June 13, 2014

Monet Vela
Office of Environmental Health Hazard Assessment
P. O. Box 4010 Sacramento, California 95812-4010
P65Public.Comments@oehha.ca.gov

Dear Ms. Vela:

The California Healthy Nail Salon Collaborative appreciates the opportunity to provide comments on OEHHA’s pre-regulatory draft Proposition 65 (Prop 65) warning regulations. We strongly support improvements in the Prop 65 regulations that result in more and clearer information for workers and consumers about chemicals they are exposed to. All people have a right to know about, and protect themselves from, harmful substances.

The California Healthy Nail Salon Collaborative (Collaborative) comprises approximately 40 public health and environmental advocates, salon workers and owners, and allies in government agencies. The Collaborative focuses on reproductive and environmental justice and health for the nail salon community through outreach/education, research, and policy strategies. We are a member of Californians for a Healthy and Green Economy (CHANGE Coalition).

In California it’s estimated that 59-80% of the nail salon community are Vietnamese immigrants, many of whom are Limited English Proficient. Most nail salon workers are women of reproductive age. Every day, salon workers use solvents, glues, polishes, dyes and other beauty care products containing chemicals known or suspected to cause cancer and reproductive harm, among other chronic illnesses.

We would like to draw your special attention to the following provisions:

Section 25605 - Chemicals, Substances or Mixtures that must be Disclosed in Warnings

The requirement to identify specific chemicals in warnings provides workers and consumers with a crucial tool. Without this information, they cannot take measures to reduce aggregate exposures from multiple sources. Neither can they consult health professionals about potential symptoms of exposure. We support the list of chemicals currently in the proposed regulations. Formaldehyde, toluene, dibutyl phthalate are chemicals that are used in many nail and other cosmetic products. We recommend that OEHHA develop a process for adding chemicals to the list as appropriate and require that all products and their Prop 65 chemicals be disclosed on the DTSC website.

Section 25606(c) - Consumer Product and Food Warnings

The requirement to provide warnings in languages other than English is a crucial tool for workers and consumers, especially in a state like California with rich language diversity. The description of this requirement (that warnings should be provided in the same languages used on labeling or other accompanying materials) is appropriate and consistent with the purpose of the statute. We strongly support this amendment to expand this crucial right-to-know law for non-English proficient Californians such as many nail salon workers.
Section 25607.2 - Consumer Products Exposure Warnings for Consumer Products Other than Food, Drugs, Medical Devices or Dental Care – Content

The proposed wording for consumer product warnings is clear and informative and consistent with the purpose of the statute. We strongly support use of the "will expose you to" language because it is direct and easy for workers and consumers to understand. We also support use of the pictogram as it is being used by a number of state, federal, and international agencies. The short warning statement for on-product warnings is clear and concise and will provide options that businesses will appreciate when label space is limited.

Section 25607.12 Occupational Exposure Warnings – Methods of Transmission

We support the general framework of the proposed regulations. To improve the regulations, OEHHA should require multiple signs in 25607.12(a)2 for large or complex workplaces. OEHHA should also use the phrase "hazardous chemicals" rather than "toxic chemicals" in 25607.12(b) to align with the vocabulary used by the Hazard Communication Standard.

Section 25607.13 Occupational Exposure Warnings – Content

We support the warning content in the proposed regulations. To improve the regulations, OEHHA should require that warnings be provided in languages other than English if the exposed workers commonly speak languages other than English such as workers in nail salons.

We also endorse the comments from the CHANGE coalition.

Thank you for this opportunity to contribute to improving Prop 65 warnings to better protect the people of California.

Sincerely,

Catherine A. Porter, JD
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Visit our website at http://www.cahealthynailsalons.org/