

California Again Leading the Way: Cosmetics Safety and Worker Health

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California has long been a leader in fostering grassroots programs that advocate for progressive environmental health policies aimed at protecting the public from uncontrolled exposures and risks. In 2007, it became the cutting edge of cosmetics regulations in the U.S. when the California Safe Cosmetics Act (2005) came into effect. As precedent to the law, the state recognized, among other things that: 1) neither the federal Food and Drug Administration (FDA) nor the State Department of Health Services (DHS) have the authority to test and approve cosmetics for safety, nor do they have the ability to regulate ingredients of cosmetics; 2) federal law does not require ingredient labeling of cosmetic products sold for consumer use; and 3) women of child bearing age, including those working as cosmetologists and manicurists, are most exposed to the toxic substances contained in cosmetics products. Nail care products are one illustrative example of how the combination of community-based advocacy, and initiatives at local and state government levels, can work to serve the needs of the public when federal regulation cannot.

The “Toxic Trio”

Nail salons are one part of the cosmetics industry that has been in the public eye because nail care products have long been known to contain toxic ingredients. Specifically, the chemicals toluene, dibutyl phthalate (DBP) and formaldehyde, are known collectively in the industry as the “Toxic Trio” because of their link to cancer, birth defects asthma and other chronic conditions (USEPA, 2007). As concern from the public has increased in recent years, cosmetics manufacturers have explored alternative methods in their marketing and labeling campaigns to highlight their products as “toxic-free,” in order to play upon consumers’ willingness to purchase healthier products (Hansen, Risborg, & Steen, 2012). This type of

marketing campaign would be ideal, if only the products did not have the toxic ingredients.

In April 2012, the California Environmental Protection Agency’s Department of Toxic Substances Control (DTSC) released a report documenting findings of an investigation that examined the claims of manufacturers that their nail care products were free of toxic ingredients (Guo, 2012). The DTSC had tested nail products purchased from San Francisco retailers and found that, of the seven products claiming to be toxic free, five did in fact test positive for at least one of these chemicals. In order to properly judge whether products are safe, consumers and the work force must have access to accurate information.

Federal Response to the Toxic Trio

The DTSC report is an eye opener to the fact that the cosmetics industry, which has historically been self-regulated, must be held to higher scrutiny. At the federal level, the FDA still does not have the authority to require labeling of cosmetic products, but hopefully that may change. In March of 2013, a bill was brought before the House of Representatives titled the Safe Cosmetics Act. The main goal of the bill would be to allow the FDA to require manufacturers of cosmetics products to include the ingredients on the label or some other database readily available to the consumer. In this way, consumers and nail technicians may be free to judge risk for themselves. This bill is now in committee review, however, there is no sign that this legislation will reach the house floor anytime soon. To protect consumers and workers now, something else must be done.

California’s Solution

As the state recognized in its own legislation, the nail technician workforce is estimated at 375,000 workers, 96% of which are female and

roughly 42% are Asian immigrants with a majority ethnically Vietnamese (Drummey, 2011). Nail-care workers experience serious health concerns and have self-reported symptoms of respiratory irritation and headaches based on chemical exposures and poor air quality in the workplace (Reutman et al., 2009; Roelofs, Azaroff, Holcroft, Nguyen, & Doan, 2008). In response to these community concerns from the nail salon and cosmetology workforce, the California Healthy Nail Salon Collaborative (CHNSC) was established in 2005. CHNSC is dedicated to identify practices and policies that benefit both nail technicians and salon owners, and develop the leadership of nail salon workers and owners so they may advocate for their own health and safety needs.

Although consumers are free to choose which products they purchase, workers do not often have similar a freedom in deciding which products they are exposed to during their job. Only strong activism on the part of the consumer will develop a demand for toxic-free products. As a method to lead this campaign, San Francisco's Healthy Nail Salon Program was created, with strong advocacy from the CHNSC, in part to respond to environmental and workplace safety concerns for both salon employees and patrons.

In December 2012, the City of San Francisco recognized an initial eight nail salons with the

“Healthy Nail Salon” designation (Rodriguez, 2012). This recognition is bestowed to these businesses by the city’s Department of the Environment and recognizes the salons’ volunteered effort to purchase truly toxic-free nail care products, as well as include safe work practices for their employees. To judge the achievement of the salons, the department developed comprehensive guidelines in a collaborative process by bringing together salon owners, health advocates, experts and representatives from the U.S. Environmental Protection Agency and the DTSC.

The Healthy Nail Salon model developed by the City of San Francisco should be applauded as a way to implement environmental health policy at a local level. As the future of federal regulation remains unclear, it is hopeful this program may serve as a framework on how to help protect workers and consumers from undue risk for other cities and counties, not only in California, but the rest of the country. San Francisco has approximately 250 nail salons, which employ approximately 2,200 nail technicians. This initial recognition is only the start to protecting nail salon workforce. As similar efforts expand to other regions, it is hopeful that the California’s cutting edge in grassroots organization and progressive policy will continue to lead the way to keeping the public healthy, and of course, beautiful.

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