



# A SMALL BUSINESS GUIDE TO WORKPLACE HEALTH & SAFETY

*Make the Road New York* ■ June 2011

**As a small business owner**, you care about making your business run as smoothly as possible. But experience suggests that many small business owners feel too busy, or too uncertain, about one key element of their business' health: how to provide a safe and healthy *work environment* for themselves and their employees. This Guide will help you get started.

Taking a careful look at the quality of the work environment, both for yourself and your employees, is critical to running a successful small business. Why?

- ✓ **It is the law.** The federal Occupational Safety and Health Act (the "**OSH Act**") requires nearly all employers to follow detailed rules that regulate the health and safety of the workplace. Similarly, many states also have laws requiring employers to maintain a safe and healthy workplace for employees. Even if no one in your business is injured or harmed, you may expose yourself to steep fines and penalties if you do not know and follow the rules set out in the law.
- ✓ **It makes smart business sense.** As the saying goes, a penny of prevention is worth a pound of cure. Investing modest resources to control hazards in your worksite can easily be the difference between preventing or suffering from a catastrophic incident, leading to injury and the need to spend much more in the long run. Building health and safety precautions into your budget, and your business model, will protect you and your employees from unnecessary risk – and an unexpected expense down the road. Indeed, recent estimates suggest that occupational injuries cost businesses across the U.S. close to \$170 billion every year!

Further, conditions that cause unnecessary health and safety risks for your employees are often the same conditions that can lead to other problems – fines from building inspectors, the fire department, food inspectors, or your insurance broker. Think of worker health & safety as the canary in the mine. If your employees are exposed to unnecessary risks, most likely you have other problems on your hands too – problems that can be costly.

- ✓ **A safe & healthy employee is a productive, efficient employee:** when your workers know you take their safety seriously, they are more likely to give you their best, each day on the job. Daily maintenance of a healthy work environment prevents such delay, and ensures efficient, productive work throughout the year.
- ✓ **It is the right thing to do.** Many small business owners feel like their business is their *home*. You put in long hours, and quite possibly so do your family members and friends. You know your employees and your regular customers by name. Protecting the health and safety of your employees, yourself, and your customers is protecting your *community*.

There are many resources designed to help small business owners assess the health & safety of their businesses' workplaces – and eradicate hazards or control for others. A resource list at the end of this guide includes many of them.

This Guide, however, is designed a little bit differently – to give you real, hands-on, practical advice as you implement a health and safety plan. Using case studies, developed with real small business owners like you, this Guide will walk you through concrete exercises to identify hazards and handle them appropriately.

New York City's immigrant-owned small businesses are the backbone of many immigrant communities – from the bodega on the corner where families buy food, to the hair salon down the block, to the neighborhood restaurant where friends congregate. Such businesses typically have ten or fewer employees a year, and operate on a slim profit margin. This guide is intended to help you, as a community member and small business leader, develop a health and safety plan for your business. Note: more detailed rules cover larger businesses, or ones in particular industries (e.g., construction). Additional resources about the rules covering these businesses is available at the end of this guide.

Why this guide? This guide was developed with the generous support of the Susan B. Harwood program of the federal Occupational Safety and Health Administration ("OSHA"). OSHA is the federal agency that enforces the OSH Act, the federal law governing workplace safety and health. In 2010, OSHA awarded a grant to Make the Road New York, the authors of this guide, to develop materials relevant to immigrant small business owners. As a nonprofit organization, based in the immigrant communities of New York City, Make the Road New York works closely with immigrant workers who suffer workplace injuries – as well as small business owners who are committed to being responsible community citizens. This Guide grows out of experiences of real small business leaders, and responds to the needs they helped identify.

As you read this Guide, remember the four **key ingredients of a good Safety & Health Management System (SHMS)**:

1. A **commitment from you**, and from your managers, to maintaining a safe and healthy worksite – and a real system for eliciting and responding to employee input;
2. A practice of ongoing **worksite analysis** to identify all hazards;
3. A system for **preventing** hazards when possible, and **controlling** hazards when they cannot be eliminated; and
4. A routine of thorough, relevant, and accessible **training** for employees, supervisors and managers on how to do their jobs safely and how to help maintain a safe and healthy work environment.

