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May 15, 2020

Governor Gavin Newsom
Office of the Governor
State Capitol
Sacramento, CA 95814

Dear Governor Newsom:

On behalf of the Asian Pacific Islander (API) Legislative Caucus, I want to thank you for your tremendous, ongoing leadership during the COVID-19 pandemic, and in particular for being a champion for immigrant and refugee communities, as exemplified by your recent denunciation of anti-Asian hate. Today, we ask you to partner with us to address the challenges facing the nail salon industry.

Last week, you identified a nail salon as the first site of community spread of the coronavirus. While we very much appreciated your comments supporting the nail salon industry the following day, in recent days, there has been widespread coverage in mainstream and ethnic media documenting intense concerns by nail salon owners and workers about the impact of the comments on their ongoing livelihoods as well as on their personal safety in light of anti-Asian sentiment, as well as concerns by customers who may not go to salons due to uncertainty about whether salons will actually be safe.

With over 430,000 cosmetologists and manicurists licensed to do nails in over 11,000 nail salons, California has the largest nail salon workforce and highest number of nail salons in the country. The workforce is predominantly comprised of Asian immigrant female workers, with 69% of Vietnamese backgrounds. The nail salon industry has become a critical entry point for immigrants and refugees into the U.S. workforce, whose low-wage workers have annual incomes of \$22,500.

California's laws and programs to protect health and safety in nail salons has been a model for other states and federal legislation. Based on a San Francisco law you signed as Mayor, I authored the state law establishing the California Healthy Nail Salons Recognitions Program to uphold workplace practices that prioritize health and safety practices and products. Other API Caucus members, including Assemblymembers Ash Kalra and Phil Ting, have also championed important laws to protect the health and safety of this often-overlooked workforce.

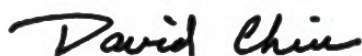
COVID-19 has had a devastating impact on the nail salon industry and exacerbated existing health disparities. As salons were forced to close, workers have not earned income, been unable to pay for food and rent, and unable to apply for unemployment insurance and Pandemic Unemployment Assistance due to language and technology barriers. Those misclassified as independent contractors face additional bureaucratic challenges. Most owners have been unable to pay commercial rent, unable to apply for small business loans due to complicated forms and language barriers, and ineligible for Paycheck Protection Program loans due to lack of awareness regarding proper worker classifications.

We have an opportunity to prevent future economic distress of the nail salon industry and stem rising anti-Asian sentiment against this workforce by partnering with state agencies and key organizations who have an extensive history of working in the nail salon community. Given California's leadership of the country on health and safety standards for nail salon workers, we ask you to consider the following recommendations:

- Create a workgroup with representatives from California State Board of Barbering and Cosmetology (BBC), Department of Public Health (DPH), and Department of Toxic Substance Control to work with the nail salon community on developing clear health and safety guidelines for re-opening as quickly as possible.
- Require that BBC and DPH provide in-language technical assistance and support to salons regarding re-opening guidelines. It will be critical to translate and disseminate these guidelines to the nail salon workforce in a timely manner that allows owners to implement the modifications.
- Involve the Labor and Workforce Development Department in your COVID-19 taskforce to launch a statewide messaging campaign to counter stereotyping, anti-Asian violence and workplace discrimination in nail salons. The department's Division of Labor Standards Enforcement should establish a technical assistance program to educate, train and support nail salon owners and workers on appropriate worker classification.

Lastly, we request to partner with you and nail salon industry leaders in publicly announcing appropriate standards, guidelines and protocols to assure the California public—as well as workers, customers and owners of nail salons—about the health and safety of the industry. We look forward to partnering with you and supporting our immigrant-owned small businesses together.

Sincerely,



DAVID CHIU
Assemblymember, 17th AD
Chair, API Legislative Caucus