

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON CONSUMER AFFAIRS

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September 22, 2010

Start: 1:10pm

Recess: 3:04pm

HELD AT: Council Chambers  
City Hall

B E F O R E:  
KAREN KOSLOWITZ  
Chairperson

COUNCIL MEMBERS:  
Council Member Julissa Ferreras  
Council Member Brad S. Lander  
Council Member Jessica S. Lappin  
Council Member Michael C. Nelson

## A P P E A R A N C E S (CONTINUED)

Andrew Eiler  
Director of Legislative Affairs  
Department of Consumer Affairs

Gerry Kelpin  
Director of Air Noise Policy and Enforcement  
Department of Environmental Protection

Wayne Edelman  
Chief Executive Officer and President, Meurice Garment  
Care  
Board Member, ex-President, National Cleaners  
Association

Deborah Kravet  
Owner  
Apthorp Cleaners

Nora Nealis  
Representative  
National Cleaners Association

Albert Lee  
Owner  
Dry Cleaning Establishment

Yale Klat  
Attorney  
Environmental Law

Richard Avilas  
Owner  
Bridge Cleaners and Tailors and King Garment Care

Eric Goldstein  
Director, New York City Environment  
Natural Resources Defense Council

David Kistner  
Founder  
Green Apple Cleaners

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2 CHAIRPERSON KOSLOWITZ: --call this  
3 meeting to order. I'm going to turn over the  
4 opening statement to Lacey Clark, because--it's  
5 on. It's my voice, that's why she's going to read  
6 it. So, I'm going to turn it over, and she'll  
7 read the opening statement, thank you.

8 LACEY CLARK: [off mic] Is this mic  
9 on? [on mic] I was, on this, okay, good  
10 afternoon. This is Karen Koslowitz, and she's the  
11 Chair of the Committee on Consumer Affairs. Today  
12 we'll be holding an oversight hearing on organic  
13 drycleaners in New York City. We will also be  
14 holding our first hearing on Proposed Introductory  
15 Bill 84-A, a local law to amend the Administrative  
16 Code of the City of New York in relation to  
17 licensing eco-friendly drycleaners. I'd like to  
18 thank everyone for attending today's hearing, and  
19 I'd also like to acknowledge my colleague, who has  
20 joined me today, Council Member Lander, and I know  
21 Council Member Lappin is on her way. As consumers  
22 become increasingly interested in greening their  
23 purchasing habits, many businesses are following  
24 suit, offering a variety of environmentally  
25 friendly products and services. Dry cleaning

1 establishments are no exception, and many have  
2 recently begun rebranding themselves as organic,  
3 or eco-friendly, in an effort to lure earth  
4 conscious clientele. The problem, however, is  
5 that a definition of what makes a dry cleaner does  
6 not exist. As a result, a dry cleaner can  
7 technically label a toxic solvent as organic  
8 simply because it meets the textbook definition of  
9 organic, as in "something that contains carbon."  
10 Percoethylene [phonetic], or Perc, is a highly  
11 effective cleaning solvent used by over 85 percent  
12 of the nation's drycleaners. It is also  
13 considered by the Environmental Protection Agency  
14 to be a likely human carcinogen with the potential  
15 to damage the central nervous system. Perc is  
16 also technically organic. Luckily, less toxic  
17 alternatives to Perc exist in New York City,  
18 including wet cleaning, which uses water and  
19 biodegradable detergents, as well as liquid carbon  
20 dioxide and hydrocarbon solvents. While a  
21 drycleaner has every right to use Perc in the  
22 cleaning process, it is unfair and misleading to  
23 label his or her method as organic, particularly  
24 when there are more eco-friendly alternatives.  
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2 While it is ultimately the consumer's choice  
3 whether or not to patronize a business, the  
4 failure of drycleaners to disclose the type of  
5 chemicals used in the cleaning process robs the  
6 consumer of the ability to make an informed  
7 decision. If passed, Proposed Intro 84-A would  
8 give greater clarity to consumers hoping to make  
9 informed and environmentally conscious decisions  
10 when selecting a drycleaner. Specifically, it  
11 would require that any drycleaner that advertised  
12 itself as organic, green or eco-friendly, first  
13 obtain an eco-friendly drycleaner license from the  
14 Department of Consumer Affairs. To qualify as an  
15 eco-friendly drycleaner, the business would have  
16 to either replace Perc with liquid carbon dioxide,  
17 biodegradable solvents or any other cleaning  
18 method approved by DCA, or offer two of the  
19 following four options: 1) a recycling program  
20 for water, hangers, plastics and other drycleaner  
21 related items; 2) use energy efficient appliances  
22 or hybrid vehicles; 3) participate in an  
23 alternative energy program; or 4) use any other  
24 environmentally friendly practices as determined  
25 by DCA. Licensed eco-friendly drycleaners would

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2 be required to conspicuously display a notice that  
3 outlines the environmentally friendly services it  
4 offers. Those who continue to use Perc would be  
5 required to conspicuously post an additional  
6 notice disclosing this fact. Any drycleaner that  
7 advertised itself as organic without first  
8 obtaining an eco-friendly drycleaner license, or  
9 fails to post the required signage would risk a  
10 penalty of between \$500 and \$1,000 dollars per  
11 violation. If there's, Council Member Lappin,  
12 would you like to make a statement?

13

CHAIRPERSON KOSLOWITZ: I'd like to  
14 call on Council Member Lappin, the sponsor of this  
15 bill.

16

COUNCIL MEMBER LAPPIN: Thank you,  
17 Madam Chair, it's nice to be here again. If you  
18 buy an organic apple at the grocery store, you  
19 know exactly what you're getting, because the term  
20 "organic" is regulated by the federal government.  
21 But as Counsel described, that's not so with  
22 drycleaners in New York City. Across New York,  
23 drycleaners are slapping the label "organic" or  
24 "green" on their trucks or shop windows. But they  
25 may not be any greener than the next guy. Right

1  
2 now, we don't regulate this term when it comes to  
3 drycleaners, and I think we should. Consumers  
4 have a right to know, particularly if they're  
5 paying more for a "green" drycleaner, if they are  
6 actually indeed green. The National Cleaners  
7 Association, which is a national trade group,  
8 recently created voluntary "green cleaner rating  
9 system." Currently, there are approximately  
10 twelve New York City drycleaners that have been  
11 certified by this trade association as green  
12 cleaners, in contrast to the perhaps hundreds of  
13 drycleaners who identify themselves as organic in  
14 their advertising. This will would require these  
15 businesses to obtain an eco-friendly license from  
16 the DCA, and in order to obtain this license,  
17 either stop using Perc or use other eco-friendly  
18 practices; but regardless, if they used Perc, they  
19 would have to clearly advertise that. I want to  
20 also just address even prior to hearing testimony,  
21 because there are many people I've spoken to in  
22 the last couple of days in particular about this  
23 bill, that it is a first draft, it is a work-in-  
24 progress, as is every bill that I introduce, but  
25 this one in particular we did the best that we

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2 could in trying to address this issue without  
3 obviously having personal expertise. I will say  
4 the idea came to me from somebody who owns a dry  
5 cleaning establishment, and actually suggested it  
6 when I was in a meeting with the local trade  
7 association. So, the idea came to me from the  
8 industry, and we did receive feedback from folks  
9 in the industry, but we're very much looking  
10 forward to hearing what both environmental  
11 advocates and business owners have to say today,  
12 and finding ways to make this bill stronger, or to  
13 take the bill in a different direction if there is  
14 sort of unanimous support for doing that, and  
15 testimony today. I would also say there were a  
16 number of different bills that have been  
17 introduced in the Council that dealt with  
18 regulating drycleaners in sort of the green area,  
19 and one of the things we were trying to do is sort  
20 of bring them together in one piece of  
21 legislation, which may or may not be the right  
22 approach, and that's really what we're to discuss  
23 today. But I think the goal is clear, my intent  
24 is clear, which is to regulate what is a term that  
25 people identify with the government's seal of



1  
2 approval, and that's organic or green. So if  
3 people are going to a green cleaner, they're  
4 getting a green service. Thank you.

