



**Department of
Consumer Affairs**

**Testimony of Andrew Eiler
Director of Legislative Affairs
Department of Consumer Affairs
before the
New York City Council
Committee on Consumer Affairs
on Intro. 84A: Eco-Friendly Dry Cleaners**

September 22, 2010

Good morning, Chair Koslowitz and members of the Committee on Consumer Affairs. I am Andrew Eiler, Director of Legislative Affairs at the Department of Consumer Affairs. Commissioner Mintz asked me to thank you for the opportunity to appear before you to testify on Introductory Number 84A, relating to eco-friendly dry cleaners.

Introductory Number 84A would require dry cleaners that advertise as "eco-friendly" to obtain from the Department of Consumer Affairs a biennial license, which would indicate that the company either does not use perchloroethylene ("perc") or performs at least two other services, such as providing for recycling hangers, plastic or water; using energy-efficient appliances and/or hybrid vehicles; or participating in an alternative energy program. It would also require these businesses to post a listing of the services they perform, as well as a notice notifying consumers whether or not they use perc.

Although the Administration and the Department of Consumer Affairs support businesses' efforts to promote eco-friendly practices and applaud efforts to reduce potentially harmful environmental impacts, we do not support this legislation.

To single out for a licensing scheme a particular and seemingly small number of businesses in an industry seems to us to be counterproductive. Indeed, it might have a chilling effect on the industry, discouraging dry cleaners from "going green" and appropriately advertising their businesses as eco-friendly. Currently there are approximately 1,400 dry cleaners in the City, of whom only a small percent appear to advertise as eco-friendly in one way or another.

The Consumer Protection Law's language on deceptive trade practices already prohibits businesses from falsely purporting to provide services they do not perform. A dry cleaning operation that advertises as environmentally friendly

but does not perform "green" services would be in violation of this existing statute.

By way of background about this industry, the Department of Consumer Affairs does not currently license dry cleaners, although it licenses 1,704 laundry jobbers. These licenses include, in part, dry cleaners that accept laundry for washing or ironing off premises, as well as independent contractors and private laundries maintained or operated in connection with hotels, restaurants or public institutions. In addition, the Department licenses 2,554 laundries, including those that are self service for the public's use and those that wash, dry, starch or iron clothes, household linens or other washable fabrics for the public. Over the past three years, the Department docketed and attempted to mediate and resolve 145 complaints against dry cleaners. The top three complaint categories were nondelivery of goods, damaged goods, and lost property. For the same period, DCA docketed six complaints against laundry jobbers, all of whom are dry cleaners as well. Because we license laundry jobbers and therefore have hearing authority, we were able to resolve all complaints against the laundry jobbers. Our track record with complaints against dry cleaners was not nearly as good.

The Department of Environmental Protection (DEP) issues Certificates of Operation to dry cleaners for the equipment that uses perc or hydrocarbon solvents to do the cleaning. The certificate is renewed triennially, and DEP inspects the equipment before renewal. Dry cleaners who fail to register or initiate the renewal process are subject to issuance of a Notice of Violation. Currently there are 1,296 certificates for machines that use perc and 73 for machines that do not use perc. Pursuant to State law, all dry cleaners located in residential buildings will have to either stop using perc or move to a non-residential building by 2020.

Thank you for the opportunity to testify today, my last testimony in my capacity as director of legislative affairs for the Department of Consumer Affairs, as I will be retiring at the end of this month. I have been joined by Gerry Kelpin, Director of Air/Noise Policy and Enforcement at the Department of Environmental Protection, and Chris D'Andrea, Deputy Director for the Environmental and Occupational Disease Epidemiology program at the Department of Health and Mental Hygiene. We would be happy to answer your questions at this time.

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Appearance Card

I intend to appear and speak on Int. No. 84-A Res. No. _____
 in favor in opposition

Date: 9/2/10

(PLEASE PRINT)

Name: Yale Khat

Address: 401 E 89th St 2N 10128

I represent: Self

Address: _____

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Name: ERIC GOLDSTEIN

Address: _____

I represent: Natural Resources Defense Council

Address: 40 W. 20 St NY NY 10011

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Name: David Kistner

Address: 4902 217th St Bayside NY

I represent: Green Apple Cleaners

Address: D K

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Date: 9-22-2010

Name: Albert Lee (PLEASE PRINT)

Address: ~~4040 3rd Ave~~ 410 E 59 St. NY.

I represent: J's Cleaners

Address: 410 E 59 St N.Y NY 10022

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I intend to appear and speak on Int. No. 0084 Res. No. _____

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Date: 9-22-2010

Name: NORA NEALIS (PLEASE PRINT)

Address: ~~NCAA~~ 64-398/86 LA FRESH Meadows 11365

I represent: NCA

Address: 252 W. 29th St NYC NY 10001

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Name: WAYNE EDELMAN (PLEASE PRINT)

Address: 1623 3 Ave NY NY

I represent: MEVRICE GARMENT CARE

Address: 535 MANHATTAN ST BRONX NY

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Name: RICHARD AVILES (PLEASE PRINT)

Address: _____

I represent: KING GARMENT CARE / BRIDGE CLEANERS

Address: _____

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Name: ANDY EILER (PLEASE PRINT)

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I represent: DCA

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Name: Chris D ANDREA (PLEASE PRINT)

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I represent: DOHMH

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Date: 9/22/10

Name: GERRY KELPTN (PLEASE PRINT)

Address: _____

I represent: DEP

Address: _____

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