

**RESOLUTION NO. 463 -2016, ADOPTING LOCAL LAW  
NO. 15 -2016, 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 January 4, 2016, 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. 15 -2016, 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 many 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. Categorization System.**

- A. The Department shall develop a system to categorize chemical solvents and processes used by professional garment cleaning establishments. The system shall evaluate solvents and processes separately for environmental impacts and human impacts that may result from exposure through dry cleaning processes. Each solvent or process shall be placed into categories identifying the level of harm from each impact.
- B. The solvents and processes to be initially categorized are: hydrocarbon, liquid carbon dioxide, perchloroethylene (PERC), siloxane, and wet cleaning systems. Additional solvents or processes will be evaluated as they become available in Suffolk County.
- C. The Department shall complete the initial categorization of solvents and processes within six months of the effective date of this law and submit the categories to the County Legislature for approval via resolution. Subsequent changes to the categorization of solvents and processes shall be implemented by the Department without legislative approval.
- D. Following the approval of the initial categorization, the Department is authorized to amend the categories on an annual basis to evaluate and include new solvents and processes. The Department shall provide a written statement to the Environment, Planning and Agriculture Committee and the Health Committee of the County Legislature, or any successor committees thereto, detailing any changes or additions that are made.
- E. The Department shall develop and distribute signs based on the latest inspection 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, and shall list chemicals and processes in alphabetical order. The design of the sign by the Department shall be submitted to the County Legislature for approval via resolution.
- F. The Department shall develop a web page to provide information about each dry cleaning solvents and processes, including any environmental or human safety concerns associated therewith, which are available in Suffolk County. The web page must include links to the OSHA MSDS sheets on each chemical categorized by the County. The web page shall be accessible via a web page address, as well as a QR code located on the sign.

#### **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 persons outside the establishment, with the other sign located near or 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. Professional garment cleaning establishments shall not tamper with or alter the sign beyond indicating the solvents or methods used.

B. Any professional garment cleaning establishment in the County of Suffolk that cleans garments off-site must maintain records of each facility they use and the chemicals or processes used at same. Records on facilities used must be maintained for at least 3 years.

C. Any professional garment cleaning establishment operating in the County of Suffolk which delivers dry cleaned articles directly to customers' homes or offices must print a statement describing the chemicals they use in their facilities on any printed or emailed receipts they provide to delivery customers.

D. During inspections, the Department shall verify that a professional garment cleaning establishment: 1) has posted the two signs in a visible manner, or, in the case of delivery services, provided the necessary printed disclosure, as required by this law; 2) indicated the chemical solvent or method being used; and 3) is using the indicated solvent or method at the time of inspection. The Department representative conducting the inspection will sign, date and place an identification number on the chart to indicate it has been verified.

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

**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 to Section 4 of this law within ninety (90) days of the categorization system being approved by the County Legislature pursuant to Section 3 of this law.
- C. The Department shall distribute the signs and establish the web page required for compliance with this law within ninety (90) days of the categorization 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: June 1, 2016

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: June 21, 2016

After a public hearing duly held on June 13, 2016  
Filed with the Secretary of State on July 19, 2016