5 CHAIRPERSON KOSLOWITZ: We've been  
6 joined by Council Member Julissa Ferreras. I want  
7 to call the first, the Department of Consumer  
8 Affairs, Andy Eiler, Chris D'Andrea and Gerry  
9 Kelpin.

10 COUNCIL MEMBER LAPPIN: We love  
11 Gerry Kelpin.

12 CHAIRPERSON KOSLOWITZ: Before we  
13 start the testimony, I want to pay tribute to Andy  
14 Eiler, who is leaving us, I guess for a good  
15 reason for him, but a bad reason for us. Not that  
16 it's a bad reason [laughter] retirement is never a  
17 bad reason. However, we are going to miss you so  
18 much. I've worked with Andy when I was in the  
19 Council the last time, and there were many issues  
20 that we worked on together, sometimes agreeing,  
21 disagreeing, and now fortunately I've been working  
22 with him now, and I'm really going to miss you and  
23 Andy that's all I could say to you is the best of  
24 luck to you. And enjoy your retirement.

25 ANDREW EILER: Well, thank you for

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2 that very kind assessment of my efforts. And it's  
3 been a pleasure to be working with the Council,  
4 and we've done a lot of things together. And  
5 always for promoting and protecting New York City  
6 consumers. I think we've done a pretty darn good  
7 job, and I have been a pleasure to have been part  
8 of it. And I will be looking forward to doing  
9 other things, but you know, others will come  
10 behind me, and the Consumer Affairs Department  
11 will continue to do its job as it always has. So,  
12 thank you very much, and--

13 CHAIRPERSON KOSLOWITZ: We look, we  
14 look forward to postcards.

15 ANDREW EILER: [laughs] Well, I'm  
16 not going to be very far, 'cause I'm staying in  
17 the City. Okay.

18 CHAIRPERSON KOSLOWITZ: Okay.

19 ANDREW EILER: Thank you very much,  
20 and good afternoon, Chair Koslowitz and members of  
21 the Committee on Consumer Affairs. I'm Andrew  
22 Eiler, Director of Legislative Affairs at the  
23 Department of Consumer Affairs. Commissioner  
24 Mintz asked me to thank you for the opportunity to  
25 appear before you to testify on Introductory No.

1 84-A, relating to eco-friendly drycleaners.

2 Introductory 84-A would require drycleaners to  
3 adver--that advertise as eco-friendly to obtain  
4 from the Department of Affairs a biannual license,  
5 which would indicate that the company either does  
6 not use Perc or performs at least two other  
7 services, such as providing for recycling hangers,  
8 plastic or water, using energy efficient  
9 appliances and/or hybrid vehicles, or  
10 participating in an alternative energy program.

11 It would also require these businesses to post a  
12 listing of the services they perform, as well as a  
13 notice notifying consumers whether or not they use  
14 Perc. Although the administration and the  
15 Department of Consumer Affairs supports  
16 businesses' efforts to promote eco-friendly  
17 practices, and applaud efforts to reduce  
18 potentially harmful environmental impacts, we do  
19 not support this legislation. To single out for  
20 our licensing scheme a particular and seemingly  
21 small number of businesses in and industry seems  
22 to us to be counterproductive. Indeed, it might  
23 have a chilling effect on the industry,  
24 discouraging drycleaners from going green, and  
25

1  
2 appropriately advertising their businesses as eco-  
3 friendly. Currently, there are approximately  
4 1,400 drycleaners in the City, of whom only a  
5 small percent appear to advertise as eco-friendly  
6 in one way or another. The Consumer Protection  
7 Law's language on deceptive practices already  
8 prohibits businesses from falsely purporting to  
9 provide services they do not perform. A dry  
10 cleaning operation that advertises environmentally  
11 friendly, but does not perform green services,  
12 would be in violation of this existing statute.  
13 By way of background about this industry, the  
14 Department of Consumer Affairs does not currently  
15 license drycleaners, although it licenses 1,704  
16 laundry jobbers. These licenses include in part  
17 drycleaners that accept laundry for washing or  
18 ironing off premises, as well as independent  
19 contractors and private laundries maintained or  
20 operated in connection with hotels, restaurants or  
21 public institutions. In addition, the Department  
22 licenses 2,500 laundries, including those that are  
23 self-service for the public's use and those that  
24 wash, dry, starch or iron clothes, household  
25 linens or other washable fabrics for the public.

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2 Over the past three years, the Department docketed  
3 and attempted to mediate and resolve 145  
4 complaints against drycleaners. The top three  
5 complaint categories were nondelivery of goods,  
6 damaged goods and lost property. For the same  
7 period, DCA docketed six complaints against  
8 laundry jobbers, all of whom are drycleaners as  
9 well. Because we licensed laundry jobbers, and  
10 therefore have hearing authority, we're able to  
11 resolve all complaints against laundry jobbers.  
12 Our track record with complaints against  
13 drycleaners was not nearly as good. The  
14 Department of Environmental Protection issues  
15 certificates of operation to drycleaners for the  
16 equipment that uses Perc or hydrocarbon solvents  
17 to do the cleaning. The certificate is renewed  
18 tri-annually, and DEP inspects the equipment  
19 before renewal. Drycleaners who fail to register  
20 or initiate the renewal process are subject to  
21 issuance of notices of violation. Currently there  
22 are 1,296 certificates for machines that use Perc  
23 and 73 for machines that do not use Perc.  
24 Pursuant to state law, all drycleaners located in  
25 residential buildings will have to either stop

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2 using Perc or move to nonresidential buildings by  
3 2020. Thank you for the opportunity to testify  
4 today, my last testimony in my capacity as  
5 Director of Legislative Affairs for the Department  
6 of Consumer Affairs as I will be retiring at the  
7 end of the month. I have been joined by Gerry  
8 Kelpin, Director of Air Noise Policy and  
9 Enforcement at the Department of Environmental  
10 Protection to my left, and Chris D'Andrea, Deputy  
11 Director of the Environmental and Occupational  
12 Disease Epidemiology Program at the Department of  
13 Health and Mental Hygiene. We will be happy to  
14 answer your questions at this time.

15 CHAIRPERSON KOSLOWITZ: Thank you.  
16 I'm almost tempted to have another meeting so, you  
17 know, for you to testify. [laughter] Anyway--

18 ANDREW EILER: Well, we could have  
19 one on hearing authority.

20 CHAIRPERSON KOSLOWITZ: No, I don't  
21 even want to talk about that at this hearing, at  
22 all. This, if you see steam coming from my head--  
23 Without a definition of organic or eco-friendly  
24 dry cleaning, could a drycleaner be found guilty  
25 of deceptive trade practices?

