well as they can, even at the risk of looking hidebound and ridiculous.

We should be encouraging the poor to break the welfare cycle.

sanitary for its customers? In short, why couldn't the regulators just do the sensible thing?

It's a question that comes up whenever a government rule, no matter how reasonable in origin, collides with common sense. Always it's the enforcers who look ridiculous—often unfairly so.

Earlier this year the Connecticut Supreme Court ordered a New Haven welfare recipient to give back nearly \$10,000 in AFDC payments because two of her children had saved enough from their after-school jobs to put the family beyond the federal asset limit of \$1,000.

One of Cecelia Mercado's eight children, then 16-year-old Sandra, had taken a part-time job with a local housing development and, in a year and a half (and without her mother's knowledge), had managed to save almost \$5,000 toward her dream of attending college. Her younger brother, inspired by her example, socked away close to \$1,000 from an after-school job at a supermarket.

The penalty was bad enough. The mother had to pay back \$9,342.75—all the money the family had received during its period of ineligibility. But

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Monday, March 10, 1997

National Issue A BETTER WAY TO HELP THE POOR?
Charles Oliver

Gov't Mandates Boost Cost Of Hiring Off Welfare

Verne Barry brings a special view to the welfare reform debate. He was a successful businessman who lost it all and wound up homeless for five years.

But he turned his life around, and for the last six years, he has run Faith Inc. This Grand Rapids, Mich., outfit tries to get the poor into jobs with training and counseling.

President Clinton and others have called on business to do more to hire welfare recipients.

But it may not be so easy for firms to hire them. Government has thrown up a range of roadblocks that make it more costly to hire people off welfare.

Barry and others who hire the poor say there are no laws against giving them jobs. That's true.

But there are laws that make it harder to hire the poor.

Washington is looking at ways to spur hiring off the welfare rolls with tax incentives. But reducing the burdens on business could do more to encourage hiring members of the underclass - not to mention that it would boost economic growth.

These barriers involve mandates and regulations. The biggest obstacles, say economists, are mandates on wages.

Minimum Wage. Minimum-wage laws create a floor on pay, and this prices workers who are worth less than the floor out of the market. Most economists agree that increases in minimum wages lead to lost jobs.

Last year, even as it was reforming welfare, Congress raised the minimum wage. That increase may cost 621,000 jobs, says the Employment Policies Institute, a business-backed group.

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"Obviously, the impact of these laws will be felt by those with low skills or who are just entering the job market. That's the very sort of people who we want to move off of welfare rolls," said Lawrence W. Reed, president of the Mackinac Center for Public Policy, a Michigan-based think tank.

Backers of minimum-wage laws say they make sure the working poor get a living wage.

But Reed and others say they keep many from ever entering the ranks of the working.

"People might start out at low wages, but they don't have to stay there, and most won't, but if we cut off the bottom rungs of the economic ladder, people won't have the chance to get better paying jobs," he said.

Living wages. Several cities have adopted so-called living-wage laws. Many more cities and at least a half-dozen states have considered doing so.

These laws force firms doing business with the city government to pay wages well above federal and state minimum wages. Baltimore and Milwaukee, for instance, set a minimum of \$6 an hour. Los Angeles is set to enact a wage of more than \$7 an hour.

Again, economists say such laws will price low-skilled workers out of jobs. But their impact will be less widespread than minimum wage laws. That's because these laws affect a smaller pool of workers: those employed by firms doing business with government.

DavisBacon. The 66-year-old Davis-Bacon Act makes contractors on federal jobs pay local "prevailing" wages. In practice, this means union wages. The law also limits how many apprentices and unskilled "helpers" the contractors can use.

About two-thirds of all states have so-called Baby Davis-Bacon Acts, requiring prevailing wages on state construction work.

Davis-Bacon affects roughly one-fifth of all construction in the U.S.

Defenders of the act say it makes sure those who work on federal projects get decent wages.

Under Davis-Bacon, unskilled workers must be paid the same as skilled workers. This prices unskilled labor out of jobs on federal projects.

