

STRICKEN AS OF END OF YEAR
AMENDED COPY AS OF 11/12/2015

Intro. Res. No. 1605-2015
Introduced by Legislator Hahn

Laid on Table 7/28/2015

RESOLUTION NO. -2015, ADOPTING LOCAL LAW
NO. -2015, A LOCAL LAW TO INCREASE AWARENESS OF
DRY CLEANING CHEMICAL USE

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on July 28, 2015, a proposed local law entitled, "**A LOCAL LAW TO INCREASE AWARENESS OF DRY CLEANING CHEMICAL USE**"; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. -2015, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO INCREASE AWARENESS OF DRY
CLEANING CHEMICAL USE

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that the County of Suffolk works to protect the health and safety of its residents and the environment.

This Legislature also finds and determines that professional dry cleaners provide an important service for residents who own clothing and other items that cannot be cleaned in a conventional washing machine.

This Legislature finds that most dry cleaners use the chemical perchloroethylene, commonly known as "perc".

This Legislature determines that perc is a hazardous chemical considered to be a probable human carcinogen by the federal government. Perc contaminates drinking water in our aquifer and is responsible for a number of contaminated waste locations on Long Island and throughout the nation.

This Legislature also finds that, in response to the problems associated with perc use, the dry cleaning industry has developed alternative cleaning methods using different types of chemicals. These alternative solvents to perc vary in their environmental impacts, as well as their safety for consumers and dry cleaning employees.

This Legislature also determines that professional dry cleaners should disclose to consumers the type of process and solvents they utilize in a manner that is easily understood.

Therefore, the purpose of this local law is to require all dry cleaners to disclose the primary chemical solvent they use in operating their businesses.

Section 2. Definitions.

As used in this law, the following terms shall have the meanings indicated:

“Commissioner” – the Commissioner of the Department of Health Services.

“Department” – the Department of Health Services.

“Professional Garment Cleaning Establishment” – any natural individual or business entity of any kind that uses chemical solvents or wet cleaning process to clean, on or off-site (e.g. “drop shops”), clothing or other objects made of cloth or other material labeled “dry clean” or “dry clean only” for compensation.

Section 3. Ranking System.

- A. The Department shall develop a ranking system for chemical solvents and processes used by professional garment cleaning establishments. The ranking system shall rank solvents and processes separately for environmental impacts and human impacts. Each solvent or process shall be ranked from least harmful to most harmful for each impact.
- B. The solvents and processes to be initially evaluated for ranking are: liquid carbon dioxide, hydrocarbon, siloxane, perchloroethylene (PERC) and wet cleaning systems. The following solvents and processes shall be evaluated for ranking as they become used in Suffolk County: Green Earth (SB-32 decamethylcyclopentasiloxane, ExxonMobil DF-2000 synthetic hydrocarbon, Chevron Philips EcoSolv highly refined hydrocarbon, Rynex 3 – dipropylene glycole tert-butyl ether, Sasol (LPA-142) highly refined hydrocarbon, RR Streets Solvair – dipropylene glycol n-butyl ether, SolvonK4 dibutoxymethane, Green Earth GEC-5 decamethylcyclopentasiloxane, and DC-142 aliphatic hydrocarbon solvent.
- C. The Department shall complete the initial ranking of solvents and processes within 6 months of the effective date of this law and submit the ranking to the County Legislature for approval via resolution. Subsequent changes to the ranking of solvents and processes shall be implemented by the Department without legislative approval.
- D. Following the approval of the initial ranking, the Department is authorized to amend the rankings on an annual basis to evaluate and include new solvents and processes.
- E. The Department shall develop and distribute signs which convey to the reader, via color-coded design, the safety of chemical solvents used by professional garment cleaning establishments. The sign shall take a form substantially similar to Exhibit ‘A’, attached hereto.

Section 4. Requirements.

- A. Every professional garment cleaning establishment operating in the County of Suffolk shall post two signs provided by the Department. One sign must be located in the window of the establishment, visible to anyone outside the establishment, with the other sign located behind the counter and clearly visible to anyone entering the establishment. Each professional

garment cleaning establishment must indicate on the signs which chemical solvent or cleaning method is employed at that location. If multiple solvents or methods are used at a location, each system must be indicated on the sign.

B. During inspections, the Department shall verify that a professional garment cleaning establishment: 1) has posted the signs required by this law; 2) indicated the chemical solvent or method being used on the signs; and 3) is using the indicated solvent or method at the time of inspection.

Section 5. Enforcement.

This law shall be enforced by the Department of Health Services.

Section 6. Rules and Regulations.

The Commissioner of the Department of Health Services is hereby authorized, empowered and directed to promulgate such rules and regulations as he or she deems necessary to implement this law.

Section 7. Penalties.

A. Any professional garment cleaning establishment which violates any provision of this law shall be subject to an initial civil penalty of five hundred (\$500) dollars per violation, with all subsequent violations subject to a civil penalty of one thousand (\$1,000) dollars per violation. Each violation shall constitute a separate and distinct offense.

B. No penalties shall be imposed by the Department until a hearing is held by the Commissioner or his or her designee and the alleged violator is given an opportunity to be heard.

Section 8. Applicability.

A. This law shall apply to all actions occurring on or after the effective date of this law.

B. Professional garment cleaning establishments shall comply with the posting provisions established pursuant Section 4 of this law within ninety (90) days of the ranking system being approved by the County Legislature pursuant to Section 3 of this law.

Section 9. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 10. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 11. Effective Date.

This law shall take effect immediately upon filing in the Office of the Secretary of State.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: