National Healthy Nail Salon Alliance

May 6, 2011

Dear Agency Representatives,

On behalf of the National Healthy Nail Salon Alliance, we thank you for the opportunity to meet with you on May 18th at the US EPA in Washington, DC to discuss our concerns and recommendations regarding the health and safety of the nation's salon workers. Through this meeting, we hope to achieve the following:

- To provide an overview of the demographics of salon workers and discuss the health and safety hazards that these workers face;
- To present and discuss a set of recommendations regarding how federal agencies can effectively advance salon worker health and safety;
- To obtain clarification on key issues and discuss innovative programs to support worker safety and health;
- To obtain commitments to undertake specific actions from the respective agencies for the purpose of advancing salon worker health and safety; and
- To promote an ongoing dialogue between the agencies to share information, data, and/or conduct joint projects when appropriate.

About Us

The National Healthy Nail Salon Alliance (Alliance) was founded in 2007 and is a joint project of Women's Voices for the Earth (WVE), the California Healthy Nail Salon Collaborative (the Collaborative), and the National Asian Pacific American Women's Forum (NAPAWF). The Alliance is a membership organization comprised of dozens of similarly concerned groups from across the US. The Alliance is working to raise the profile of salon worker health and safety issues, to connect and leverage the resources of concerned groups (including workers' rights, labor, environmental and reproductive health and justice, and Asian Pacific Islander groups), to advocate that salon product manufactures reformulate and produce safer products, and to advocate for greater regulatory protection of salon workers.

Overview of the Problem

On a daily basis and often for long hours, nail and hair salon technicians, most of whom are women of reproductive age, handle solvents, glues, polishes, dyes, straightening solutions and other products, containing a multitude of chemicals known or suspected to cause cancer, allergies, respiratory, neurological and reproductive harm.

Occupational exposures to toxic chemicals in salons are exacerbated by poorly-labeled products, limited safety information, small workplaces, and inadequate ventilation. Although salon product manufacturers are required to provide information about proper handling techniques, they often fail

to do so. When material data safety data sheets (MSDS) are provided, they are often inaccurate and difficult to read/comprehend. Additionally, they are an ineffective tool for disseminating health protective information, as the language used is extremely technical and is rarely translated into the languages spoken by many salon workers (i.e., Vietnamese, Korean, and Spanish). Salon products are also exempt from ingredient labeling requirements, limiting the availability of this important information on chemical exposure.

Further compounding the challenges to the health and safety of salon workers, most state cosmetology boards also fail to adequately educate workers and cosmetology students on the array of possible chemical exposures and other occupational safety issues in salons. Additionally, workers often face pressure by owners not to wear protective masks or gloves, fearing they will be off-putting to customers.

Overview of Industry Demographics

Hair or Beauty Salon Industry

- More than 250,000 businesses in the United States are classified as beauty salons. Beauty salons are business establishments that offer primarily hair care and nail treatments[1].
- In the United States, more than 845,000 persons are employed in beauty salons (NAICS 812112)[2].
- About 44 percent of all barbers, cosmetologists, and other personal appearance workers are self-employed. Many of these workers own their own salon, but a growing number of the self-employed lease booth space or a chair from the salon's owner. In this case, workers provide their own supplies, and are responsible for paying their own taxes and benefits. They may pay a monthly or weekly fee to the salon owner, who is responsible for utilities and maintenance of the building[3]. Many statutory "employees" may be improperly treated as independent contractors by their employers. The extent of this problem is unknown.
- Median hourly wages in May 2008 for hairdressers, hairstylists, and cosmetologists, including tips and commission, were $11.13. The middle 50 percent earned between $8.57 and $15.03. The lowest 10 percent earned less than $7.47, and the highest 10 percent earned more than $20.41[4].

