

United States Senate

WASHINGTON, DC 20510

May 22, 2015

The Honorable David Michaels
Assistant Secretary of Labor
U.S. Department of Labor
Occupational Safety & Health Administration
200 Constitution Avenue, NW
Washington, D.C. 20210

Dear Assistant Secretary Michaels,

We write in light of the recent investigation by the *New York Times* regarding nail salon workers, which details unhealthy and dangerous working conditions, and exposure to toxic chemicals that threaten not only the health of the workers, but also the developing fetus in pregnant workers. The Times report reflects highly problematic practices in both Connecticut and New York, and sheds light on the need for stronger federal oversight. Workers interviewed reported that chronic coughs, respiratory ailments, skin disorders, recurrent miscarriages, and other harms to reproductive health are common among workers in the nail salon industry. As the federal agency charged with assuring safe and healthful working conditions for all men and women, the Occupational Safety and Health Administration (OSHA) has a duty to also ensure nail salon workers are properly protected, and that chemical exposure limits are truly protective of workers' health and enforced aggressively.

As you know, nail salons are legally required to comply with OSHA standards regarding chemical, ergonomic, and biological hazards, including specific permissible exposure limits (PELs) for the toxic trio of chemicals commonly found in nail polish – formaldehyde, toluene, and dibutyl phthalate. Troublingly, OSHA's federal standards are widely recognized by the industrial hygiene community as insufficiently protective of health. Most of the PELs were determined in the 1970s using outdated and possibly flawed science and studies, and have never been updated.

This means that nail salons can meet legal requirements without actually providing a safe working environment for their workers. Other entities, such as California's Division of Occupational Safety and Health (Cal/OSHA) and the American Conference of Industrial Hygienists (ACGIH), have dramatically stronger recommended guidelines for exposure to certain chemicals. For example, whereas the OSHA PEL for toluene is 200 ppm over an eight-hour day, ACGIH's recommended limit is 20 ppm and Cal/OSHA's is 10 ppm; this represents a ten times order of magnitude difference. However, these alternative recommendations are not legally enforceable nationwide.

Your agency has an immediate and urgent duty to protect workers at nail salons by imposing strong remedial measures where existing and ongoing conditions endanger health and safety. Such conditions are intolerable, morally and legally, but effective enforcement can stop them. OSHA must issue stronger legal standards that protect the health of nail salon workers. Thus, we urge you to immediately update the PELs for chemicals commonly found in nail salons, and to engage in a coordinated investigation of worker health conditions in this industry. Additionally, we respectfully request you respond within 14 business days with answers to the following questions:


1. What additional authority, if any, do you need from Congress to conduct an expedited update of the PELs for chemicals found in nail salon products so that they are truly protective of the health of workers, including pregnant workers? Recognizing that current PELs are inadequate to protect health, what recommendations can OSHA issue now so that nail salons can take necessary action to protect worker health?
2. What services and remedies can OSHA provide to nail salon workers who have suffered from harmful exposure to chemicals?
3. Please detail an inspection plan for enforcing existing and future standards in nail salons nationwide.

There are now thousands upon thousands of nail salons across the country and employment for nail salon workers is projected to grow 16 percent from 2012 to 2022 – faster than the average for all occupations. As this nail salon industry continues to grow, it is critical that OSHA take the action steps necessary to prevent further harm to the tens of thousands of workers in this industry. We look forward to working closely with you to make sure that OSHA has the tools and authority necessary to make sure nail salon workers have a safe workplace and receive the protections they deserve.

Sincerely,



RICHARD BLUMENTHAL
United States Senate



CHARLES E. SCHUMER
United States Senate