

## **LANGUAGE ACCESS** **In the Nail Salon Industry**

**SUMMARY** Everyday, tens of thousands of Californians are exposed to hazardous chemicals commonly found in nail products. But because of a critical gap in government oversight, important health and safety information is not accessible to consumers and nail salon owners and workers, many of whom are limited-English-proficient. State agencies responsible for ensuring worker and consumer health and safety must be proactive in developing effective policies to protect workers, owners, and consumers from hazards common in the rapidly growing nail salon industry.

### **NAIL SALON INDUSTRY CONTINUES TO GROW**

The number of nail salons in the United States has nearly tripled in the last two decades, making nail salons one of the fastest growing sectors in the beauty industry. Americans spent approximately \$6.4 billion in nail care services in 2005. That same year, there were over 8,000 licensed nail salon establishments and well over 85,000 nail technicians in California alone.

The nail salon industry represents a significant niche market for Vietnamese immigrants in California and has become an economic cornerstone of the community. Eighty percent of all nail technicians in California are Vietnamese. In fact, one out of every six Vietnamese people living in California owns or works in a nail salon and many are limited-English-proficient.



PHOTO: ROBERT GUINPERT

### **HAZARDOUS CONDITIONS IN THE NAIL SALON INDUSTRY**

Nail salon workers, an overwhelming majority of which are women of reproductive age, are exposed to a wide range of workplace hazards including:

- **Hazardous Chemicals**—Ingredients commonly found in nail products have been linked to cancer and developmental and reproductive abnormalities as well as respiratory irritation, skin sensitization, headaches, and other health-related problems. The California Occupational Mortality Study found that the breast cancer rate among cosmetologists was 1.8 times higher than that of the general population, even after adjusting for smoking, alcohol, and socioeconomic status.
- **Infectious Diseases**—Workers are at risk of exposure to biological hazards that cause infectious diseases such as blood born pathogens (Hepatitis B, Hepatitis C, and HIV), fungal infections (Ringworm), and skin inflammations (dermatitis).
- **Ergonomic Hazards**—Nail salon workers use forceful repetitive movements such as filing and buffing nails and holding uncomfortable positions for long periods of time, thereby increasing risk for joint and musculoskeletal injuries.

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Federal OSHA requires that chemical manufacturers and distributors provide a Material Safety Data Sheet (MSDS) for each hazardous chemical they produce or import to workers exposed to these chemicals. MSDSs contain important health warnings, storage and handling instructions, and emergency first aid procedures. Currently, MSDSs are not required to be translated. As a result, many LEP owners and workers are not aware of how to properly protect themselves or their clients.

Nail products such as nail polish, nail polish removers, callus removers, and acrylic powders for artificial nails are common products found in many nail salons. These products, however, are harmful and can cause both chronic and acute negative health impact. Acetone, for example, is the major ingredient found in most nail polish removers. The MSDS warns, 'avoid breathing of or contact with material.' Inhalation of vapors from acetone based nail polish removers 'may be irritating to skin, eyes, mucous membranes, and upper respiratory tract.' In addition, the MSDS for a callus remover containing potassium hydroxide warns, 'Danger! Corrosive. Causes severe burns to skin, eyes, respiratory tract...material is extremely destructive to all body tissues.' Because these information are not available in a language workers can understand, LEP owners and workers are often left to their own devices to decipher pertinent health and safety information or are left in the dark regarding chemical exposures.

### STATE OVERSIGHT OF THE INDUSTRY INADEQUATELY ADDRESSES INFORMATION ACCESS BARRIERS

The California State Board of Barbering and Cosmetology and the California Division of Occupational Safety and Health are the two state agencies primarily responsible for ensuring health and safety in the nail salon industry.

*The California State Board of Barbering and Cosmetology (BBC)* is the state agency responsible for ensuring consumer health and safety and overseeing licensure, testing, and classroom curriculum. BBC also conducts regular inspections of nail salon establishments and periodically sends notifications to nail salons regarding changes in BBC policies and procedures. Though BBC's primary focus is on consumer health and safety, the Board has expert knowledge of the nail salon industry and therefore plays a significant role in ensuring both consumer and worker health and safety. Nail salon owners and workers depend on these regulatory updates to ensure consumer health and safety as well their own health and safety.

"BBC told me I had to bring my own interpreter for the disciplinary hearing. None of my friends or co-workers speaks English well so I ask my 14 year old son to help me. I felt bad because I had to take him out of school that day but I had no choice."

-Nail salon worker, San Francisco

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In 2006, BBC issued a footspa sanitation order in response to a break out of skin infections in California. Almost a year later, the protocol on how to comply with the new regulation has not been translated, though BBC immediately began to cite violations. While this approach resulted in penalties charged against nail salon owners and workers, there continues to be nail salon owners who are unaware of this new policy. BBC's failure to effectively communicate with nail salon owners and workers not only endanger the health and safety of consumers but the owners and workers as well.

BBC's 18 inspectors are responsible for monitoring the more than 408,000 licensed barbering and cosmetology licensees in California. BBC currently has on staff three certified Spanish bilingual inspectors and only one certified Vietnamese bilingual inspector. When a BBC inspector cannot communicate with a nail salon owner or worker, the inspector must attempt to find an interpreter—usually an employee with no training in providing interpretive services. BBC's small staff and limited language capacity compounds the already precarious health and safety concerns in the nail salon industry.