Nail Salon Industry

- In the last decade, the number of nail technicians in the U.S. has jumped 374% to more than 380,000 nationwide[5].
- Women comprise up to 97% of the industry's workforce[6].
- The majority of nail salon workers are women of color, and the largest ethnic group represented is Vietnamese women who comprise 40% of nail technicians nationwide.[7]
- Nationwide, 58% of nail workers are of reproductive age.[8]

---

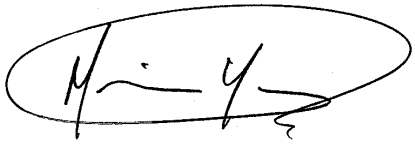
[1] *Industry Fact Sheet—Beauty Salons (NAICS 812112).* The University of Georgia BOS/SBDC, Applied Research Division. http://research.sbdc.uga.edu, October 2001
[2] Ibid.
[3] Bureau of Labor Statistics. Occupational Outlook Handbook, 2010-11 Edition. http://stats.bls.gov/oco/ocos332.htm
[4] Ibid.
[5] Environmental Protection Agency, (2006) "About the Nail Salon Project" Available at: www.epa.gov/dfe/pubs/projects/salon/about.htm
[6] NAILS Magazine, 2010. Industry Statistics. NAILS Magazine 2010-11 Big Book. Available: http://files.nailsmag.com/Market-Research/bb2010-11stats-reprints.pdf
[7] Ibid.
[8] NAILS Magazine. 2009. Industry Statistics. NAILS Magazine 2000-2010 Big Book. Available: http://www.nailsmag.com/pdfView.aspx?pdfName=NAILSBB2009-10stats.pdf

- One in five manicurists work in California, where up to 80% of nail technicians are Vietnamese women.[9]
- Many salon workers speak a limited amount of English, do not have health insurance, and often lack understanding of and access to the regulatory, legal and health care systems.
- Most nail technicians tend to earn less than $19,000 a year.[10]
- Many statutory "employees" may be improperly treated as independent contractors by their employers thereby not having the benefit of being protected by certain labor laws. As with others in the beauty industry, the extent of this problem for nail technicians is unknown.

Below please find a set of recommendations that the National Healthy Nail Salon Alliance has developed for addressing the concerns facing the nation's salon workers, as well as some key questions that we have for the relevant federal agencies. We look forward to discussing these issues and recommendations with you on May 18th.

Sincerely,

Julia Liou
Alliance Co-Convener
California Healthy Nail Salon Collaborative
www.cahealthynailsalons.org



Miriam Yeung
Alliance Co-Convener
National Asian Pacific American Women's Forum
www.napawf.org

Erin Switalski
Alliance Co-Convener
Women's Voices for the Earth
www.womensvoices.org

---

[9] Quach T, Nguyen K-D, Doan-Billings P-A, Okahara L, Fan C, Reynolds P. "A Preliminary Survey of Vietnamese Nail Salon Workers in Alameda County, California." Community Health 33 (2008) 336- 343. DOI 10.1007/s10900-008-9107-7. (http://www.springerlink.com/content/k72566646012vl26/) (accessed April 28, 2011)
[hereinafter Quach, et al., 2008], citing Federman MN, Harrington, D E,, Krynski, KJ. (2006). "Vietnamese manicurists: Are immigrants displacing natives or finding new nails to polish?" Industrial & Labor Relations Review 59, 302–318.
[10] Nails Magazine. Nationwide Survey 2008-2009. http://www.nailsmag.com/resources/industryStats.aspx?Interstitial=1 (accessed March 5, 2009)

National Healthy Nail Salon Alliance

Recommendations for Federal Agencies

May 2011

The Alliance recommends the following joint or multiple agency programs and collaborations:

1. The **Occupational Safety and Health Administration (OSHA)** and the **Environmental Protection Agency (EPA)** should collaborate on providing culturally and linguistically appropriate train-the-trainer workshops and other educational opportunities to nail and hair salon owners and workers and to public health advocates to encourage the use of less toxic and healthier products and practices in salons, and to inform workers and owners on their rights and obligations. In regions where there are existing efforts in this regard, we recommend providing technical and funding assistance to those ongoing programs.

