National Healthy Nail Salon Alliance

March 31, 2010

OSHA Docket Office, Docket No. OSHA–2010–0004
Technical Data Center, Room N–2625
U.S. Department of Labor
200 Constitution Avenue NW.
Washington, DC 20210

Re: OSHA Listens: Occupational Safety and Health Administration Stakeholder Meeting (Docket No. OSHA-2010-0004)

Comments of the California Healthy Nail Salon Collaborative, the National Asian Pacific American Women's Forum, and Women's Voices for the Earth, co-conveners of the National Healthy Nail Salon Alliance, Related to Health and Safety Issues Facing Nail Salon Workers.

Introduction

We, the undersigned immigrants' rights, women's rights, public health, environmental justice, and reproductive justice organizations write to address the important unaddressed health and safety issues in the workplace faced by nail salon technicians. Specifically, we will discuss the demographic profile of nail salon workers in the U.S.; the adverse health outcomes faced by nail salon workers, particularly reproductive harms; and how these factors call for OSHA to update its Permissible Exposure Limits (PELs) and to create new requirements for Material Safety Data Sheets (MSDSs).

Background: Nail salon workers are disproportionately Asian American, immigrants, and limited English proficient.

The cosmetology industry is the largest professional licensed population in the nation and is still growing. Nail salons have more than tripled in quantity over the last two decades. Women comprise over 95 percent of all nail salon workers, and most are of reproductive age.[1] On

[1] NATIONAL ASIAN PACIFIC AMERICAN WOMEN'S FORUM, ISSUE BRIEF: THE NAIL SALON INDUSTRY AND THE IMPACT OF COSMETIC TOXINS ON API WOMEN'S REPRODUCTIVE HEALTH (2008), *available at* http://napawf.org/wp-content/uploads/2009/working/pdfs/issuebrief_nailsalon_updated.pdf.

average, a nail salon technician is 38 years old and has worked in the industry for 9 years.[2] It is difficult to calculate the exact number of Asian Pacific Islander (API) nail salon workers; however, the industry estimates that approximately 42 percent of all nail technicians nationwide are Asian, with Vietnamese women comprising 39 percent of the entire industry and Korean women comprising 2 percent.[3] In California, where over 83,500 manicurists, or 21 percent, of the national population of nail technicians work, it is estimated that 80 percent of nail salon workers are Vietnamese immigrant women and more than half are of reproductive age.[4] Finally, women do not have to be fluent in English to become licensed technicians, yet important safety information is usually not available in the language they can read. This is especially true among the Vietnamese population.[5] For Vietnamese immigrant women, many of whom come to the U.S. as refugees with limited education, training, and English skills, the nail salon industry represents an accessible entry point into the workforce and an immediate way to earn money for their families.

Nail salon workers also share many other characteristics. In addition to their immigrant status and limited English skills, the workers tend to earn less than $16,000 a year.[6] Many Asian nail salon workers also lack knowledge of the legal and health care systems in the U.S, and lack basic health care coverage.[7] Lastly, most nail technicians are not formal employees of the salon. Rather, they rent a station from the shop, which further contributes to the complex nature of the employee-employer relationship. Moreover, many of the owners are also workers.[8]

Nail salon workers are exposed to chemicals on a daily basis in the course of providing nail care services that have been linked to adverse health outcomes. Linked to both reproductive harm and cancer, toluene, formaldehyde and dibutyl phthalate are three top ingredients of concern because of the prevalence of these chemicals in nail products.[9] Toluene is a clear colorless liquid that acts as a solvent. It is found in many nail products because it helps form the smooth finish across the nail. Because toluene evaporates into the air as nail polish dries, exposure to toluene can affect the central nervous system with low-level symptoms such as headache, dizziness, and fatigue.[10] At very high exposures, toluene has been found to be toxic to the kidneys and liver, and is a possible reproductive or developmental toxin.[11] Formaldehyde is

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[2] *Id*.
[3] *Id*.
[4] *Id*.
[5] *Id*.
[6] *Id*.
[7] *Id*.
[8] *Id*.
[9] *Id*. *See also* CALIFORNIA HEALTHY NAIL SALON COLLABORATIVE, OVEREXPOSED AND UNDERINFORMED: DISMANTLING BARRIERS TO HEALTH AND SAFETY IN CALIFORNIA NAIL SALONS 5 (2009), *available at* http://saloncollaborative.files.wordpress.com/2009/03/collaborativepolicyrecreport.pdf; WOMEN'S VOICES FOR THE EARTH, GLOSSED OVER: HEALTH HAZARDS ASSOCIATED WITH TOXIC EXPOSURE IN SALONS (2007), *available at* http://www.womenandenvironment.org/campaignsandprograms/SafeCosmetics/WVE.NailSalon.Report.pdf.
[10] NATIONAL ASIAN PACIFIC AMERICAN WOMEN'S FORUM, ISSUE BRIEF: THE NAIL SALON INDUSTRY AND THE IMPACT OF COSMETIC TOXINS ON API WOMEN'S REPRODUCTIVE HEALTH, *supra* note 1; *see also* CALIFORNIA HEALTHY NAIL SALON COLLABORATIVE, OVEREXPOSED AND UNDERINFORMED, *supra* note 9; WOMEN'S VOICES FOR THE EARTH, GLOSSED OVER, *supra* note 9.
[11] *Id*.

a chemical commonly used in resins and as a preservative. In nail products, this chemical functions as a nail hardener and helps create a smooth finish. Known as a human carcinogen, formaldehyde is an irritant to the eyes, nose and throat, and repeated skin exposure can lead to skin irritation, an allergic rashes or dermatitis, and coughing and wheezing.[12]

Prolonged exposure to many chemicals used in nail salons can lead to reproductive health harms.