This Guide will help you develop your own plan that follows this model. This Guide is not a substitute to legal or expert advice on the specific hazards at your worksite or how best to address them. Please refer to the end of the guide for more information on resources about full legal compliance.

## **Jose’s Deli: Communication, Communication, Communication!**

Jose owns a small deli that includes a lunch counter, as well as basic groceries. He has six employees, and always has at least two people on site with him while he’s open. The deli is crowded and things get hectic, especially during the rush time. Deliveries show up, and his guys must run around unloading boxes and stocking shelves, while also attending to customers, cooking egg sandwiches to go, and making sure the coffee stand is stocked. Jose’s cousin, Pepe, works as a “manager” – helping cover the cash register and keeping things running. Jose counts on Pepe to be the drill sergeant, and Pepe takes this role seriously. When deliveries come, he’s constantly pushing the employees to work faster – egging them on to compete to see how fast they can unpack the goods, promising raises to those who finish first.

One morning, things get especially hectic. The two employees are rushing to unpack a new delivery of bottled juice – one tossing the boxes across the aisle to the other to unload. Jose suddenly hears a giant crash, and looks over to see that the bottom has fallen out of one of the boxes, glass is shattered everywhere, one of his employees is on his hands and knees grasping his back, and a small child has slipped and fallen in the mess. Angry, Pepe rushes over demanding to know what happened. Gasping, his employee says, “Like I told you! We have to schedule deliveries at a different time! We can’t handle this during the rush hour.” Before Jose can intervene, Pepe shouts, “That’s enough! You’re not the boss! You’re fired!” The frightened child starts sobbing, and her mother grabs her and rushes from the store.

### ***Jose now faces a heap of potentially high-cost problems.***

- His workers compensation insurance premiums may rise when the accident is reported.
- One of his best employees may be out of work for a while recovering from his injury.
- At worst, a small child could have been injured at his deli. Regardless, he probably lost a customer because of the incident.
- He could potentially face a lawsuit.
- The morning’s business will suffer as he stops everything to handle the accident, clean up, and tally the damaged goods.

### ***What went wrong? What could have gone better?***

Employees can be some of the best sources of useful insights on health and safety concerns – and simple ways to resolve them. Actively encouraging employees to share their insights can save small businesses thousands of dollars. Business owners must make clear – and

demonstrate in practice – that workers who report safety concerns or share ideas about how to address them will be rewarded, not disciplined or fired.

***What might Jose’s workers have told him?***

- Jose should negotiate with his suppliers to change delivery schedules, so goods arrive not during the rush time.
- Jose should schedule work shifts to ensure extra hands are on deck during high rush periods.
- Delivered goods should be stored out of the way, where no employees or customers will trip on them, until they can safely be unpacked.
- Jose should tell Pepe not to pressure them to work so fast. This pressure makes them work too fast and unsafely, leading to stress and accidents.
- Jose should train workers on safe lifting techniques and provide better equipment to help them when they unload goods and stock the shelves.

***What could Jose do differently?***

There are many simple steps employers can take to draw on the expertise of their own employees to help identify hazards and brainstorm ways to handle them.

- Jose should encourage his workers to speak freely without fear of retaliation. He should create an environment that stimulates problem solving so that workers want to participate in solving safety issues in their workplace. In addition, employees may be able to find cost-saving ways of delivering safety and health to the workplace that the employer has not considered.
- Post signs that encourage employees to report safety hazards to their manager or the business owner. Reward the “best ideas” that employees share about how to resolve safety issues on the job.
- Provide an anonymous suggestion box for employee input, so that employees feel at liberty to be honest.
- Depending on the size of the business, designate a management staff person as the “Health & Safety” contact to handle employee concerns. Post the name and contact information of that person in the worksite.
- Hold supervisory staff to high standards. Make clear that maintaining a healthy and safe work environment is a key component of running your business. Ensure that supervisors model best-practices of working in a safe way, and that they regularly encourage employees to speak up about concerns. Build a culture in the workplace that employee comments and input will be taken seriously.
- Hold periodic staff meetings to elicit employee input, and provide training.

## Marco's Restaurant: Always Sweat the Small Stuff

Marco owns a successful Mexican restaurant. To serve his loyal clientele, Marco goes out of his way to run an efficient operation. Marco is able to make it through most of the day with only three employees on duty. He helps out during the lunchtime rush, but for most of the day, he runs errands around town. Marco schedules his deliveries to arrive after the lunch rush, so his busboy is available to unload the truck and stock the supply rooms while his waitress buses her own tables. During the rush, Marco helps out where needed, whether by taking orders or serving in the front of the house, or by helping his short-order cook in the kitchen.

After the lunch rush dies down one day Marco leaves on an errand and the busboy heads to the back of the restaurant to help unload the stock that has arrived. The cook gets to work on his last order, and plans to clean up after. But as he is cooking, an open flame ignites a trail of cooking oil that runs across the counter, and that the cook hasn't had time to clean up. The fire quickly spreads to a roll of paper towels across the counter. Too big to smother, the cook grabs the fire extinguisher – but it just sputters: the pressure gauge indicator is not within the green band. The fire is spreading, igniting oil covered dish towels, a vat of old cooking grease, and items. The flames spread across the area and now block the cook's exit to the dining area. The cook shouts to the waitress and remaining customers through the pick-up window, and they run out the front door. When the cook tries to flee through the backdoor, he hits another roadblock. A mess of boxes and broken jars are blocking the exit, because an inadequately anchored shelf finally collapsed under its load. Because the smoke alarm didn't go off, the busboy hadn't even known of the fire. The two men work hurriedly to move the heavy boxes blocking the doorway and get out just as the fire reaches them.

### What went wrong? What could have gone better?

The extreme incident described above occurred as the culmination of a series seemingly minor workplace safety violations.

- Business owners must *regularly* ensure that safety equipment is functioning properly, and all workplace equipment is regularly maintained and in proper working order.
- All employees should be thoroughly educated on proper safety procedures, as well on how to assess the condition and safety of all workplace equipment.
- Moreover, both the owner and at least one designated employee should regularly ensure that every aspect of the workplace is conducive to the safety of all the workers.
- But, fundamentally, the owner should have a **regular schedule** for checking these things and making sure he's on top of it.

### ***What could Marco do differently?***

Despite the fact that his restaurant is a profitable successful business, this scenario makes clear that things are not as safe as they may seem. There are many simple steps Marco could take to make the workplace a safe environment for themselves, their employees, and their customers.

- Marco should walk through his health and safety plan, paying attention both to “small” issues, as well as longer term maintenance and inspections – to ensure that nothing could malfunction in case of an emergency
- Create a timetable to make the check-ups and share responsibility for making them.
- Thoroughly train every employee in proper workplace safety procedures. One broken link in the chain can result in disastrous consequences for other employees, customers, or the business itself.
- Implement a strict schedule to ensure that all workplace and safety equipment is well maintained and in working order.
- If the owners is unable to assume the role of safety point person him or herself, a reliable employee can be designated to monitor workplace safety.
- Regularly communicate the importance of adhering to strict safety standards in the workplace, and encourage all employees to be vigilant in reporting any circumstances that could potentially put co-workers in harm’s way.

### **Maria’s Salon: Miscommunication – As Bad As No Communication At All**

Maria owns a popular hair salon with a large regular clientele. She knows that, given the regular use of sharp scissors, high temperatures, and harsh chemicals, the risk for accidents is high. And she understands the importance of taking safety seriously, and communicates this to her employees. About a year ago, Maria met with her employees to create safety and health rules and posted the written policies for all to see. At the meeting, Maria urged employees to report safety and health violations. She even held an emergency preparedness drill to ensure employees knew how to respond in the event of a safety or health emergency. She installed a new ventilation system, and trained employees on how to inspect the system and test air quality in the salon. She also began using only products labeled “formaldehyde-free.”

Lately, though, Maria and her employees began experiencing asthma-like symptoms – but couldn’t figure out the cause. One evening, Maria saw a story on the news that discount salon products often falsely claimed to be “formaldehyd-free.” The next day, Maria tested the air quality in the salon and discovered unsafe levels of formaldehyde in the air. Confused, she inspected her ventilation system and found that the filter was in desperate need of changing.

**What went wrong? What could have gone better?**

Maria obviously cares about the health and safety of her employees and customers. She made sure everyone was thoroughly trained in proper safety procedures, and went out of her way to use products that insisted on being healthier alternatives. And she trusted that her well-trained employees would take it upon themselves to perform regular safety inspections. However, her employees assumed, just like she did, that *someone else* would follow up on safety checks.