2. Survey and, where warranted, improve agencies' Asian languages and Spanish language capacities. This action is especially important where there is interaction with the public, including employers and employees, by agency staff and the agency develops and issues documents on occupational safety and health.

3. The **National Institute of Environmental Health Sciences (NIEHS**) should, with technical and resource assistance from the **EPA** and the **National Institute for Occupational Safety and Health (NIOSH),** conduct further research to accurately assess chemical exposures and their impacts on the health and safety of nail and hair salon workers by:
    - Conducting an assessment of exposure to acrylic nail services, including volatile organic compounds (VOC), dibutyl phthalates and other compounds, to describe dose, frequency and length of exposure (Exposure Assessment);
    - Monitoring the health and safety of workers, including the incidence of cancer, reproductive outcomes and respiratory problems (Descriptive Epidemiology);
    - Determining whether exposures to specific compounds/combinations of compounds are associated with specific health problems in this workforce (Exposure-Outcome Associations);
    - Among those compounds that are associated with specific health outcomes, examining the critical thresholds for dose, frequency and length of exposures that lead to potential causation of the disease/illness.

4. **NIOSH** and/or **OSHA** should research and report on the technical feasibility of adopting a more protective ventilation standard that is specific to nail and hair salons.

5. With the support of the **White House Initiative on Asian Americans and Pacific Islanders (WHIAAPI)**, the participating agencies should establish an interagency working group that meets on a quarterly basis to share information and data across agencies, identify opportunities for collaborative projects that meet multiple agencies' goals, identify research needs, and engage in other collaborative efforts that serve to advance solutions that lead to safer salons and products and improved health and environmental outcomes. Specifically, to leverage already limited governmental resources, **OSHA, NIOSH**, the **Food and Drug Administration (FDA)**, and the **EPA** should share with each other any data and results of testing for nail and hair products' chemical ingredients.

The Alliance also recommends the following specific actions by the respective agencies. Recommendations that appear after each agency are in order of priority:

Food and Drug Administration (FDA)

1. Issue a voluntary recall of the Brazilian Blowout Solution and Acai Professional Smoothing Solution and other brands that have high levels of formaldehyde based on testing information already available and the products' established health hazards.

2. Investigate the labeling practices of companies marketing their hair straightening products as formaldehyde-free.

3. The FDA should classify formaldehyde, toluene, and dibutyl phthalate within nail and hair products as poisonous or deleterious substances that are injurious to users of cosmetic products.

4. If the FDA does not prohibit formaldehyde from being used in hair straighteners and other cosmetics due to it being deleterious to the health of product users, require conspicuous warning labels that the product contains formaldehyde, that formaldehyde has not been shown to be safe above a 0.2% content level, and that formaldehyde's health hazards include chronic illnesses such as cancer, respiratory problems, and allergic dermatitis.

5. Revise the language in FDA's "Guide to Inspections of Cosmetic Product Manufacturers" and on its website to more definitively state that: "Formaldehyde content in cosmetics above 0.2% has not been shown to be safe. We strongly discourage cosmetic manufacturers from producing, and consumers and workers from using, any cosmetic product with a formaldehyde-content above 0.2%."

6. The FDA should issue regulations defining or clarifying that nail glues and acrylics are "cosmetics."

Environmental Protection Agency (EPA)

1. The EPA should support pollution prevention strategies in nail and hair salons and the development of safer nail and hair products and practices by:

    - Recognizing manufacturers that are already producing safer products by developing a Design for the Environment Safer Product Labeling program for nail and hair salon products.