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2                   ANDREW EILER: Well, there, it's  
3 not just that they're, there are standards that  
4 the FTC and other agencies have dealt with, what  
5 is deemed to be green. There's no generally  
6 accepted definition of green. But if they were  
7 advertising that performing of a service, there is  
8 a way, I think, to get under, to establish whether  
9 or not the statement is truthful, by requiring  
10 that the company that makes the claim provide  
11 information that substantiates its truthfulness.  
12 There is a basis, I mean, you know, New York City  
13 is really fortunate because it has one of the  
14 strongest laws banning deceptive advertising and  
15 deceptive practices. The Depart--and it also has  
16 the strongest and most active agency that enforces  
17 such a law. I know you don't want to talk about  
18 it, but what makes it difficult for the Department  
19 to enter into this fray against this kind of a  
20 claim is its lack of hearing authority. That's  
21 what prevents, that's what ties the Department's  
22 hands in effectively addressing these kinds of  
23 advertising issues. That's the most effective  
24 way, you have an effective law against deceptive  
25 advertising. All we need is the ability to

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2 enforce it effectively.

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CHAIRPERSON KOSLOWITZ: Well,  
4 you're right, I don't want to discuss it now. I  
5 don't want to give you my definition of it. But  
6 anyway, my concern is when, when you advertise  
7 organic dry cleaning, what about the price?

8

ANDREW EILER: Well--

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CHAIRPERSON KOSLOWITZ: And how do  
10 we know that it's really organic dry cleaning.  
11 And if you say organic dry cleaning, are they  
12 charging more for the item that, you know,  
13 supposedly is being cleaned organically?

14

ANDREW EILER: Well, that's not  
15 part of this, that's not part of any standard of  
16 regulating what price can be attached to organic.  
17 So, there's no, there's no impact or no legal  
18 effect of whether they charge more or less, it's  
19 their decision, and the marketplace would regulate  
20 whether or not they can charge more or less.  
21 Whether a customer's willing to pay more or less,  
22 that's not really a subject or an area that's,  
23 that's part of, I think, this discussion because  
24 this is not meant to be price regulation, I didn't  
25 think it was.



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2           CHAIRPERSON KOSLOWITZ: No, but  
3 just, you know, deceptive advertising about, you  
4 know, eco-friendly dry cleaning and, you know,  
5 well, I would be concerned if there's a price  
6 attached to it when someone is not doing it, you  
7 know, eco-friendly, they're just, you know, dry  
8 cleaning. Maybe they won't use the Perc, but  
9 they're, you know, whatever they use.

10           ANDREW EILER: Well, I, basically  
11 when it comes to issue--the price question, if,  
12 with respect to any advertising claim, the  
13 question would be, "What claims do they make with  
14 respect to the price as related to a service?"  
15 Are they saying, "We charge less for eco-  
16 friendly"? And if that's not the case, well, wait  
17 a minute, that's a question. If they say nothing  
18 about price, and simply says, say "Our price is--"  
19 then there's nothing that says they can't make  
20 that price. I mean, there's no requirement, or no  
21 limitation on what somebody can charge for a  
22 service. I mean, they have to accurately identify  
23 what service they provide, that's the issue that  
24 comes before the CPL. But in terms of the price  
25 they charge for it, that's not an issue with the

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2 CPL, unless they mislead about the price.

2

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CHAIRPERSON KOSLOWITZ: Okay.

4

Going to turn it over to Council Member Lappin.

5

COUNCIL MEMBER LAPPIN: Thank you

6

very much. It won't surprise that I'm

7

disappointed by your testimony, but I'd like to go

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through it, because I think maybe you don't quite

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clearly understand the intent. Because your job

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is to protect consumers, right?

11

ANDREW EILER: Correct.

12

COUNCIL MEMBER LAPPIN: Okay. And

13

as you said yourself, there's no generally

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accepted definition of green, or organic. And I

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think the Chair really hit this issue right on the

16

head, because if there's no definition, if there's

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no legal understanding of what that means, then

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there is no way to say they're being deceptive.

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They are creating a term or applying an existing

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word, that has a very loaded, and in some ways

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defined meaning, at the federal level, and I think

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as the Counsel mentioned, Perc is technically

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organic, so if we don't define what it means in

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terms of a business practice, then it would be

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very difficult to say somebody is falsely

1  
2 advertising, although I think that they are  
3 falsely advertising. And I think people do pay  
4 more, they pay more in the grocery store for an  
5 organic apple, they will pay more for an organic  
6 service, and they also, even if the price were the  
7 same, when you have choices and options, will  
8 choose one that they think is better for the  
9 environment, particularly if the price is the  
10 same. So, I think if people are going into a  
11 business with an expectation and understanding,  
12 they shouldn't be duped. And if we don't create a  
13 way to define that, we can't create a way to  
14 regulate it. So, and I just want to kind of go  
15 through your testimony. In the fourth paragraph,  
16 you talk about how you think this would have a  
17 chilling effect of discouraging dry cleaners from  
18 going green. And I think the problem is people  
19 aren't going green, but they're saying that they  
20 are. We want businesses to feel encouraged to use  
21 that label, but I think it has to mean something,  
22 in order for them to be encouraged to do it. And  
23 the people who are doing the right thing, I have  
24 heard from, are very discouraged because they're  
25 spending more money, and why, why bother, if

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2 everybody gets to advertise in the same way. So,  
3 I guess my, my question here is, you say that you  
4 think it's a relatively small percentage. What  
5 would constitute a small percentage? Is ten  
6 percent too small for us to regulate? What's the  
7 magic number?

8 ANDREW EILER: Well, I think in  
9 this particular case, probably it's the, the  
10 number of businesses that are even in this  
11 ballpark is less than one percent.

12 COUNCIL MEMBER LAPPIN: I mean,  
13 that's not what we have heard, although certainly,  
14 you know, we, we may learn more today, but I guess  
15 my question is, if it were ten percent, would that  
16 be enough? Would five percent be--how many people  
17 would have to be deceptive for us to say, "Now we  
18 should legislate"?

19 ANDREW EILER: No, no, no, that's a  
20 different question. Nobody can be deceptive. We  
21 have a consumer protection law that already says  
22 that. And the advantage of that consumer  
23 protection law is that it prohibits people from  
24 engaging in deceptive, misleading, fraudulent  
25 advertising, broadly defined. And the purpose of

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having a broad definition is, that that broad definition can be applied to a wide range of activities when you can show that the activity tends to mislead or deceive consumers about what you're claiming to be doing. That was the whole purpose of having a broad definition of misleading and deceptive. Doesn't have to be particular. So we don't have to have it nailed down to the floor before we can move. And that--

COUNCIL MEMBER LAPPIN: But if Perc is organic, and you say you're organic 'cause you use Perc, don't you think that might be legal but deceptive?

ANDREW EILER: Well, I wouldn't, well, I, I don't want to, that's a legal, that's a technical, legal question, to which you would have to, you know, really look at cases and all sorts of other things about what constitutes misleading, what the term is meant to say, and so forth and so on. It's like, you know, a company was taken, on exactly the kind of law because they labeled something as a tuna, or Atlantic salmon, when they were actually having Pacific salmon, and by using a label, they were misleading consumers on terms

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2 of what kind of salmon they were selling. Well,  
3 they got hammered because the labeling was  
4 misleading. Because it referred to a different  
5 kind of fish, they were trying to play games with  
6 words. And that's exactly the kind of thing we're  
7 talking about, that if someone is merely playing  
8 games with words, that's what deceptive practices  
9 are all about. And what we need is a way to  
10 effectively enforce it, not to do an end run  
11 around it.

12

COUNCIL MEMBER LAPPIN: And I guess  
13 I would disagree, I would think that begs for  
14 legislation, and this is what we do in the City  
15 Council, sorry, Daniel, is we legislate. And when  
16 we see people out there fooling consumers, you  
17 know, we act. You, you gave us quite a few  
18 statistics, and you mention that 1,700 laundry  
19 jobbers are licensed by DCA. How many of that  
20 1,704 do both laundry and dry cleaning?