Five minority-owned contractors and three public-housing tenants

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groups have sued to overturn the law. They say it discriminates against minorities -and that the legislators who backed it intended for it to.

"I think it's clear that a law that makes it more difficult to employ low-skilled workers is going to make it difficult to hire people off of welfare rolls," said Sam Staley, vice president for research of the Buckeye Center for Public Policy Solutions, a Dayton, Ohio-based think tank.

Licensing. A growing number of jobs now require state licenses. Expensive training is required to qualify for the licenses, and it often has little to do with the jobs people will be doing.

Take hair braiding. It doesn't involve the use of chemicals. Often, it doesn't even involve cutting hair. But many states force hair braiders to have the same extensive training in these areas that beauticians must.

"If I've got a growing hair braiding business, I might want to hire some people and train them to help out," Staley said. "But licensing makes that difficult."

Zoning and Land Use. Red tape makes it hard for many firms to expand their plants. This adds to the cost of creating jobs.

And firms in industries that are seen as "objectionable" have a really hard time. Few want scrap yards, liquor stores or bars, for instance, in their neighborhood. But these sorts of firms create jobs that can be filled by those with low skills.

Mandated Benefits. From time off to unemployment insurance, government forces firms to give workers a host of benefits.

These mandates may serve worthy social goals, say experts, but they also add to the cost of labor.

Again, anything that makes labor more expensive makes firms less likely to buy it.

And a manager who must pay a premium wage is likely to hire someone worth that premium. That means low-skilled workers are less likely to get hired.

"I think we're also going to have to look at the impact of regulation in general," said Buckeye's Staley.

A study funded by the Small Business Administration found federal rules cost firms \$677 billion last year.

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That study found that for small firms the costs of red tape are particularly high.

Companies with more than 500 workers face an average per-worker cost of \$2,979. But firms with fewer than 20 workers have an average cost of \$5,532 per worker.

"Small but growing firms create most new jobs," said Staley. "Anything that makes it harder for them to grow stifles job creation and hurts workers."

Of course, that isn't a problem just for those trying to move off welfare, but the least skilled are probably hurt most by any restraints on job growth, says Staley.

Lawsuits. Over the last two decades, states have made it harder for firms to fire workers. This has made employers more vulnerable to wrongful-termination suits.

"The threat of wrongful-termination suits, the costs associated with that, definitely add to the cost of business and stifle job creation," said Walter Olson, a senior fellow at the Manhattan Institute and author of "The Excuse Factory," a forthcoming book on employment law.

Olson notes that such litigation tilts more to managerial jobs than blue-collar jobs.

But it does make firms more reluctant to take on risky workers, he says. When firings can bring lawsuits, hiring someone you know might not work out doesn't make sense.

And employers do believe that it's risky to hire from the underclass.

"Rightly or wrongly, people have reservations about hiring from this group," said Faith Inc.'s Barry. "Employers worry about workers' dependability, their punctuality and their willingness to accept criticism."

For some employers, the desire to do good will make them take those risks, but others will be more wary.

Politicians already talk of subsidizing firms that make such hires. Yet this might mean more taxes and more regulation, and in the end, that may be bad for the poor.

But ultimately, say some, government will have to do more to encourage firms to hire welfare recipients.

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"This is an awesome work force that's just waiting to be tapped,"
Barry said.

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The Battle of the Braid Brigade

Two Women Just Want a Legal Living Twisting Hair. But They Say the State Makes It Impossible.

By LENA WILLIAMS

AT Walton High School in the Bronx, Andread Russell was the student her peers went to when they wanted their hair braided.

Over the years, her clientele grew, along with her reputation as a skilled braider. Relatives and friends have sat patiently at Ms. Russell's knee for hours while she wove African-inspired braids into hair styled with straightening chemicals.

Last year, Ms. Russell began seriously thinking about turning her weekend passion to a career. "I began doing research to see what I needed to obtain a license to braid professionally," said Ms. Russell, 23, who is a legal secretary and part-time student at Bronx Community College.