Typically, nail salon technicians work long hours to maximize their income potential and clientele base, which prolongs their exposure to some of the dangerous toxins found in nail polish and other beauty products. While there is a significant lack of research examining nail salon worker health, an increasing number of studies confirm the adverse health effects of exposure to toxic chemicals contained in nail products.

Many of the health studies that have been conducted on phthalates have indeed found a link between prolonged exposure and cancer, miscarriages, and infertility.[13] In addition, researchers have found that pregnant nail salon workers are at increased risk of various reproductive harms such as spontaneous abortions and birth defects or poorer infant health outcomes due to the transfer of phthalates across the placental barrier to the developing fetus.[14] Nail technicians have also been found to have greater problems with cognitive processing and memory.[15]

Health and safety dangers are exacerbated by other hazardous workplace conditions and fears related to immigration status.

Asian nail salon technicians face other hazardous workplace conditions. Many shops are poorly ventilated, which can exacerbate asthma conditions and other respiratory problems. Because nails salon workers come into daily contact with a range of chemical-laden products, they are also more prone to developing skin allergies and dermatitis.[16] Moreover, safety data sheets are rarely translated into Asian languages such as Vietnamese or Korean. Thus, many Asian workers unknowingly and improperly handle dangerous products. Although manufacturers are required to include information about proper handling techniques, they often fail to do so. Most state cosmetology boards also fail to adequately educate workers on safety issues.[17]

Further, many Asian immigrant women—and undocumented women in particular—who work in this industry have limited avenues for redress.[18] Since most rent a station from the shop, nail technicians lack job security. Although many Asian nail salon workers believe that the products they use do in fact have adverse health consequences, they often feel unable to change

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[12] *Id*.
[13] NATIONAL ASIAN PACIFIC AMERICAN WOMEN'S FORUM, ISSUE BRIEF: THE NAIL SALON INDUSTRY AND THE IMPACT OF COSMETIC TOXINS ON API WOMEN'S REPRODUCTIVE HEALTH, *supra* note 1.
[14] *Id*.
[15] *Id*.
[16] *Id*.
[17] *Id*.
[18] *Id*.

their workplace environment or report the situation to government officials because the job provides the sole source of income for their families. Moreover, many nails salons are family-owned businesses where the owner is a relative.

Updating the Permissible Exposure Limits (PELs) should be a priority for the agency.

While published studies quantifying toxic exposure in nail salons are relatively few in number, the chemicals discussed above have all been detected by air monitoring in salons. The levels have generally been found to be much lower than the existing exposure standards for each chemical. While these standards, such as the Occupational Safety and Health (OSHA) Permissible Exposure Limits (PELs), are considered "safe" from a regulatory standpoint, they have serious limitations in protecting health. These standards were created in the 1960s for industrial settings with an intent to protect against severe acute exposures. Most OSHA PELs do not take into consideration the effects of a combination of multiple chemicals, or the long-term chronic effects of exposure on endpoints such as asthma, cancer or reproductive harm. In addition, these limits are restricted to inhalation exposure and do not account for absorption through the skin, which is a potential route of exposure for nail salon workers. Finally, the PEL limits do not take into account the fact that "safe" exposure levels may vary based on the gender, age, or pregnancy status of the exposed worker. As over half of nail salon workers are of reproductive age and the vast majority of nail salon workers are women, PEL limits should take these factors into account. Accordingly, PEL limits are outdated and need to be lowered in order to ensure maximal health and safety for nail salon technicians.

Material Safety Data Sheets (MSDS) must be designed for the layperson and translated in multiple languages, including Vietnamese and Spanish.

As stated earlier, adverse health impacts of prolonged exposure to chemicals used in nail salons are compounded by the lack of linguistically appropriate health and safety information.[19] MSDSs generally have language that is too highly technical for many workers and employers to understand, and formats that are inconsistent from one manufacturer to the next.[20]

Accordingly, OSHA should increase its capacity to provide these resources in other languages and update these resources so that they are written in an understandable manner to the layperson. OSHA should require manufacturers to ensure that the hazard evaluation information on MSDSs is complete, accurate, and comprehensible, especially regarding substances that pose chronic health hazards. OSHA should also require manufacturers and distributors of nail salon products to provide bilingual MSDSs (including English/Vietnamese) to all purchasers. Finally, OSHA should continue developing an enforcement initiative within the agency for compliance officers to review and evaluate the adequacy of MSDSs.

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[19] CALIFORNIA HEALTHY NAIL SALON COLLABORATIVE, OVEREXPOSED AND UNDERINFORMED, *supra* note 9, at 5.
[20] *Id*. at 12.

Conclusion

In sum, due to lack of access to health care, translated materials, their immigrant status, and working conditions inherent to the nail salon industry, nail technicians face a variety of adverse health effects as a result of being exposed to chemicals commonly used in salons. In order to ensure improved health and safety conditions for these workers, OSHA should update its PELs and requirements for MSDSs.

Sincerely,

California Healthy Nail Salon Collaborative
National Asian Pacific American Women's Forum
Women's Voices for the Earth

National Healthy Nail Salon Alliance Co-Conveners