21

ANDREW EILER: I don't have any way  
22 of, you know, we don't assess that question  
23 because we don't do anything with drycleaners, so  
24 we only--we only license them when they, when  
25 they're laundries. And whatever else they do

1

2 that's, you know, that's their choice, so--

3 CHAIRPERSON KOSLOWITZ: Nobody  
4 checks on them, to see?

5 ANDREW EILER: Not for dry  
6 cleaning.

7 CHAIRPERSON KOSLOWITZ: Well, to  
8 see that if they applied for the license that they  
9 continue to do the laundry.

10 ANDREW EILER: Well, if they, if  
11 they have a laundry license, certainly, presumably  
12 they get the license to be a laundry because  
13 they're engaging in laundry activities. So, you  
14 know, if they, they come in and, you know, get  
15 that license, we don't check to see whether or not  
16 they actually do laundering, as long as they have  
17 the license which gives them the authority to do  
18 laundry.

19 CHAIRPERSON KOSLOWITZ: When you,  
20 something is troubling me, when you mentioned Perc  
21 and you say eco-friendly, I know that many times,  
22 in fact in my district they just built a school,  
23 and they had to call in DEP, State DEP, to clean  
24 out the area because there was some kind of dry  
25 cleaning place there, and the ground was

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2 contaminated. How, how do we explain this? How  
3 do we say that Perc--

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ANDREW EILER: Well, I have to  
turn, I have to turn to my environment DEP  
colleagues to answer that, 'cause that's a  
technical, legal, environmental protection  
question.

9

GERRY KELPIN: Are you asking an--

10

CHAIRPERSON KOSLOWITZ: [off mic]

11

About air, about--

12

GERRY KELPIN: Perc is--based on

13

all of the legislation that currently exists, Perc  
is not considered environmentally friendly.

14

15

CHAIRPERSON KOSLOWITZ: [off mic]

16

Right.

17

GERRY KELPIN: So, maybe I'm just

18

not following--

19

CHAIRPERSON KOSLOWITZ: [off mic]

20

Well then how can be eco-friendly.

21

GERRY KELPIN: I wouldn't, I--I

22

don't think it is. Based on all the legislation--

23

I would be hard-pressed to say that Perc, the use  
of Perc is environmentally or eco-friendly.

24

25

CHAIRPERSON KOSLOWITZ: [off mic]



1

2 Isn't that what--[on mic] Isn't that what we just  
3 said? About Perc?

4

GERRY KELPIN: No--the question--

5

CHAIRPERSON KOSLOWITZ: We were  
6 talking about Perc.

7

GERRY KELPIN: Right, and whether  
8 or not--technically it's considered an organic  
9 solvent. However, if anyone is using Perc because  
10 of all of the, the other regulations on, that go  
11 with it, it would be very hard to make a case that  
12 it is environmentally friendly, or eco-friendly.

13

CHAIRPERSON KOSLOWITZ: Right, so  
14 it's, almost doesn't even go together.

15

ANDREW EILER: Well--

16

[crosstalk]

17

COUNCIL MEMBER LAPPIN: No, no,  
18 that, that's the heart of the problem, it's  
19 technically organic--

20

CHAIRPERSON KOSLOWITZ: Right.

21

COUNCIL MEMBER LAPPIN: But it's  
22 very bad for the environment. So, a drycleaner  
23 using Perc can say that they're "organic," because  
24 we haven't defined or regulated those terms, but  
25 they're not being environmentally friendly.

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CHAIRPERSON KOSLOWITZ: Right.

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ANDREW EILER: Well, again, what

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I've said, I just want to add into this that

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that's where the deceptive practices law comes

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into play. If it's environmentally not friendly

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to even imply by the use of those terms that it

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is, that's the whole nub of the question, and

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that's where, that's where the CPL comes right

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into play to address it. However, as I keep

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saying, without hearing authority, we ain't going

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nowhere on this issue.

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COUNCIL MEMBER LAPPIN: Well, let

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me, let me ask you about that, if I may, Madam

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Chair, because you said you license laundry

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jobbers--

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ANDREW EILER: Mm-hmm.

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COUNCIL MEMBER LAPPIN: --and

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therefore you have hearing authority. This bill

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would force you to license the drycleaners, so at

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that point, wouldn't you then be able to enforce

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and have hearing authority against them?

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ANDREW EILER: Against the people

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who get the lic--well, against the people who make

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the claims who need to be licensed.

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COUNCIL MEMBER LAPPIN: Right.

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ANDREW EILER: And this is another point that I need to make about, that the, in the testimony. It is a very difficult and hard thing to do, to try to license a business for only a small or minor part of its activities. Normally, for licensing to be effective, it needs to license that, that it means that a business can't operate at all unless it has the license. What this license, on the other hand, seeks to do, is to say a drycleaner that, that makes a particular kind of a claim, has to have a license, but if it doesn't make the claim, it doesn't need the license, and can continue in business. Now, if somebody supposedly engages in a deceptive practice, so supposedly we have hearing authority, all the person has to do to avoid any further action or responsibility under this proposal, is to say, "I quit."

21

COUNCIL MEMBER LAPPIN: No, to say

22

"I'm not eco-friendly."

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24

ANDREW EILER: Well, no, no, I just say, "I will quit making those claims."

25

COUNCIL MEMBER LAPPIN: Great,

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2 that's what we would like.

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CHAIRPERSON KOSLOWITZ: [off mic]

4

Right.

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ANDREW EILER: But then, then, the

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licensing, then the licensing part of it is no

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longer an effective tool, because the company can

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continue to operate without making the deceptive

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claim. The point is, the defect, the deceptive

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claim, the advertising, what we're talking about

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is deceptive advertising. That is an issue that

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can be directly addressed by the CPL, providing we

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had the adequate enforcement mechanism. The

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licensing would not enable you to really address

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it effectively, it would just be a damper on

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people even making those kind of claims. Now, if

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that's what the Council's intentions are, to have

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people not make those kind of claims, or, or if,

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if they had to be licensed to be able to make the

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claims, they might just say it's not worth it.

21

COUNCIL MEMBER LAPPIN: That's the

22

bill. I mean, that's why I started out by saying

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I'm not sure you understand the bill. That is

24

exactly it. I don't--until 2020, people can use

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Perc in residential buildings. We don't have the

1

2 authority to change that here. We just want  
3 people to disclose if they are, and either not say  
4 that they're eco-friendly and green, and use Perc,  
5 or stop using Perc and say they're eco-friendly  
6 and green. We're not telling them they can't use  
7 Perc, we don't have the ability to do that. So, I  
8 think that's exactly, what you just said, is  
9 exactly the point of the bill. And if people just  
10 stopped using that label, I would be perfectly  
11 happy. I would've achieved my goal.

12

ANDREW EILER: We can achieve the  
13 same thing with the CPL.

14

COUNCIL MEMBER LAPPIN: I don't, we  
15 don't think that we can. So, we can, we'll  
16 continue to discuss that. The only other question  
17 I had, because you haven't given me any concrete,  
18 helpful feedback in terms of amending the bill,  
19 other than you, you maybe sort of suggested that  
20 DEP would be a better agency to issue these  
21 licenses and regulate these businesses. Is that  
22 accurate?

23

ANDREW EILER: Well, on the  
24 licensing question, I don't think it's a matter of  
25 whether DEP does it or, or our--our believe is

1  
2 that the licensing is not the most effective way  
3 to address this kind of a question. I mean, if  
4 you're talking, looking at particulars in the  
5 bill, there's the issue of, you know, the  
6 Department making determinations as to solvents  
7 and chemicals uses and, and environment, how  
8 environmental friendly it is. That requires  
9 technical expertise in, in environmental issues  
10 that the Department doesn't possess. So--

11 COUNCIL MEMBER LAPPIN: I mean, if  
12 DEP is already, you know, as you mentioned,  
13 they're going in and they're testing equipment,  
14 and, and so they are registering who's going to be  
15 using Perc and who isn't, is it DEP's job by 2020  
16 to then do the enforcement on those that are in  
17 residential establishments?