This is not an indication of laziness, only of lack of communication. What Maria needed was a defined ongoing health and safety *plan*, including periodic inspections by a designated point person and a schedule of future meetings to assess health and safety issues.

**What could Maria do differently?**

There are many simple steps employers can take to make the workplace a safe environment for themselves, their employees, and their customers.

- Implement a strict schedule to ensure that all workplace and safety equipment is well maintained and in working order.
- Create safety teams of employees responsible for performing specific safety checks according to the schedule.
- Encourage communication among the employees on the completion of the daily safety checks.
- Enforce accountability in ensuring the checks are completed properly and according to schedule. Make sure employees are adhering to the schedule without undermining their autonomy.

## THE SOLUTION: SELF-ASSESSMENTS & SHMS PLANS

As the employer, it is your legal and business duty to identify the substances, conditions, or work practices that pose hazards to your employees. If you design and use checklists that are relevant to your type of business, you will find it is not that time consuming or difficult to routinely check your business for unknown hazards if you devote time to it regularly and do it in a systematic way.

The goal with an initial safety and health assessment, and developing an ongoing SHMS plan, is three-fold:

- To identify the hazards at the worksite;
- Remove the hazards when possible; and
- Minimize hazards that can't be completely moved.

### ***The Work Site – What, When, Where, Why & How?***

Your business happens at a *physical site*, whether it's a home office, a storefront you rent, or a factory you own. And most likely, it happens because *people* are doing the work. This is the start for your self-assessment.

Walk through the worksite, and note all possible hazards. Take a once-through on your own, then sit down and develop a checklist that is specific to your worksite. Pay particular attention to potential hazards in the following categories.<sup>1</sup>

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<sup>1</sup> This sample checklist is adapted from one provided in <http://lohp.org/docs/pubs/smbiz/nat/complete-guide.pdf>. For a more detailed sample checklist, review the Small Business Handbook produced by OSHA. <http://www.osha.gov/Publications/smallbusiness/small-business.html>.

## SAMPLE WORKSITE CHECKLIST

### Floors and Walkways:

- Are halls, stairways, and passageways kept clear and well-lit?
- Are mats used to prevent slips or falls in wet areas?
- Are rubber mats provided in areas where employees stand for long periods?

### Ladders and Height Work

- Are ladders in good condition?
- Do ladders have appropriate safety protections, such as safety feet?
- For work done at heights, is gear used to protect against falls (e.g., harnesses)?

### Fire Safety

- Does each work area have at least two marked fire exits that are kept clear?
- Are fire extinguishers provided in each work area?
- Have fire extinguishers been inspected recently?
- Are smoke and carbon monoxide detectors in working order and located throughout the worksite?
- Have employees done a fire drill?

### Electrical Hazards

- Are all electrical cords in good condition?
- Are electrical outlets in good condition?
- Are power strips or extension cords in use in a way that will overload electrical outlets?
- Are power tools or equipment in good condition?

### Lighting

- Is there adequate lighting throughout the workplace?
- Is glare prevented?
- Is there lighting in outdoor areas, such as alleys or parking areas?

### Machines

- Do all machines have required guards?
- Are machines “locked out” (preventing use) when broken or during repairs?
- Have employees received training on proper use of all machines?
- Do employees know how to shut off machines in the event of an emergency?

### Chemical Hazards

- Are all chemicals properly labeled and stored?
- Are flammable liquids stored in metal cabinets?
- Are up-to-date Material Safety Data Sheets (MSDS) for chemicals available to workers?
- Have employees been trained on the nature of chemicals they use on the job?
- Are areas where chemicals are used properly ventilated?

### Other Hazards

- Are there proper protections against burns from hot surfaces or open flames?
- Are items that could cause cuts (box cutters, knives) properly stored?
- Are there protections against excessive heat or cold?

- Are there protections against excessive noise?
- Is there a first aid kit at the worksite?

### **Protective Gear (Personal Protective Equipment – PPE)**

- Are employees provided appropriate PPE (e.g., gloves, eye protection, earplugs, masks)
- Have employees been trained on proper use of their PPE?

### **General “Housekeeping”**

- Is the worksite kept clean and free of litter, trash, or waste?
- What products are used to clean the worksite – are any of them hazardous?
- Are there procedures to properly dispose of chemicals or other hazardous waste?