- Assisting manufacturers interested in producing safer products by developing a Design for the Environment Formulators and Partnership project for nail and hair salon products, especially polish removers, artificial nails, glues, and disinfectants and sanitizers. Currently, disinfectants approved by the EPA and required to be used in salons by state agencies such as the California Board of Barbering and Cosmetology contain harsh chemicals such as orthophenylphenol and quaternary ammonium compounds ("quats") that are known to cause asthma, severe respiratory effects, and other serious health risks.
- Providing grant money to universities, nonprofits and/or local governmental agencies to investigate safer alternatives to toxic chemicals in nail and hair products.
- Supporting nail salons in adopting less toxic and greener products and practices by providing technical assistance and funding for piloting green nail salon checklists in four salons in California in conjunction with the California Healthy Nail Salon Collaborative and its partner agencies such as the California Department of Toxic Substances Control, Pollution Prevention branch.

2. EPA should improve access to important information by nail and hair salon workers and owners by translating the following into languages that are accessible to low-literacy immigrants:
    - Make the links on EPA's web page on foot spas more accessible to salon workers and owners by translating the information into key languages. For instance, ensure that "Label Information on Disinfectant Products" and "Related Information" is to Vietnamese, Korean, and Spanish speakers. (http://www.epa.gov/pesticides/factsheets/footspa_disinfection.htm).
    - Translate the EPA manual "Protecting the Health of Nail Salon Workers" into Spanish.

3. In its Essential Principles for Reform of Chemicals Management Legislation under TSCA, Principle #3, the EPA should officially acknowledge, include and designate "Sensitive Subpopulations" as including workers, women of reproductive age and pregnant women.

4. To ensure businesses comply with applicable environmental laws, provide Compliance Assistance to service sectors NAICS 812112 (hair salons) and 812113 (nail), and manufacturing sector 325620 (Toilet Preparation Manufacturing including cosmetics such as nail polish and removers).

Occupational Safety and Health Administration (OSHA)

1. OSHA should update Permissible Exposure Limits (PEL) for chemicals commonly found in nail and hair salon products to protect against cancer and reproductive and developmental toxicity. Specifically, the 8 hour-TWA limit for toluene should be revised from 200 ppm to 0.5 ppm to protect against spontaneous abortions and to be as protective as environmental standards for the public. The limit for dibutyl phthalate should also be reduced from its current 5 mg/m3. Additionally, it is important that OSHA consider the effect of long-term and continuous exposures, as well as frequent non-continuous high exposures, on the health of women of childbearing age.

2. OSHA should adopt a salon-specific ventilation standard that takes into account the unique air quality issues of nail and hair salons versus ordinary retail spaces. OSHA should consider the following:
    - The 2007 Oregon Mechanical Specialty Code requires that a source capture system be installed at every manicure and pedicure station. This "source capture system" must be adequate to draw air away from manicurists and consumers with an exhaust rate of at least

50 cubic feet per minute (cfm) intermittent exhaust at each station (during chemical use) and 20 cfm for continuous exhaust.[i] Note: The International Code Council requires the same level (50 cfm) of exhaust in bathrooms, just for control of odors. Oregon's ventilation standard is applied only to new salons or to existing salons that add new nail stations to their businesses.

- The California Mechanical Code contains a ventilation standard specific to "beauty and nail salons," requiring an air ventilation rate of 25 cfm per person. See: 2007 California Mechanical Code, Title 24, Part 4, Table 4-1. The California Building Standards Code bases its standards in the California Mechanical Code on the Uniform Mechanical Code of the International Association of Plumbing and Mechanical Officials (IAPMO). The IAPMO relies on the expertise and opinion of the American Society of Heating, Refrigerating, and Air-conditioning Engineers (ASHRAE). It is unclear how well this specialized standard is known, much less enforced, by local building inspectors in California. Cal/OSHA does not require a ventilation standard specific to hair and nail salons. For new buildings, the general retail building standard is 15 cfm person, and as low as 5 cfm for older buildings.