18 GERRY KELPIN: Yes. And just so  
19 that you're aware, there's a sub-provision in, you  
20 know, the regulations about that phase out, that  
21 some, some companies have already had to switch or  
22 become drop-off stores, based on when their  
23 equipment was originally--

24 COUNCIL MEMBER LAPPIN: Purchased.

25 GERRY KELPIN: --purchased, yes,

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2 thank you.

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COUNCIL MEMBER LAPPIN: And--you're  
welcome--and you've done the enforcement at DEP.  
On that.

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GERRY KELPIN: [off mic] We have  
been tracking it--[on mic] Sorry, we've been  
tracking it and also State Department of  
Environmental Conservation has been checking  
against some of these, as well. We, we have  
probably a little better enforcement mechanism to  
check on those facilities. We did a quick review  
a couple of months ago, and found that the  
equipment in that, that had been installed in that  
age period, had actually been retired.

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COUNCIL MEMBER LAPPIN: Great,  
thank you very much.

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CHAIRPERSON KOSLOWITZ: I, I just  
want to say one more thing. I'm really  
uncomfortable the way this gets handled. And with  
that, I would like to put my name on this bill.  
And I'd like to recognize Council Member Michael  
Nelson who has joined us, and I want to call on  
Council Member Lander.

25

COUNCIL MEMBER LANDER: Thank you

1  
2 very much, Madam Chair. I should disclose first  
3 the little known fact that for five years I ran a  
4 eco-friendly wet cleaner. When I was the  
5 Executive Director of the Fifth Avenue Committee,  
6 we started some small businesses to help people in  
7 the neighborhood get job training and jobs, and  
8 one of them was a franchise operation, which sadly  
9 no longer exists, called Ecomat. And for five  
10 years, we operated an Ecomat in Brooklyn on Union  
11 Street that used wet cleaning. And so, we became  
12 passionate supporters of, of getting rid of Perc  
13 in particular. I'll come back to that in maybe  
14 another panel, because I really think it's Perc  
15 that's the issue here, and not so much whether the  
16 drycleaners recycle their, their hangers or, or  
17 buy environmentally friendly equipment. But we  
18 can come back to that for another panel. So, for  
19 me, I mean, I appreciate the intent of the bill,  
20 to make sure people are making true and not false  
21 claims, but it obviously goes in the direction of,  
22 of trying to get rid of Perc, which I think  
23 Council Member Lappin rightly points out is not an  
24 authority of the Council, but I guess I first want  
25 to ask DEP and the Department of Health, this



1  
2 Administration has been a great leader in moving  
3 toward more environmentally friendly practices in  
4 a whole array of areas, through incentives and  
5 places where we don't have the authority to out  
6 regulate something. And so I'm curious just for  
7 starters, have you looked at Perc--I mean, it  
8 sounds like you're at least a little bit in sort  
9 of relationship to the federal law doing some  
10 investigations. I wonder more generally, though,  
11 has the Administration taken a kind of particular  
12 look at Perc and its dangers, and thought about  
13 putting some strategies in place to do everything  
14 we can to get it, you know, out of the, the  
15 environments of workers and out of our City as,  
16 you know, as much and as quickly as we can.  
17 Obviously even 2020 just removes drycleaners from  
18 residential buildings, which is fine for  
19 residents, but the primary danger is to the  
20 employees of the drycleaner. They inhale it much  
21 more than the residents of a building, and  
22 unfortunately that legislation does nothing to  
23 help the workers who are exposed to Perc every  
24 day. So, my first question just, is there an  
25 Administration strategy to, to consider Perc and

1  
2 do what we can to try to reduce and ultimately  
3 eliminate the use of Perc in New York City?

4 GERRY KELPIN: It's a broad  
5 question. Certainly it's, it's recognized as a  
6 substance that has a lot of nasty effects, and you  
7 know, we are taking sort of the step approach to  
8 reducing exposure. Some of the, the equipment  
9 itself helps to reduce, you know, worker exposure,  
10 with the new generations. It still doesn't  
11 completely solve the problem, because there is an  
12 exhaust. I would say that, yes, we are working at  
13 it. I guess our priorities are more, you know,  
14 starting and focusing on the residential, you  
15 know, situation, the conflict between commercial  
16 and, and residential right now.

17 COUNCIL MEMBER LANDER: I mean,  
18 there are some municipalities that I guess, and  
19 states as well, that have taken, you know,  
20 considered incentive programs, tax programs,  
21 financing programs, advertising programs, the, the  
22 array of other potential tools that the, that  
23 government has, you know, from the, you know, from  
24 all the evidence, it's a very, very small percent  
25 of dry cleaners that have given up Perc. And I

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mean, I think one thing we should do is protect their ability, their brand ability, as this bill would do, to make sure, so that they can at least get customers who want this service. But I, I guess I wonder if you've looked at some of those other things and thought about what we might do to encourage the industry to move in this, in this direction.

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ANDREW EILER: A little bit, I mean, we have thought about the issue. Clearly Perc is something that we'd like to see eliminated at some point from our environment and from use in, in all practical purposes. So, yes, we have looked, and thought about the issue. One of the things, I mean, just in a brainstorming way, we've thought about hosting of chemicals that people use in their facilities, so that the consumer would know, "Hey, I'm going to use a facility that has Perc," 'cause it says it right on the window.

21

22

COUNCIL MEMBER LANDER: Isn't that what this bill is about? [laughter]

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24

25

ANDREW EILER: Well, no, this bill is not, not necessarily about posting Perc, it's about posting green cleaners. So, that's, it's a

1  
2 little different. And I would, I would caution  
3 also, the bill also talks about how you get  
4 qualified as a green cleaner. The alternatives to  
5 Perc, hydrocarbons for one, I would be hesitant to  
6 say that that is a green way to go. You still  
7 have spills associated with hydrocarbons that  
8 could have impacts on the environment. It's not  
9 free from health effects. There are better  
10 alternatives. So, in the spectrum of what's  
11 green, or what we might think is green, there's a  
12 wide range. There's worse chemicals than Perc  
13 that could be used as well, too, so we need to be  
14 cognizant of that.

15 COUNCIL MEMBER LANDER: So, but  
16 this is productive discussion. I think what  
17 Council Member Lappin was asking for earlier, I  
18 mean, I guess what I hoped to do by becoming a  
19 cosponsor of the, of the original bill, was to be  
20 part of a process where we encourage cleaners not  
21 to use Perc, and we help provide a, you know, some  
22 incentives for them to do so. One incentive that  
23 this bill would offer is customers, who don't want  
24 to have it, but I'd be thrilled to see it linked  
25 with other things the City might offer, whether

1  
2 those are tax or zoning incentives, whether that's  
3 a financing program. And I agree with you, the  
4 issues are complicated in terms of which ones you  
5 want to encourage people to use, and you know, in  
6 reading the background reading for today, it's  
7 not, it's not simple, but it's not rocket science  
8 either. I think working together with the City,  
9 there would be a way to clarify what do we think  
10 the good practices are, how can we encourage  
11 people to use them, and how can we communicate  
12 clearly to consumers those folks who are using  
13 those things, in a way that helps people know kind  
14 of what they're getting, both for the truth, and  
15 the simple truth in advertising point of view, and  
16 then hopefully for the benefit of customers  
17 wanting the better thing point of view. So, I  
18 guess, you know, if there's a way, and I don't  
19 want to speak for the bill's sponsor, but if  
20 there's a way for us to do that together, I think  
21 that's the intent here. I mean, I do think it's  
22 important that, you know, I--people be able to  
23 understand what it is, you know, what's, you know,  
24 what the issues are, and there be some truth in  
25 advertising claims. But I mean, I'd love to see

1  
2 it be part of a broader package that brings your  
3 expertise to the table, and provides incentives  
4 for people to move away from Perc. So, I don't  
5 know if there's a way we can follow up on this  
6 part of the conversation, understand a little more  
7 what you've looked at, at the past, in the past,  
8 what your thoughts are on how to identify those  
9 that are doing the right thing. And then what the  
10 ways are to get that public information out there.  
11 To me, this bill seems like a good way to do it,  
12 but if you have other thoughts, I'm, you know, I  
13 certainly would be glad to hear it.