### **Information**

- Do you have a current OSHA poster posted at the worksite? Is it posted in all the languages spoken by your employees?
- Do you have a system to record and maintain accident reports and inspection reports?
- Is the Health & Safety Point Person clearly identified in postings in work areas?
- Is a clear system posted for employees to report health and safety issues?
- Are emergency phone numbers posted?
- Do you have a system of taking accident reports? (Note: employers with 10 or fewer employees typically are not required to maintain accident logs under OSHA, but it is a good practice nonetheless!)

**This list is not meant to be exhaustive – it is just to get you started, as you develop a list that is relevant to your own business.**

For more ideas of items to include in a checklist, review OSHA’s excellent Small Business Handbook, available at <http://www.osha.gov/Publications/smallbusiness/small-business.html>.

After an initial walk-through, draw a diagram of your business, and note all possibly hazardous objects, materials, conditions, or workpractices on the diagram. Note the who, how, when, where, and why! Are there times of day when bottlenecks or a fast pace increase health and safety risks? Are there particular types of work that raise or lower risks? When and where at the worksite do dangerous activities happen or are dangerous materials handled or stored?

The goal is to get a sense of WHAT the hazards are, WHEN they occur, WHO is involved, and HOW they happen. This information will be key to developing new practices.

**ONCE YOU HAVE A GOOD SENSE OF THIS INFORMATION, YOU WILL BE ABLE TO DEVELOP A PLAN. FOR EACH HAZARD YOU HAVE IDENTIFIED, YOU WILL NEED TO ASK THREE QUESTIONS:**

**1) *Is there a way to totally remove the hazard?***

Sometimes you can completely remove a hazard. You can replace toxic cleaning products with products that are safe to use. You can replace frayed electrical cords with new ones. You can install new lights so worksites are properly lit.

**2) *If the hazard can't be removed, are there modifications to the worksite or to how the work is performed that will minimize the hazard?***

Some hazards – harsh chemicals to curl hair, an open flame to cook food, lifting heavy boxes – will always be part of the work. But you can take steps to minimize those hazards.

- **Training:**<sup>2</sup> are workers trained to perform their work safely? Do they know how to use machines or equipment? Employee training is a key way to minimize hazards. For example, Jose should train his employees how to safely lift heavy items – bending at the knees, not the back.
- **Chemical Information:** OSHA requires that employers provide employees with information and training when employees must handle hazardous materials. Material Safety Data Sheets (MSDSs) are prepared by manufacturers of the hazardous product and are available to you, the purchaser of the product. The MSDS contains information including the contents of the product, its toxicity, safety hazards of the product, how exposure occurs (skin, inhalation, etc.) and how to prevent health problems. Employers must have up to date MSDS for all chemicals or hazardous products on the job and must make them available to all employees. Maria should get updated MSDSs for all the

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<sup>2</sup> OSHA requires special employee training in certain cases, such as handling asbestos, use of forklifts, or exposure to bloodborne pathogens. Contact OSHA or review the OSHA publication for more information. *Training Requirements in OSHA Standards and Training Guidelines*, [www.osha.gov/Publications/2254.html](http://www.osha.gov/Publications/2254.html).

chemicals she uses at the salon – and should not use “knock offs” or other “discount” products that do not include this information.

- ***Changes to work practices:*** Simple changes in the work routine can help minimize some hazards. From the examples above, Marco could insist that the cook clean up oil spills as he goes. Jose could arrange for deliveries of goods during non rush times and have employees work in pairs to lift heavy boxes. In Maria’s business, providing stools or scheduling breaks might help employees avoid knee and joint pain from standing for long hours.

**3) *Is there personal protective equipment (PPE) that you should give employees to lessen hazards that cannot otherwise be controlled?***

You should provide, for free, PPE that helps employees protect themselves from hazards. Typical PPE includes masks, eye protection, foot gear, overalls, gloves and respirators. Employees must be trained about how to use and maintain PPE so that it works the way it should.