The answer was not what she expected: a course of study at a cost of thousands of dollars and 900 hours.

"Nine hundred hours!" Ms. Russell said with a trace of indignation in her voice. "I don't see the need for all those hours of training when all I want to do is braid hair. Nothing I've done since I was a teenager."

Under a 1992 state law, natural hair stylists must complete a 900-hour cosmetology curriculum covering everything from chemical hair treatments and pedicures to styling to receive a state license. The law has been sharply criticized by prospective braiders like Ms. Russell, who wonder why they should be subject to hundreds of classroom hours devoted to hot pressing and curling, or haircutting and shaping, disciplines that do not apply to braiding.

Ms. Russell says the requirements are excessive to the point that the state is denying her of a civil right — to pursue the occupation of her choice. She and Bonnie Best, a 30-year-old part-time braider in Jamaica Heights, Queens, have filed a lawsuit that seeks to revise the licensing rules.

Of the 900 hours required by the state, only 250 are devoted to braiding techniques," said Mark W. Smith, the lawyer who took on the case after conversations with Carla Brown, a professional braider who teaches a braiding course at York College in Jamaica, Queens. "But here's the catch. The cosmetology schools aren't offering the courses, and those who are qualified



Thomas Dallal for The New York Times

Mark W. Smith says his hair-braiding clients, Andread Russell (left) and Bonnie Best, are being denied the right to choose a career.

to teach it, like Ms. Brown, haven't been certified by the state to do so."

The lawsuit is likely to draw considerable interest in a bustling cottage industry of stylists catering to the growing popularity of African-inspired braids among black women. Braiding shops seem to have cropped up overnight along 125th Street in Harlem and Flatbush Avenue in Brooklyn. They are supplemented by the braiders, from high-school students to unemployed women to working professionals, who run informal styling operations in their homes, bartering their services for everything from cash to clothing.

In many cases, the stylists are African or Caribbean immigrants who use skills learned in their homelands to eke out a living in America. In other cases, they are young women who, like Ms. Russell, styled hair for friends and expanded to take on other clients. Many may be unaware of the licensing requirements. But Mr. Smith noted that even for those who want to satisfy the state requirements, it is impossible, because no privately run cosmetology school in New York offers a program or course of study that includes the required 900-hour curriculum.

"In fact, no person has ever completed the 900-hour curriculum," Mr. Smith said. "The only individuals who possess natural hair styling licenses are those who were grandfathered into the law when it was first created four years ago."

Gwen Lee, a spokeswoman for the New York Secretary of State, Alexander F. Treadwell, who is named as a defendant in the case, said she could not comment on matters under litigation. The Secretary of State's office oversees and controls the New York Division of Licensing, which issues

natural hair styling licenses and created the requirements and curriculum for licensing. State officials had 30 days to respond to the complaint, which was filed on Jan. 6.

The case is but one of several involving hair braiders in more than half a dozen states. They are using legal weapons and political pressure to challenge laws that require anyone offering natural hair-care services to the public to complete lengthy and expensive programs at certified cosmetology schools.

In the last two years, Tennessee, Texas, Florida and the District of Columbia have created separate braiders' licenses, according to Taalib-Din Uddan, the executive director of the American Hairbraiders and Natural Hair Care Association. Several other states, including Louisiana, Michigan and Illinois, are said to be considering similar laws. Although licensing laws for braiders vary from state to state, all require some basic hair-care training, from 16 hours in Florida to 1,500 hours in California.

Most braiders agree that training is necessary, especially courses devoted to recognizing scalp disorders and other health-related issues. But many question the government's right to sanction their craft, which has traditionally been learned from friends or relatives.

Government officials argue that the proliferation of braiding salons raises questions about sanitary practices and professional accountability; oversight is necessary, they argue, to protect dissatisfied customers. Partly with those concerns in mind, the State Legislature wrote language into the cosmetology law in 1992 that specifically requires braiders to be licensed, as are barbers and other hair stylists.

A "grandfather clause" in the law ex-

empted licensed cosmetologists and hair salons that existed before 1992.

Members of the cosmetology industry, which had lobbied for tighter controls on braiders, applauded the new measures.

"If we have to take a minimum of 1,200 curriculum hours and pay up to \$10,000 to learn our trade, why shouldn't braiders?" said Barbara G., a black cosmetologist who asked that her full name not be used, expressing concern that her comments might create tension in the mid-town Manhattan salon where she works alongside braiders.

The number of individuals practicing African-style braiding in New York is unknown. But Mr. Smith and others say the current law has had the perverse effect of driving more braiding services into the "underground" economy, where government lacks the opportunity or ability to reasonably regulate the industry.

"Ms. Russell and Ms. Best are taking this action because they don't want to hide or braid hair undercover," Mr. Smith said. "They also don't want to break the law."

"By bringing suit we hope to force the state to create reasonable regulations that take into account the safety of the community without taking away economic opportunity for braiders."

Ms. Best, who has a bachelor of arts degree in engineering, didn't know how to braid until she enrolled in Ms. Brown's braiding class last year. Now, she would like to supplement her income as a braider, but says she cannot afford to spend the \$6,000 to \$10,000 it costs to enroll in cosmetology school.

"And I wouldn't dream of operating without a license," Ms. Best said. "I don't want to have to hide from the authorities or do it undercover."

LAW

Styling Statute

State law requires 900 hours of training in 15 subjects to receive a natural hair styling license. The bulk of the curriculum covers three courses:

Hair sculpting	250 hours
Haircutting and shaping	200
Hair styling	160

The curriculum also includes:

Scalp and hair applications	35 hours
Shampoos and rinses, chemistry as applied to natural hair styling	20 hours each
Scalp disorders and diseases, hair analysis, hair pieces	10 hours each
Shaving	12 hours

Source: New York Department of State

No Jobs, No Work

By William H. Mellor

WASHINGTON

The success of the new welfare law depends on creating jobs for the people who will eventually lose their public assistance. Recommendations typically call for job training and public-works employment. Yet there has been little effort to create jobs in the private sector — especially the kinds of jobs suited to aspiring entrepreneurs.

Of course, welfare recipients are not a homogeneous lot. Chronically dependent recipients without even rudimentary job skills will require intensive training in order to hold a job. But the majority of welfare recipients do not fall into this category, and could become entrepreneurs — cab drivers, cosmetologists, jitney van operators, jobs that require little capital or formal education.

Unfortunately, local regulations often discourage people from creating these jobs. In New York City, 10 percent of the population receives public assistance, yet antiquated and arbitrary laws impose unnecessary, unreasonable barriers to economic activity. The laws tend to restrain entrepreneurs in four ways.

William H. Mellor is president and general counsel of the Institute for Justice, a public-interest law firm.

• Putting arbitrary ceilings on the number of jobs in any one area. The most notorious limit is on New York taxi medallions, which are capped at 12,187, only 400 more than were allowed in 1937. The number of street vendors is also arbitrarily limited. By law, no more than 4,000 food and 1,700 merchandise vendors may operate on the streets of New York. Yet, the 18,000 individuals currently working as vendors without permits testifies to the opportunity in this occupation.

• Requiring training with little relevance to public health or safety. For instance, to become a licensed hair braider in New York, one has to have 900 hours of cosmetology training. Yet to become an emergency medical technician trained in the use of heart defibrillation, one needs only 116 hours. To become a security guard trained in the use of deadly force, requires a mere 47 hours of training.

• Protecting powerful interest groups through excessive regulation. In Queens and Brooklyn, private jitney vans are in high demand. They provide efficient, inexpensive (\$1 a ride) service — especially when compared with the costly and unreliable Metropolitan Transit Authority buses. Nevertheless, the Transit Workers Union has successfully lobbied the state Assembly and the City Council against the jitney drivers. Although New York has made minor changes to allow a few jitneys to provide limited service, most remain illegal. A driver, if caught, could lose his or her vehicle.

Local restrictions block the exits from welfare.

• Requiring endless paperwork. No fewer than 73 pages in the Green Book, the city's official directory, list various types of licenses, permits or other forms needed to own or operate a business, or even be employed in one. One needs a license to repair videocassette recorders, work as an usher, sell tickets at wrestling matches, or open a parking lot.

Despite efforts by the Giuliani administration, such as the addition of 400 taxi medallions, current regulations and laws often obstruct rather than increase the opportunities for of entry-level entrepreneurs. Of course, cities have the authority to adopt regulations necessary to protect public health and safety. But in the end, overly restrictive laws force bootstrapped entrepreneurs to operate underground. There, they have little hope of expanding their businesses and are doomed to work forever as outlaws on the economic fringes.

All bootstrap capitalists need is the opportunity to earn an honest living. That is not too much to ask for in America. □

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Licensed to squelch business

One unendearing characteristic of government is its ability to sap the innovation out of enterprising souls. One popular energy-sucking tool it has at its disposal is licensing. Enforced through boards that supposedly are organized to protect the public interest, these rules tend to hobble nearly everyone who works for a living, from lightning-rod salesmen to septic-tank cleaners to hair-stylists. In many instances, the rules discourage businesses from even getting started.

While any number of persuasive arguments can be made for using regulations to safeguard the public health from incompetents, charlatans and quacks who proliferate in some occupations, there are other enterprises for which an argument for regulatory constraints is bogus.

Taalib-Din Abdul Uqdah, a District businessman, thinks hair-braiding is one of them. Last week, he launched a federal court challenge to the D.C. Board of Cosmetology's application of rules it uses to regulate the hairstyling and barbering industry to his business, Cornrows & Co. If Mr. Uqdah wants to stay open, his 10 employees will have to obtain up to 1,500 hours of training in a school of cosmetology and pass a test administered by the Cosmetology Board. The course work focuses on styles and hair treatment and use of chemicals — all of which have absolutely nothing to do with the hair-braiding services his business offers. The

courses can cost several thousand dollars, a price that is out of reach for most of Mr. Uqdah's employees. If he wants to keep those workers, he will have to pick up the tab.

Not that the Cosmetology Board cares that what it is requiring is irrelevant and expensive. The board claims that Mr. Uqdah and his wife, Pamela Farrell, are opportunists who simply choose not to comply with the law. The board complains that the couple's failure to adhere to the law may pose a safety hazard to customers. Like what? Braiding hair too tight?

Mr. Uqdah makes the point that the District's insistence on enforcing inappropriate regulations is leading other entrepreneurs to operate illegally. That is what government licensing does. Most licensing boards were established to protect the public, but their underlying support within the industries they regulate comes from the limit they place on competition. What the economy never needs, particularly now, is barriers to individual enterprise.

In addition to the federal court, Mr. Uqdah and his wife have taken their case to D.C. Council member Charlene Drew Jarvis, in whose ward they operate their cornrowing business. Mrs. Jarvis supports a bill that would set separate regulations for salons that specialize in cornrowing. However, a more useful bill would be one that eliminated regulations that have no useful effect other than stifling individual ingenuity.

Braider's brush with law continues hair controversy

DMN 11/9/95

By Linda Jones

Staff Writer of The Dallas Morning News

After working as a hair braider for more than a decade, Dana "Isis" Brantley may have to find another way to earn a living.

She has been found guilty of operating a braiding business without a license — a violation of cosmetology regulations. Ms. Brantley has been at the center of a controversy over whether braiding should be considered a cultural art form and, as such, not be subject to state regulation.

Her case also led the Texas Cosmetology Commission to examine its rules. As a result, braiders will be able to obtain a specialty license after completing just 300 hours of course work. Before the board's action last month, the requirement was 1,500 hours.

Ms. Brantley, of Oak Cliff, says she wants to appeal the jury decision handed down early this week in Justice of the Peace Thomas Jones' court. Found guilty of three counts of operating a braiding business without a license, she was fined \$600.

The cosmetology commission's position is clear: Attend school and get certification or close the braiding business.