14 GERRY KELPIN: Just maybe I need  
15 clarification in terms of how I read this, but a  
16 Perc based drycleaner, if they were to do two  
17 different types of recycling efforts, would also,  
18 would be labeled eco-friendly? And I have sort of  
19 a--and I've misund--you know, interpreted that,  
20 please, because--

21 COUNCIL MEMBER LAPPIN: It's not  
22 just recycling. It--and by the way--

23 GERRY KELPIN: But, I mean, I saw  
24 the list of things.

25 COUNCIL MEMBER LAPPIN: Right.

1  
2 GERRY KELPIN: But if you can  
3 continue to use Perc, and you do these, these  
4 other things, and you're being labeled eco-  
5 friendly, it's, to me it's, isn't achieving the  
6 goal of, of incentivizing the removal of Perc on  
7 any other schedule than the one that's been  
8 legislated, but--

9 COUNCIL MEMBER LAPPIN: You would  
10 have to clearly disclose that you are continuing  
11 to use Perc. So--

12 GERRY KELPIN: Right, well our  
13 permits, I mean, the--I mean, maybe the, you know,  
14 one of the things, we do issue a permit and we,  
15 you know, we specify that the solvent that's being  
16 used is Perc. We, we might be actually to, you  
17 know, highlight that our permit so that, you know,  
18 when, and they, they have to be posted for, for  
19 our use, so it's generally in a place where the  
20 public is, that, you know, the, the issue of their  
21 using Perc is there. You know, the next step's  
22 about why Perc is, you know, less of a good option  
23 that others, you know, is an education piece that  
24 I'm not sure is brought out in, in this  
25 legislation in terms of just saying, "Yeah, I use

1  
2 Perc," I mean, that's, I'm not, you know, I think  
3 part of it is like be further defined by rule, so  
4 it could go different ways.

5 COUNCIL MEMBER LAPPIN: The reason  
6 I think it would, right, it could further be--I  
7 think what would be really helpful to day, and  
8 Council Member Lander was sort of, you know,  
9 drawing this out a little bit, is to hear from you  
10 and from others, should we have it be only that  
11 you don't use Perc, and that's the way you get the  
12 eco-friendly license? Should we continue to allow  
13 an option? And if we did, you know, these are  
14 just four things we came up with. What else could  
15 we add to the list, that might give it more teeth  
16 if we continue to have this approach? What--  
17 should hydrocarbons be included or not included?  
18 Should we clearly define what cleaning solvents or  
19 methods would constitute eco-friendly? That's  
20 what I'd like to hear from you, because that's how  
21 we can make the bill more effective. We are not,  
22 I am not an expert in the science of this. I, I  
23 have a goal in mind, but I would like to get sort  
24 of those concrete suggestions, so that the bill  
25 could evolve and be more effective. This is our



1  
2 first effort. But we need that help. So, you  
3 know, if you could answer, you know, sort of  
4 today, or if you could answer soon, in writing,  
5 you know, I would love to know that. Do you think  
6 it should include hydrocarbon or not? And/or,  
7 okay, if you're eco-friendly, then this is the  
8 only material you should be able to use. You  
9 know, because I don't have that answer, I need to  
10 hear that from you.

11 COUNCIL MEMBER LANDER: And I  
12 should say, I mean, I really agree with you on  
13 the, I mean, I think it's great if, if cleaners  
14 also engage in other environmentally friendly  
15 practices, and would want to encourage that. For  
16 me, the big issue in the industry is Perc. And  
17 you know, and so, so what I, my, my goal is really  
18 to encourage cleaners to move away from Perc, help  
19 identify those that do, and give them incentives,  
20 including, you know, kind of public credit and  
21 attention for doing so, and not allow others who  
22 continue to use Perc to get the same level of, of  
23 attention, so. But I agree that, you know, the,  
24 if that's a shift, that could come out as a shared  
25 goal of this hearing, and it's possible for there

1  
2 to be some dialogue and sitting down and figuring  
3 out how we move in that direction with a slightly  
4 different framework, you know, that would be a  
5 great productive outcome of the hearing. So, you  
6 know, I think it's at least great to hear that the  
7 administration agrees that, that Perc is a  
8 problem, that we want to move away from it, that  
9 there are, you've explored some options for how to  
10 move away from it, including disclosure. And is  
11 open to thinking about how we expand on that  
12 disclosure, and maybe some other things, so that  
13 we can move in this direction. That's great to  
14 hear. One or two questions just about the  
15 licensing, and I'm not a, I'm a guest here, I'm  
16 not a member of the Consumer Affairs Committee.  
17 So, why do we license laundry jobbers and not  
18 drycleaners?

19           ANDREW EILER: I have no idea how  
20 that came about. It was done 70-80 years ago,  
21 long before me. And so, I have no, I mean, I have  
22 no basis for now knowing what was why the laundry  
23 jobbers and the laundry operators and so forth  
24 were licensed when they were, but not drycleaners.

25           COUNCIL MEMBER LANDER: Is there a

1  
2 general principle on what things we license and--I  
3 apologize for asking for a 101 here, but--

4           ANDREW EILER: Well, obviously, the  
5 license is usually imposed, or required, when  
6 someone engages in a practice or activity that has  
7 a significant public impact, whatever that public  
8 impact is, and that there is a need for prior  
9 approval of government to be able to engage in the  
10 activity, so that it's performed in a manner  
11 that's, you know, protects the public interest.  
12 And for whatever, whatever was going on when  
13 laundries were licensed, I mean, the belief was  
14 that that licensing scheme was appropriate and  
15 necessary for, for New Yorkers, for dealing with  
16 clothes and, and so forth and so on. A whole host  
17 of issues. Including, probably, placement,  
18 enforcement of zoning and so forth and so on, so  
19 there's a whole host of, you know, underlying  
20 requirements that was the foundation for the  
21 license. So--

22           COUNCIL MEMBER LANDER: Thank you.

23           ANDREW EILER: --that's why.

24           COUNCIL MEMBER LAPPIN: And are  
25 you, I guess, this kind of goes to this question

1  
2 of sort of giving a, a license or some kind of  
3 recognition to those folks, this is my final  
4 question, to folks who do something positive, does  
5 either Consumer Affairs or can you think of  
6 anywhere else in the City where we give a gold  
7 star, you know, so to speak, a official  
8 recognition of somebody doing, you know, what's,  
9 you know, yes, legally, you can legally do it a  
10 less good way, we think this is important enough  
11 that we sort of give you an official recognition.  
12 We ask that, you know, we want to make sure we're  
13 giving it to somebody who deserves it. Are there  
14 other areas where you do that or where the City  
15 does that?