3. Develop a Best Practices guide for nail and for hair salons that is in lay-person friendly language and is accessible to low-literacy immigrants, and provides information on understanding the OSHA Hazard Communication Standard and implementing an Injury and Illness Prevention Program (IIPP), understanding MSDSs, PELs, worker rights, and the process for filing a complaint with OSHA, among others key topics. Translate the Best Practices guide into Vietnamese, Korean, and Spanish. Additionally:
    - Where there are existing efforts by NGOs and state agencies to develop and publish such a guide, provide technical and funding assistance to augment those efforts.
    - We urge the development of a roadmap or other supplemental document or materials to help employers (especially, nail and hair salon owners) understand the information in MSDSs, and to teach that information to their employees. This "roadmap" document(s) should be translated into at least Vietnamese, Korean, and Spanish and be accessible to low-literacy immigrants.

4. Similar to its Spanish/ESL Coordinators, OSHA should provide a Vietnamese and a Korean/English-as-a-Second Language (ESL) Coordinator at each of its 10 regional offices to better meet the needs of salon owners and workers with limited English skills.

5. We encourage OSHA to translate its existing documents especially relevant to nail and hair salon workers, such as those on job safety and health, blood-borne pathogens, and Hepatitis B vaccines into several key languages including at least Vietnamese, Korean, and Spanish. Materials should be accessible to low-literacy immigrants.

6. Fund educational opportunities for worker sectors other than high hazard, such as nail and hair salon workers by convening inter- and intra-sector regional educational summits. Such summits will provide the forum for different worker groups to connect on shared issues of concern. Additionally:
    - Points of intersection and focus could include cosmetics (workers in cosmetics retail and manufacturing and nail and hair salons workers), women's lower-paid jobs where many work as independent contractors (domestic workers and nail and hair salon workers), and/or the AAPI community in retail and service jobs.

- We encourage OSHA to collaborate with and seek participation at its summits by state agencies and Alliance members such as the California Healthy Nail Salon Collaborative, which have close ties with the worker community in that state.
- It is important that OSHA collaborates with and augments any already existing similar efforts by NGOs and state agencies.

7. OSHA should consider systematically testing nail and hair products and reviewing their respective MSDSs to ensure that companies are disclosing the ingredients required by law to be reported on MSDSs. This could take the form of random testing, or testing could be targeted at manufacturers that agency staff have reason to believe are not fully disclosing ingredients, as required by law.

National Institute for Occupational Safety and Health (NIOSH)

1. NIOSH should complete its study on ventilation tables and issue its report in English and also translated into Vietnamese, Korean, and Spanish in language accessible to low-literacy immigrants.

2. NIOSH should conduct further research on ventilation in nail and hair salons and report on the following:
    - The level of ventilation necessary for health protective air quality for workers in salons;
    - How to adequately filter air that is vented to the outside of salons;
    - Various ventilation methods and technologies to improve air quality in salons such as ceiling vents and hand tools to vacuum dust during artificial nail application;
    - Recommendations as to the relative effectiveness and practicality of various ventilation technologies and methods; and
    - Practical "how to" information and advice for implementing effective ventilation such as approximate costs of structural changes or equipment, and how to negotiate with a landlord to make such space and/or structural improvements.

Additional Points of Discussion and/or Clarification:

1. What is the **National Occupational Research Agenda's (NORA)** role in **NIOSH's** decisions regarding funding its research, and how can the Alliance most effectively participate in **NORA's** programs to elevate the issues of the nail and hair salon work sector?

2. What might be some innovative financial incentives for small business salons to improve the health and safety of their workers and green their products and practices?

3. We would like the **FDA** to explain its apparent position that a 5% formaldehyde level in nail hardeners is safe. We would appreciate being referred to relevant studies and other materials supporting this position.

---

[i] Ewert MD. "Commentary - Nail Salon Ventilation." (http://www.cbs.state.or.us/external/bcd/programs/mechanical/commentary/Source_Capture_System.pdf) (accessed Feb. 28, 2009)