Dewey Helmcamp, the assistant attorney general who represented the commission at the trial, says the commission will continue to monitor Ms. Brantley to ensure she complies with the law.

Ms. Brantley says she has not decided whether she will go to school.

In a recent Today story, Ms. Brantley and several local braiders said they believed it was not necessary to be schooled in something they had been doing most of their lives. Hair braiding has roots, she said, in African cultural traditions, some of which are self-taught. However, some braiders say they have learned things they did not know about the care and condition of hair from the required courses.

The board's reduction of the course hours could result in big business for Terry Brooks, director of Velma B's Academy Inc., an Oak Cliff beauty school. The school is the only one in the state that offers a short course that would lead to a braider's license, according to cosmetology officials.

"His business could boom overnight," says Lucille Garcia, chairwoman of the board that unanimously approved the specialty license

Ms. Brantley's attorney, Thelma Clardy, questions the ethics of the board action, especially since it was prompted by Mr. Brooks, who discovered that he was violating state regulations for misinforming his students that they could get a braiders license by completing the abbreviated hair-weaving course instead of taking the 1,500-hour course.

Mr. Brooks says commission officials led him to believe his hair-weaving course could satisfy requirements for braiders since part of the hair-weaving process involves braiding.

In hair-weaving, artificial hair is attached to natural hair, usually after the natural hair has been braided.

Mr. Brooks attended the board meeting Oct. 28 to ask members to clarify the matter.

The board agreed to amend the wording of the hair-weaving regu-

lations to include braiders.

Ms. Clardy says the action smacked of "cronyism," especially because Mr. Brooks is a former employee of the board.

Mr. Brooks worked as a cosmetology inspector from 1977 to 1981, according to statements he made in court.

Cosmetology board members deny that favoritism was involved in their decision to relax the requirements for people who want to work as hair braiders only.

"We had no idea he used to work for us," says Ms. Garcia, the commission chairwoman. While Mr. Brooks brought the matter before the board, he had no special influence over it, she says.

She says her group amended the wording in their regulation because it was logical, since the process of hair-weaving does involve braiding.

Their action makes it easier for braiders to get a specialty license in Texas than in any other state, according to cosmetology officials.

Most other states require more than 1,000 hours. Only Washington, D.C., and New York have passed laws that require fewer hours, and that came only after years of lobbying.

In a recent Today story, [Dana "Isis"] Brantley and several local braiders said they believed it was not necessary to be schooled in something they had been doing most of their lives. Hair braiding has roots, she said, in African cultural traditions, some of which are self-taught. However, some braiders say they have learned things they did not know about the care and condition of hair from the required courses.

Braiders battle state's beauty school licensing

Right to practice cultural art is at heart of federal suit

By Sandra Ann Harris
SPECIAL TO THE EXAMINER

OAKLAND — Fatimah Shabazz is a rule buster who by her own admission is operating an illegal business in Oakland.

Shabazz is a hair braider. State law says she and hundreds of other braiders in the Bay Area

need a license to work legally in California — and Shabazz doesn't have one.

"I don't feel like what I'm doing is wrong," said Shabazz as her racing fingers transformed a client's tousled black hair into row upon row of tightly woven braids.

"I've done this all my life," said Shabazz, 30, who operates her salon, World's Best Braids, in her East Oakland home. She often braids alongside her cousin Josie Joiner, 28, so they can weave hair twice as fast and accommodate a

[See BRAIDS, A-16]



EXAMINER/BOB MCLEOD

Working in her Oakland apartment-salon, Fatimah Shabazz, left, weaves Josie Joiner's hair into dozens of braids.

Braiders say they aren't lawbreakers

growing list of clients.

"I didn't go to school to learn this. To make a person go to school to learn something from their heritage is just crazy to me."

Getting a license entails taking 1,600 hours of cosmetology classes at a cost of up to \$9,000. Few cosmetology schools offer classes in braiding.

The regulations have sparked a national legal debate over cosmetology licensing — and a federal civil rights lawsuit challenging the California rules.