*The California Division of Occupational Safety and Health*, commonly referred to as Cal/OSHA, is the state agency responsible for overseeing worker health and safety. Cal/OSHA provides workers with workplace health and

safety information and enforces California's occupational safety and health laws. Cal/OSHA does not regularly inspect nail salons and therefore relies on workers to notify the agency of existing or potential health and safety hazards in the workplace.

As of June 2007, Cal/OSHA posted 90 health and safety related publications on their website. Only six of the health and safety documents were translated into Vietnamese and none of those documents were specifically related to the nail salon industry. In total, less than half of Cal/OSHA's published documents were translated into a language other than English. None of the translated documents explained how to report a health and safety hazard to Cal/OSHA. The complaint form and Cal/OSHA's process and procedure manuals, for example, are only available in English.

"I want to understand the health and safety notifications that are sent to me. I want my customers to be safe – and my employees as well. "

-Nail salon owner, Alameda

In addition, informational brochures and materials were not uniformly available at all of Cal/OSHA's district offices. In Cal/OSHA's San Francisco office, for example, there were no multilingual materials or signs in the public waiting area. The few translated materials that were available had to be requested from a Cal/OSHA staff. This can pose a

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significant barrier for LEP workers trying to access materials from Cal/OSHA. In contrast, informational brochures and documents were more publicly accessible at Cal/OSHA's Oakland office. The documents were available in a public lobby with multilingual informational posters clearly displayed on the walls. In both offices, however, few health and safety documents were available in Chinese and Vietnamese.

Cal/OSHA's limited staff cannot properly ensure the health and safety of nail salon owners and workers. There are over 17 million employees in California and 218 Cal/OSHA inspectors—24 are bilingual inspectors and only one is a certified Vietnamese bilingual field inspector. Moreover, Cal/OSHA has

only inspected seven nail salon establishments in the past ten years.

BBC and Cal/OSHA are responsible for ensuring that health and safety information are clearly communicated and effectively reaching those who are most affected by the hazards common in the nail salon industry—owners, workers, and consumers. In many cases, exposure to these hazardous chemicals can be minimized or eliminated. Though the information already exists in multiple languages, multilingual health and safety information are not made available to those who can best improve safety conditions—nail salon owners and workers, many of whom are LEP. Furthermore, those critical health and safety information are not reaching the consumers themselves.

### RECOMMENDATIONS:

It is critical that owners and workers be provided with basic health and safety information in order to protect themselves and the clients they serve. The language barrier that currently exists creates a dangerous gap between nail salon workers and consumers and the potentially life-altering health and safety information. Improving language and information access is an effective method for further ensuring the health and safety of nail salon workers, owners, and consumers.

- 1. Information regarding chemical hazards should be clear and understandable and be available to workers, owners, and consumers.** Chemical safety information should be available in a language LEP nail salon owners and workers can understand and contain relevant information including, the name of the product and its ingredients, hazardous identification, and regulatory information. Presently, chemical hazard information is not reaching the people who need it the most.
- 2. BBC should translate its rules and regulations in a timely manner, particular health and safety materials.** Nail salon licensees should have the opportunity to review BBC's rules relating to safe practices in a language they understand. Licensees should not be sanctioned without appropriate opportunity to bring their practices into compliance.

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3. **BBC should place greater emphasis on combining education with enforcement.** Fines and penalties alone do not inform nail salon owners and workers on ways to improve health and safety conditions. Connecting education with enforcement efforts should include offering reduced penalties for participation in approved workplace safety training and expanding the availability of language appropriate educational materials.
4. **BBC should expand participation to nail salon workers and owners, or their representatives, in BBC's standing advisory committee.** Input from the nail salon community will increase BBC's awareness of the needs of the nail salon community and allow BBC to address the issues. This approach maximizes BBC resources by taking advantage of BBC's existing infrastructure.
5. **BBC and Cal/OSHA should prioritize hiring of bilingual inspectors and provide interpretive services.** Workers who contact these regulatory agencies regarding health hazards should be able to effectively communicate their concerns. BBC, in particular, is committed to restructuring its enforcement strategy by dually focusing on inspection and education. Inspectors will inspect an establishment for violations as well as educate owners and workers on BBC health and safety standards. Given BBC's current lack of language capacity, implementation of this new strategy cannot be done in isolation.
6. **Cal/OSHA should ensure that the appropriate health and safety documents are readily available to all workers and in the appropriate languages.** Cal/OSHA should translate all documents, prioritizing documents such as *HESIS Guide to Chemical Exposure in the Nail Salon, Safety and Health Protection on the Job* and *User's Guide to Cal/OSHA: California Occupational Safety and Health Program*. Cal/OSHA should also provide translated documents describing how to file a complaint as well as translate the complaint form itself. The translated information must also be made available both on Cal/OSHA's website and in the public lobby area of all Cal/OSHA's offices.
7. **BBC and Cal/OSHA should collaborate with community based health organizations to develop linguistically and culturally appropriate educational materials and training opportunities.** Over the past three years, community organizations have developed educational tools and materials to inform nail salon owners and workers about safety hazards. BBC, in particular, has an existing infrastructure for conveying that content to nail salons and we would be pleased to share that content for distribution to the community we all seek to serve.