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Policy Recommendations to Reduce Toxic Exposures for Nail Salon Workers

Julia Liou, Catherine A. Porter, and Thu Quach

Summary

The nail salon sector is growing rapidly. Nail salon workers are predominantly Vietnamese immigrant women who are exposed to numerous harmful chemicals in nail care products. The situation is exacerbated by limited safety information, language barriers to information, and lack of government oversight. This brief discusses the health and safety issues faced by workers at the nexus of environmental and worker justice and the policy recommendations by which to address these issues from a public health and regulatory perspective. Although these policy recommendations pertain to California where the sector is largest, they also have far-reaching implications at the national level.

Background

About the Nail Salon Worker Community

In recent decades, the nail salon industry has experienced significant growth across the United States in response to high consumer demand for fashionable nails. Currently, more than fifty-seven thousand beauty salons employ nearly 376,000 nail technicians in the United States (*Nails Magazine*, 2010). In California alone, there are 114,000 licensed nail technicians (California Senate Office of Research, 2008). Many workers are young women of child-bearing age with Vietnamese immigrants composing an estimated two-thirds of the workforce (Federman, Harrington, and Krynski, 2006; *Nails Magazine*, 2010). Although many are not fluent in English, health and safety information often contains highly technical language that commonly appears only in English.

Workplace Hazards and Health Effects: An Intersection of Environmental and Worker Justice

Nail care products contain, in varying amounts, many toxic and potentially hazardous ingredients (Brown, 1987). In contrast to retail products, manufacturers of professional nail products are not required to list ingredients on the product label. Recent studies show that workers are exposed to concerning levels of chemicals in nail salons (Hines et al., 2009; Kwapniewski et al., 2008; Quach et al., 2011). Studies have shown that these workers experience significant health problems including acute health symptoms (e.g., skin irritations, headaches, and respiratory problems) (Quach et al., 2008, 2011; Roelofs et al., 2008), neurocognitive conditions (LoSasso, Rapport, and Axelrod, 2001; LoSasso et al., 2002), and reproductive problems (John, Savitz, and Shy, 1994).

The health and safety issues that nail salon workers face daily lay at the unique intersection of environmental and worker justice. Disproportionately exposed to toxic chemicals compared to the general population, nail salon workers put their health and safety at risk. Due to economic reasons, including limited choices in the job market, along with their immigrant status, many Vietnamese workers feel they must accept these workplace conditions. Given regulatory inadequacies, institutional power inequalities, and socioeconomic barriers to health care access and utilization, this limited English-speaking immigrant population is not protected from workplace hazards and lacks the social, economic, and political power and resources to effectively advocate for safer workplace conditions and a healthy life.

A Multifaceted Approach to Policy Change

The California Healthy Nail Salon Collaborative was formed in 2005 out of concern for the health, safety, and rights of nail salon and cosmetology workers and owners. Composed of public health, reproductive, and environmental justice advocates; salon workers and owners; and allies in government agencies, the collaborative employs a multifaceted approach utilizing outreach and community capacity-building, research, and policy strategies.

Salon workers and owners are at the center of the collaborative's work. The collaborative convenes statewide quarterly worker and owner meetings to not only provide a forum by which community concerns and needs can be voiced but also to obtain guidance

and input from this community. During these meetings and community forums, nail salon community members help to identify policy focus areas, vet policy goals and recommendations, and receive leadership skills development and policy advocacy opportunities to exercise their civil rights to safer work conditions.

Partnering with local policy makers to develop legislation and implement programs is a critical component of the collaborative's work. In addition, the collaborative engages regulatory and other governmental agencies; for instance, the collaborative is working with the California Division of Occupational Safety and Health (Cal/OSHA), which enforces California's workplace health and safety laws and regulations, to develop the first-ever nail salon best-practices guide by Cal/OSHA with an emphasis on avoiding chemical exposures.

Analysis

The California Safe Cosmetics Act

In 2005, California passed the California Safe Cosmetics Act, which requires manufacturers to disclose to the California Department of Public Health (DPH) any ingredient known to cause cancer or reproductive harm, including ingredients that are in fragrances, an ingredient category that is exempted from federal labeling law. The law also authorizes (but does not require) the DPH to investigate any of the products reported by cosmetic manufacturers that contain chemicals known to cause cancer or adverse reproductive health. To date, the act has been implemented. However, due to recalcitrant companies that fail to comply and due to limited funding, along with lack of coordination across departments and partnering agencies to enforce the law, data on ingredients have not yet been made public.