16                   ANDREW EILER: Well, one of the  
17 elements of licensing is not only the protection  
18 that it affords like because the Department can  
19 secure remedies for consumers, and it requires  
20 people to follow particular practices, usually  
21 good practices, the Department's rulemaking  
22 authority and so forth and so on, so that we can  
23 assist and ensure that the person qualifies. And  
24 the other thing is, depending upon the nature of  
25 the license, the license condition is that you

1  
2 have to meet certain qualifications, and the  
3 license sort of says, "This person is qualified  
4 for doing X, Y and Z." So that's the idea of the  
5 license, it most, tests qualifications and ensures  
6 that the licensee follow the appropriate  
7 practices, and that there's remedies available for  
8 ensuring compliance with those requirements. And  
9 that the consumer by himself is unable to deal  
10 with that, so you need a government agency that  
11 ensures and stands, and backstops it.

12 COUNCIL MEMBER LANDER: But so I  
13 mean, so I'm asking a slightly different question.  
14 Can you think of, is there any place in the City  
15 where, rather than just licensing the entire  
16 industry, we look to give an official recognition  
17 to some subset of that industry, that is doing  
18 something we want to see people do. We think is  
19 good, we encourage, and we officially recognize  
20 and let people know, "This guy's doing something  
21 good, you know, therefore they get the New York  
22 City sponsored seal of approval."

23 ANDREW EILER: I'm actually, and  
24 frankly I'm unaware of any license being  
25 conditioned on anything like that. Because

1  
2 basically, it's, it's sort of counterintuitive  
3 that the license is required by a good guy, and no  
4 license is required for the alleged bad guy.

5 Which is kind of like, "Wait a minute, it's  
6 usually the reverse." What we want to--

7 COUNCIL MEMBER LANDER: But it  
8 needn't, I'm not asking just about licenses. I'm  
9 sort of, it's some kind of--

10 ANDREW EILER: But any--

11 COUNCIL MEMBER LANDER: --some kind  
12 of official recognition, certificate--

13 GERRY KELPIN: It's not, there,  
14 there's actually one example that comes to mind,  
15 but, I mean, it, it comes, it's--it is legislation  
16 that the Council passed concerning the retrofits  
17 of actually the sight-seeing buses, and what DEP  
18 did in order to--and it's, it's sort of for us,  
19 but it provides, actually, the company a little  
20 bit of a notice to the public, because what we do  
21 is, we created a sticker for the vehicle, and if  
22 it's been retrofitted it's on the vehicle, and it  
23 says--

24 COUNCIL MEMBER LANDER: Yea, this  
25 vehicle is in compliance with Local Law whatever

1

2 it is.

3

4 GERRY KELPIN: --one of 'em says  
5 compliant or whatever. But it actually has helped  
6 us in a number of situations 'cause someone has,  
7 you know, called and said, "Well this bus is, is  
8 supposed to be clean and it's smoking," and they  
9 were able to give us the number off of the  
10 vehicle, or sticker number, so we actually went to  
11 the company and were able to get the, the  
12 equipment repaired. So, I mean, that's, you know,  
13 that's an example that's, I mean, it's not, you  
14 know, totally out there, but the other thing is, I  
15 would think, I'm, I'm pretty sure of this, that  
16 some of the congestion, mitigation, air quality  
17 programs that have gone to, have been  
18 public/private partnerships, that those vehicles  
19 are, have been identified as being retrofitted or,  
20 in some way, the company has gotten, you know,  
21 recognition for the work that they did to, to  
22 retrofit prior to any regulation.

22

23

24

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22 ANDREW EILER: Restaurants isn't my  
23 area, but I think we also give a Golden Apple for  
24 those that go far and above the health code, in  
25 restaurant sanity, in sanitary conditions.

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COUNCIL MEMBER LANDER: And I guess now in restaurants we give them letter grades.

ANDREW EILER: They get that too, now, yeah.

COUNCIL MEMBER LANDER: They need to be prominently displayed, so--Thank you, no further questions.

COUNCIL MEMBER LAPPIN: And, and we didn't legislate this, but certainly the taxis that are hybrids, have the green sticker, I know, 'cause my husband sometimes makes me wait for one. [laughs] Just very annoying.

COUNCIL MEMBER LANDER: Thank you, no more questions.

CHAIRPERSON KOSLOWITZ: Council Member Nelson.

COUNCIL MEMBER NELSON: Thank you, Madam Chair. Perchloroethylene, is that how you pronounce this? It's a six syllable word, it's not that--

ANDREW EILER: I think so.

COUNCIL MEMBER NELSON: Okay. What--besides alcohol, seemingly, obviously in there, what are the, what's the chemical compound



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2 breakdown? What else is in there besides that?

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ANDREW EILER: It's, it's strictly  
that, I believe, it's just a, it's just  
perchloroethylene.

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7

COUNCIL MEMBER NELSON: And that  
would be ba--alcohol, right?

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ANDREW EILER: No, it's, it's a,  
it's a chemical that is, it's carbon based, with  
chlorine. It's, it's not alcohol based.

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COUNCIL MEMBER NELSON: Yeah,  
'cause my, my drycleaner has something in front, I  
don't even know what it is, I just, I feel good  
every time I go in there, like I'm helping the  
environment, and maybe my suits'll last longer.  
But it says something like "natural,  
environmentally safe," or something like that.  
But I've been suspicious ever since. So, I would  
like them, actually, to be visited, but I see we  
have a problem with this. And then again, if you  
go there and if you find out they're not really  
doing the right thing, what's the next step?  
There's, there's no hearing consequence, I guess.  
How would you, how would they be cited? How would  
they be penalized? If they were to be visited.

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2                   ANDREW EILER: I'm not sure who,  
3 what, what exactly, if--

4                   COUNCIL MEMBER NELSON: Well, I,  
5 we've been digging at this a little bit, I think  
6 my colleagues have been. But if they say they're  
7 something that they're not, and they're not in  
8 fact better for the environment, is there any  
9 teeth to this, is there any consequence? And  
10 which agency might in effect be responsible for  
11 this? And perhaps cite them?

12                   ANDREW EILER: Well, if they were  
13 making deceptive, misleading, fraudulent claims to  
14 the public about their services, that is right  
15 within the center of the Consumer Protection Law.  
16 But, you know, even though the Chair doesn't like  
17 to deal with it, the difficult is enforcement  
18 against people when we don't have hearing  
19 authority. Then, we have to go to court, and that  
20 proceeding takes a very, very long time, very  
21 expensive, very all sorts of things.

22                   COUNCIL MEMBER NELSON: Mm-hmm.

23                   ANDREW EILER: So, effectively, it  
24 is very difficult to take, or very costly, and,  
25 and basically our hands are tied for going after

1  
2 such claims. You know, depending on, especially  
3 if it's a contentious situation, where it may be  
4 difficult to actually come up with a, you know,  
5 hard and fast rules. But the basics are there in  
6 the CPL, the CPL does, addresses the issue of  
7 deceptive practices. Now, the other aspect of  
8 that situation is that what you're talking about,  
9 a gold star, or you know, some kind of recognition  
10 or emblem--

11 COUNCIL MEMBER NELSON: Yeah, - -

12 ANDREW EILER: --that is conferred  
13 or given to an, some business, that it's engaging  
14 in good practices, that is probably, that's  
15 definitely an approach to consider, but it's not  
16 something that you want to link to licensing.  
17 Because it, it's, it doesn't require licensing to  
18 do a, you know, gold star, and making sure that  
19 whoever can display it earned it. And there are  
20 ways to do that. And I don't think you need to  
21 tie it to licensing. Licensing is a very blunt  
22 instrument in this context.

23 COUNCIL MEMBER NELSON: But sans  
24 licensing, again, if they did put a gold star on  
25 the window, how would that be enforced, if they in

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2 fact were not entitled to it?