With the information gathered from your onsite inspection and checklists, you are now ready to create a plan to address the hazards you have identified. It can be helpful to organize it in a chart, like the one below:<sup>3</sup>

HAZARD		IMPROVEMENTS TO IMPLEMENT	DUE DATE & FOLLOW UP
Lower back strain of workers lifting heavy boxes	<b><i>Elimination of hazard</i></b>	Order canned good in smaller batches so boxes are lighter to unload and stock.	Within next month.  Hold employee meeting every quarter to discuss issue.
	<b><i>Work practices</i></b>	Train employees on safe lifting practices. Purchase handtruck for unloading. Schedule two workers for stocking.	
	<b><i>Protective equipment</i></b>	Provide gloves with non-slip material to facilitate handling boxes.	
Respiratory problems due to airborne dust.	<b><i>Elimination of hazard</i></b>	Install ventilation system.	Install ventilation system within six months. Schedule quarterly inspections of system. Inspect and replace masks on a regular basis as necessary.
	<b><i>Work practices</i></b>	Segregate dust-generating work activities from other work areas.	
	<b><i>Protective equipment</i></b>	Provide employees with masks and coveralls to minimize exposure to dust.	

<sup>3</sup> This sample chart is modified from a sample included in The Small Business Health and Safety Training Guide, published by the The Labor Occupational Health Program of the University of California, Berkeley. The guide is available for free in Spanish and English at <http://lohp.org/docs/pubs/smbiz/nat/complete-guide.pdf>.

## LOOKING AHEAD

The checklists and sample chart shown here will help you take the first steps towards identifying – and minimizing – hazards at your business. They will help you map out concrete steps that you and your employees can take to make sure the work is done as safely as possible.

But, as the story of Maria shows, this is not a one-shot project. You must set a schedule – and stick to it – for regular maintenance and self-inspections. Only through regular checks will you uncover and be able to address problems – a faulty fire extinguisher, a filter needing replacement – before they become crises.

### Other Resources

This Guide is meant to get you started. But there are a number of resources that you can access to get expert advice on identifying and handling hazards at your business. To date, many are available only in English.

OSHA's Small Business Handbook provides additional guidance on developing and maintaining a SHMS. You can access it at: <http://www.osha.gov/Publications/smallbusiness/small-business.html>. [English only.]

OSHA also has a web-based Hazard Awareness Advisor that can help you identify possible hazards at your business. [www.osha.gov/dts/osta/oshasoft/hazexp.html](http://www.osha.gov/dts/osta/oshasoft/hazexp.html). [English only.]

OSHA has a partnership with the New York State Department of Labor to provide compliance assistance to businesses.<sup>4</sup> In New York City, contact the Onsite Consultation Program at (212) 775-3526. ([www.labor.state.ny.us/workerprotection](http://www.labor.state.ny.us/workerprotection)). Through this program, you can get confidential expert advice on hazards and how to handle them. You will not be fined or cited for problems discovered during a visit. You will be required, however, to address any serious violations found and can be fined in the future if you fail to do so. At present, the office has limited capacity to provide Spanish-language compliance assistance.

OSHA's Small Business program also provides many services and training on health and safety issues. <http://www.osha.gov/dcsp/smallbusiness/index.html>

The Labor Occupational Health Program of the University of California, Berkeley has also developed materials for small businesses, in Spanish and English, including guides particular to janitorial businesses and the restaurant industry. They can be accessed free of charge on their website: <http://lohp.org/projects/woshsmallbusiness.html>.

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<sup>4</sup> For programs in other states, check OSHA's website at: [www.osha.gov/dcsp/compliance\\_assistance/cas.html](http://www.osha.gov/dcsp/compliance_assistance/cas.html).

## ABOUT THE AUTHORS

**Make the Road New York** builds the power of Latino and working class communities to achieve dignity and justice through organizing, policy innovation, transformative education, and survival services. With community-based centers in Bushwick, Brooklyn; Jackson Heights, Queens; Port Richmond, Staten Island; and Central Islip, Long Island, the nearly 9,000 members of Make the Road tackle the key issues facing low-income immigrant New Yorkers, including workplace justice, housing rights, immigrant civil rights, LGBTQ civil rights, language-access, and improving public education.

**Small Business United**, a project of Make the Road New York, organizes to build the power and leadership of small business owners across New York City to strengthen the as vital engines of economic growth and community prosperity. More than 600 small businesses have engaged with SBU on projects ranging from organizing for national health care reform to passage of paid sick days legislation in New York City. SBU members actively participated in the development of this guide, believing that providing a safe and healthy workplace is key to the health of their businesses and the whole community.

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