Legal Prohibitions and Regulatory Gaps Contributing to Environmental and Worker Injustices

Chemicals in cosmetic products are largely unregulated in the United States. Although the Food and Drug Administration (FDA) regulates cosmetic manufacturers, they have no authority to require manufacturers to conduct premarket testing, provide data for safety testing, or even disclose product ingredients. Of the ten thousand chemicals used in personal care products, including nail products, nearly 90 percent have not been assessed for safety

(Environmental Working Group, 2005). The FDA has some authority to eliminate “deleterious” or harmful substances from cosmetic products but has rarely exercised that authority. Even though the link to chronic and severe acute harm of many chemicals in nail salon products is widely recognized, product manufacturers are slow to conduct research to find and utilize safer alternatives. Some product manufacturers are transitioning away from some of the most harmful chemicals; for example, nail products without dibutyl phthalate, formaldehyde, and toluene (known as the “Toxic Trio”) are available. However, some of those companies that are voluntarily developing safer alternative products tend to be at a competitive disadvantage due to the monetary outlay for research and development, which can make their products more expensive for the consumer.

In 2008, the California legislature passed a law calling for the development of a systematic approach to controlling chemicals and accelerating the quest for safer products, one leg of the California Environmental Protection Agency’s (Cal/EPA’s) “Green Chemistry Initiative” (California Health and Safety Code, 2008; California Environmental Protection Agency, 2007). The Department of Toxic Substances Control (DTSC) within Cal/EPA is charged with developing regulations to implement this law. Unfortunately, the process has been slow moving, and it is unclear when meaningful regulations will finally be adopted and implemented.

Programs that Encourage Nail Salons to Use Less Toxic Products

In 2010, San Francisco, California, passed the Healthy Nail Salon Recognition Ordinance to establish a voluntary program to recognize salons that do not use nail polish containing any of the “Toxic Trio,” among others. This ordinance applies a “carrot” approach to incentivize change instead of a “stick” approach that penalizes for wrongdoing. Lessons learned from this ordinance will inform future efforts to replicate similar programs in other localities in the state.

Currently, the California legislature is considering Assembly Bill 913, which would improve DTSC’s capacity to provide technical and other support to local Green Business Programs in California (Feuer, 2011). The legislation also calls for the development and implementation of stringent and consistent standards that are

specific to certain industries such as nail salons, which is significant given that there are no statewide or national green standards for the nail salon industry. Some nail salon owners have voiced a desire to become a “green” salon, which generally denotes a business, practice, or product that has greatly reduced its negative impact on energy use and the environment. However, they are concerned about the cost, and they expressed the need for more information on safer and greener products and practices, as well as technical assistance. In response, the collaborative has been working with DTSC to draft a healthy / green nail salon standard.

Findings

Nail salon workers face a complexity of issues, including toxic compounds in products they use. Policy interventions that would strengthen and support governmental oversight and establish laws and programs calling for safer nail products and salons to address the environmental and worker injustices faced by the nail salon community are long overdue. Keeping in mind the truism “where California goes, so goes the nation,” the collaborative believes that lessons learned from California policy making and movements such as that of the nail salon community can be instructive to federal efforts and establish the foundation by which nail salon workers’ rights to safer and healthier workplaces can be realized.

Three findings, based on the collaborative’s work with the nail salon sector in California given the context of existing laws and governmental agency oversight, are:

Finding 1: Government agencies often are stymied in accomplishing their legislative mandates by insufficient funding or limited authority;

Finding 2: Laws that prohibit harmful chemicals and support safer alternative products are key to healthier nail salons but may be slow in coming; and

Finding 3: Programs relying on recognition (i.e., the carrot approach) can lead to healthier nail salons in the near term and may be better received by nail salon workers and owners.

Recommendations

Based on these three findings, the collaborative recommends the following policy interventions and programs:

- Ensure proper (timely) implementation and expansion of California's Safe Cosmetics Act through more sustained funding (Finding 1).
- Require that DPH investigate whether reported products containing chemicals that cause cancer or reproductive harm pose hazards to workers (Finding 1).
- Ban the most harmful chemicals in nail products, including toluene, dibutyl phthalate, and formaldehyde (the "Toxic Trio") (Finding 2).
- Pass federal legislation such as the federal Safe Cosmetics Act that would give the FDA authority to require premarket safety assessments and full product ingredients lists on labels and Web sites (including professional products) and to prohibit chemicals that cause chronic, serious, and negative health outcomes (Finding 2).
- Replicate legislation and programs in other localities in California and elsewhere similar to the San Francisco Healthy Nail Salon Recognition Program Ordinance (Finding 3).
- Establish statewide green business standards and programs for the nail salon industry with sufficient funding to provide technical support and consumer education by passing California Assembly Bill 913 (Feuer, 2011) (Finding 3).

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