Rules challenged in court

The Institute of Justice, a non-profit group based in Washington, D.C., filed the suit in January in San Diego against the California Licensing Board of Barbering and Cosmetology on behalf of the American Hairbraiders & Natural Haircare Association, another Washington nonprofit.

Officials say the braiders need to take the classes, which usually take 10 months for a full-time student to complete, to learn about sanitation procedures and ways to protect against communicable diseases such as HIV and hepatitis B.

Only about 55 hours of class time focuses on issues such as health and safety, sanitation and bacteriology.

Students spend about 100 hours on chemical straightening, heat styling and permanent waving, hair coloring and bleaching — instruction that braiders say is a waste of time for them and far more appropriate for non-black customers.

"I don't work with chemicals," Shabazz said. "I'm not interested

in learning to do perms and cuts and all that. All I do is braid hair."

The suit asks the state to exempt the braiders from the state business and professions code, which requires all cosmetologists to obtain a license and defines cosmetology as "treating by any means the hair of any person."

"This (lawsuit) will not only help the economic liberty rights of the braiders, but of other people who are in what I would call classic entry-level positions where there are state and city regulations that prevent these people from going out and earning an honest living," said Institute of Justice attorney JoAnne Cornwell.

Opportunities for braiders

At-home braiders can earn \$10 to \$15 an hour. Many braided hairstyles take eight to 12 hours to complete. Micro braiding, which is the weaving of minute amounts of hair into hundreds of tiny braids made up of four or five strands of hair, can take days.

Thousands of people nationwide braid for a living, especially in African American hubs like Oakland, Los Angeles, New York, Washington and other multicultural cities, said Taalib-Din Uqdah, executive director of the American Hairbraiders & Natural Haircare Association. State laws regulating hair braiding also are being challenged in Florida, New York, Ohio, Michigan, Washington and Minnesota, among other states.

In California, first-time offenders caught braiding illegally are charged with a misdemeanor for aiding and abetting unlicensed activity and fined \$200 or so. If a braider is caught again, the fine increases, and a one-year jail sentence is possible.

State officials say the law requiring braiders to be licensed as

cosmetologists was drafted to protect public health and safety. They cite an opinion issued by the state attorney general in May 1982 finding that braiding is part of the cosmetology profession.

"It's part of the law. If they feel that way, they need to work with their legislators to change the law, because we are bound by the law," said spokeswoman Nancy Hardaker of the state Department of Consumer Affairs, which oversees the cosmetology board.

"Just the fact that you're treating the hair, there may be health and safety issues even if you don't use any chemicals, the pulling and the scalp and that sort of thing," said Hardaker.

Authorities say they don't know how many illegal braiders have been cited in California.

Willing to go to jail

The owner of a hair-braiding salon in San Diego has challenged his October 1996 misdemeanor citation in federal court as a civil rights violation. Ali Rasheed said he refuses to close his shop, The Braiderie, while the case is heard and is willing to go to jail to defend braiders' rights.

"It's an industry for blacks, by blacks, in the black community, and they want control," Rasheed said.

Braiding dates back at least 4,000 years, starting in Africa, where anthropologists have found statues depicting women with braids in tombs from the era of the Egyptian pharaohs.

"They can no more license braiding than they can religion," African hair-braiding advocate Uqdah said. "This is part of a cultural art form."

The hairstyles became popular in the United States in the 1960s.

California's Hair-brained Regulations

By Donna G. Matias

On January 28, 1997, Institute for Justice attorneys rode liberty's next wave out to the west coast when we filed a lawsuit challenging California's cosmetology licensing regime on behalf of practitioners of African hairstyling. African hairstyling is a form of natural (chemical-free) hairstyling that most commonly includes braiding, weaving extensions, locking and twisting.

In *Cornwell v. California Board of Barbering and Cosmetology*, the Institute represents Dr. JoAnne Cornwell, chair of the Africana Studies Department at San Diego State University and creator of a hairlocking technique called "sisterlocks." Sisterlocks is a form of African hairstyling that

Cornwell both performs and trains others in. But because she does not have a cosmetology license or an instructor's license, her provision of sisterlocks services and training are acts that make her an economic outlaw.

We also represent the American Hairbraiders and Natural Haircare Association (AHNHA), a national association of individuals and salons that engage in African hairstyling. One AHNHA member, the San Diego-based Braiderie, has allowed unlicensed cosmetologists to work in the shop and now faces fines and criminal pun-



Institute for Justice client Ali Rasheed, owner of the San Diego-based Braiderie, discusses how over-regulation blocks opportunity.

ishment for "aiding and abetting" unlicensed activity.

At the root of this legal tangle is an occupational licensing regime that bears no rational relationship to the activity it regulates. Specifically, the California Board of Barbering and Cosmetology (BBC) requires anyone who so much as touches the hair of another for compensation to obtain a cosmetology license. This is no small feat: One must spend between \$5,000 and \$7,000 to complete a state-approved curriculum of 1,600 hours (approximately nine months) before qualifying to take the licensing examination. The required curriculum teaches students everything from eyebrow arching to the application of artificial nails, but absolutely no African hairstyling. In fact, neither the state-approved curriculum nor the licensing exam requires a demonstration of knowledge or skills relevant to African hairstyling. This results in a bizarre situation whereby an

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Why Hairbraiding?

Cornwell v. California Board of Barbering and Cosmetology is the Institute's second—and perhaps not last—assault on cosmetology licensing laws. Why so many hairbraiding cases?

IJ looks for cases with outrageous facts and sympathetic clients. The massive regulation of hairbraiding far exceeds any legitimate health and safety concerns—"It's not brain surgery," quips plaintiff Taalib-din Uqdah—and destroys job and business opportunities for tens of thousands. That, and the fact that a victory in such a case will establish a precedent that can be applied elsewhere, makes it a prime target for economic liberty litigation.

Moreover, IJ's first hairbraiding case, *Uqdah v. District of Columbia Board of Cosmetology*, was won not in the courtroom but through the government's capitulation after a barrage of adverse media publicity. The District opened entry into cosmetology, but no judicial precedent yet limits similar laws around the country.

Uqdah enjoys the distinction of being IJ's first repeat plaintiff. Following his victory in the District of Columbia, Uqdah and partner Pamela Ferrell launched the American Hairbraiders and Natural Haircare Association to combat oppressive licensing laws. AHNHA has joined the San Diego plaintiffs in our second legal challenge on this issue. ♦

(California continued from Page 4)

individual cannot braid hair without a cosmetology license, yet licensed cosmetologists need not have any experience or skills in African hairstyles in order to legally perform those services.

As with all forms of occupational licensing, California's cosmetology regulatory regime creates barriers to economic opportunity that keep out those qualified to perform their services, all in the name of protecting a monopoly. Those at the bottom rungs of the economic ladder suffer most, where little capital and skills won't suffice to break the state's protectionist barriers, even if they would suffice to create services in demand in a free market. And no one understands the economic potential of this business opportunity better than Cornwell, who sees the arbitrary regulations as a stranglehold on individuals and communities.

"When you stifle the entrepreneurial urge in any community, you're doing violence to that community," Cornwell said.

Meanwhile, many defenders of occupational licensing argue that stringent licensing requirements are necessary to protect public health and safety. While health and safety may be legitimate areas for state intervention, the BBC's licensing regime does little to actually accomplish that goal. A cursory glance at the BBC curriculum reveals that the state is less concerned about teaching health and safety than it is about ensuring its licensees master make-up tricks. Within a 1,600 hour curriculum, only 50 hours is devoted to "disinfection and sanitation" and "health and safety/hazardous substances," the latter of which is irrelevant to African hairstyling because it eschews the use of chemicals. At the same time, a cosmetology student must complete more than 120 hours in eyebrow arching, makeup and facials!

By erecting barriers to entrepreneurship, California impedes the right of individuals to earn an honest living and precludes them from employing or training others in valuable skills that could serve as springboards to economic opportunity. ♦

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Donna G. Matias is an Institute for Justice staff attorney.