

**RESOLUTION NO. 273 -2016, ADOPTING LOCAL LAW  
NO. 13-2016, A LOCAL LAW TO REGULATE THE USE OF THE  
TERM "ORGANIC" BY DRY CLEANING ESTABLISHMENTS IN  
SUFFOLK COUNTY**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on March 1, 2016, a proposed local law entitled, "**A LOCAL LAW TO REGULATE THE USE OF THE TERM "ORGANIC" BY DRY CLEANING ESTABLISHMENTS IN SUFFOLK COUNTY**"; now, therefore be it

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

**LOCAL LAW NO. 13 -2016, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO REGULATE THE USE OF THE TERM  
"ORGANIC" BY DRY CLEANING ESTABLISHMENTS IN  
SUFFOLK COUNTY**

**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 dry cleaners use a wide variety of chemicals and processes to clean clothing and other delicate household fabrics.

This Legislature further finds and determines that, recently, some dry cleaners have started to use the term "organic" to describe the solvents or methods used in providing their services. This practice is misleading.

This Legislature finds that the term "organic" has two separate usages. The first definition of organic is commonly understood by the public as natural substances derived from plants or animals using no synthetic fertilizers or pesticides. The second definition is technical, defining any chemical compound containing carbon molecules as being organic in nature.

This Legislature determines that some dry cleaning businesses are utilizing the term "organic" as a way of "greenwashing" their services to make them appear to be free of harmful chemicals, environmentally friendly, or using naturally derived products; in fact, they are merely using carbon-based chemicals.

This Legislature also finds that perchloroethylene, one of the most harmful chemicals used by dry cleaners and commonly known as "perc", contains carbon molecules. As a result, it is being marketed as "organic".

This Legislature further finds that, to ensure fairness in advertising and to protect the public from harm, dry cleaners should be prohibited from using the term "organic" until appropriate regulations on its usage are established.

Therefore, the purpose of this local law is to prohibit the use of the term “organic” by dry cleaners in Suffolk County until it is properly regulated at the federal level.

**Section 2. Definitions.**

As used in this law, the following term shall have the meaning 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. Regulation of use of the term “Organic”.**

No professional garment cleaning establishment operating in Suffolk County shall utilize the term “organic” to describe its services in its advertising or signage.

**Section 4. Enforcement.**

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

**Section 5. 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 6. 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 the alleged violator is given notice and an opportunity to be heard by the Commissioner or his or her designee.

**Section 7. Reverse Preemption.**

This law shall be null and void on the day that state or federal legislation or regulations by the Federal Trade Commission or a similar agency goes into effect governing the use of the word “organic” by professional garment cleaning establishments.

**Section 8. Applicability.**

This law shall apply to all actions occurring on or after the effective date 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 sixty (60) days immediately subsequent to filing in the Office of the Secretary of State.

DATED: April 12, 2016

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: May 2, 2016

After a public hearing duly held on April 25, 2016  
Filed with the Secretary of State on May 24, 2016