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4 ANDREW EILER: Well, again, it then  
5 comes back to, depending on how the, the set up or  
6 the enforcement is structured, and what the, you  
7 know, enforcement mechanism is, and how easy, how  
8 easily it can be implemented, that's, that all  
9 depends upon one, if it's given to us, can we have  
10 an easy way of adjudicating violations? If we  
11 don't, then it's very difficult to enforce. If we  
12 have a simple procedure for doing violations, or  
13 adjudicating violations, then we're in a position  
14 to effectively implement it.

14

15 COUNCIL MEMBER NELSON: Yeah, it  
16 does go back to that, thank you, Madam Chair.

16

17 CHAIRPERSON KOSLOWITZ: Thank you.  
18 I still don't understand it, I'm not clear on  
19 this, that how can you license other businesses  
20 and this business doesn't get licensed? I just  
21 don't understand that.

21

22 ANDREW EILER: Well, if I--

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23 CHAIRPERSON KOSLOWITZ: Or, or a  
24 separation, you can take a, a candy store that  
25 sells cigarettes, and if they sell cigarettes to  
minors, you could take away their, their license

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2 to sell cigarettes, but they can still have their  
3 candy store, so we can separate the businesses.  
4 But in the dry cleaning, it seems that we can't do  
5 any of this, and it doesn't make sense to me.

6           ANDREW EILER: Well, here's the  
7 thing, when you license somebody to sell  
8 cigarettes, you can't sell any cigarettes unless  
9 you have a license. Even one cigarette you can't  
10 sell without a license. You can sell candy, you  
11 can sell fruits, you can sell vegetables, but you  
12 can't sell cigarettes without a license. Simple.  
13 No, there's no question about whether or not you  
14 sell cigarettes or, or not sell cigarettes. The  
15 equivalent would be licensing the sale of menthol  
16 cigarettes. That would not make a whole lot of  
17 sense to say, selling every other kind of  
18 cigarettes you can do without a license, but  
19 menthol cigarettes require a license.

20           CHAIRPERSON KOSLOWITZ: That's not  
21 what I'm, I'm questioning. So, we could, I'm  
22 questioning a business that could be separated in  
23 what, in what is licensed, what is not licensed,  
24 but yet the cleaning industry can't be. So, let's  
25 just have cigarette stores that just sell

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cigarettes.

ANDREW EILER: That's, well no, no, no, no. The, the, my, I'm, I'm going to repeating myself, but the point is, that in order to have a license, you need to have all the activity related to the business, has to be part of the condition of the license. As I was talking about cigarettes, as long as you cover all cigarettes, you have the license. But if you required only the sale of menthol cigarettes for a license, there you have, where you're licensing a business or an industry, for only part of its activities.

COUNCIL MEMBER LAPPIN: But we did that, with, with fruit flavored tobacco. We did exactly that.

ANDREW EILER: No, no, no. Fruit flav--because what we had was fruit-flavored cigarettes was an, a fruit flavored tobacco products, were added to the cigarette retail sale and the Tobacco Enforcement Act, and the reason we did tobacco products was because under the federal law, you can't already have flavored cigarettes, so it was not necessary to cover the cigarettes, 'cause that's already covered under other federal

1  
2 statutes. The production and sale of flavored  
3 cigarettes is already prohibited under federal  
4 law. So, the flavored tobacco products part was  
5 just the part that the feds don't cover. And it  
6 was added to the Tobacco Enforcement Act, which is  
7 also involved, that since most of the people who  
8 sell these flavored tobacco products also sell  
9 cigarettes, it's all part of the same package.  
10 So, we actually have an encompassing package with  
11 the flavored tobacco products. That's the  
12 complete opposite of what you would have with,  
13 with a drycleaner who was just eco-friendly having  
14 to be licensed and everybody else is scot free.

15 GERRY KELPIN: Possibly to get just  
16 to the question of drycleaner operations, if you  
17 were to, to look at the environmental laws, in,  
18 certainly in the, in the state law, there are a  
19 number of requirements for, you know, the  
20 operators in terms of training and people to come  
21 in and, and check how the equipment is doing, and,  
22 and certain recordkeeping and requirements.  
23 Totally speculation, but both on the City and  
24 State level, we are actually permitting these  
25 businesses to operate based on the fact that they

1  
2 operate equipment and I'm not sure if possibly,  
3 you know, in sort of the history of things,  
4 because these are, can only operate based on their  
5 equipment being permitted to meet emission  
6 standards, that the need to, to actually, you  
7 know, license them as a business, may have, there  
8 might've been a decision sometime back not to, to  
9 sort of duplicate that kind of effort. Because  
10 you can't, you can't operate as a business unless  
11 you have a permit to operate that machine.

12 CHAIRPERSON KOSLOWITZ: I don't  
13 want to prolong this, I still don't agree with the  
14 premise, but I want to, there are people waiting  
15 to testify, and I want to hear from them. Thank  
16 you again, and I'm sorry, Andy, that we didn't  
17 have a hearing that was, you know [laughs]

18 ANDREW EILER: [laughs]

19 CHAIRPERSON KOSLOWITZ: --more  
20 congenial.

21 ANDREW EILER: Hey, it's always a  
22 pleasure, I just, you know, we have these little  
23 get-togethers and have a little discussion, and  
24 so, you know, I think we all learn from it. I  
25 understand what you're all trying to do. And, and



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so I'm just trying to figure out a way to make it work. And I honestly don't think the licensing is going to help you.

CHAIRPERSON KOSLOWITZ: Thank you, thank you very much.

ANDREW EILER: Thank you.

[applause]

CHAIRPERSON KOSLOWITZ: All right, Nora, we're going to call in panels, good luck. Lots of great luck. Nora Nealis, Deborah Kravitz and Wayne Edelman.

[pause, background noise]

CHAIRPERSON KOSLOWITZ: Okay, we're going to, I'm sorry, we're going to have to limit the testimony to three minutes.

WAYNE EDELMAN: Three minutes for all of us, or three minutes each.

CHAIRPERSON KOSLOWITZ: No, each.

WAYNE EDELMAN: Okay. [laughter]  
I'll fast track.

FEMALE VOICE: Can I give up my three minutes and give them to her?

[pause, background noise]

WAYNE EDELMAN: My name is Wayne

1  
2 Edelman, and I'm Chief Executive Officer and  
3 President of Meurice Garment Care, we currently  
4 operate two retail stores in Manhattan, two pickup  
5 and delivery routes in Manhattan, a dry cleaning  
6 plant in The Bronx, and I live in Manhattan on  
7 East 92<sup>nd</sup> Street. I--oh. Am I good, I'm on?

8 FEMALE VOICE: You're on.

9 WAYNE EDELMAN: Okay. I'm a  
10 current board member of the National Cleaners  
11 Association and an ex-president. I want to thank  
12 the Council Members and especially Councilperson  
13 Lappin, for introducing 84-A, because the word  
14 "organic," as it pertains to garment care or dry  
15 cleaning has continually frustrated me, and  
16 angered me, as a straightforward and responsible  
17 businessperson. You--I'm really glad this  
18 happened here. And I'm, and--we are under the  
19 auspices of many agencies with many requirements,  
20 in order to do business, and it's very difficult.  
21 I came in here, in here, in opposition to this  
22 bill as it currently exists, and really, you know,  
23 and in my notes it's, I thought, "We're licensed  
24 already by the Department of Consumer Affairs.  
25 Why not piggyback this on a program with the

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2 Department of Consumer Affairs." I can't, I'm  
3 commenting on the history and why I'm licensed,  
4 and I still don't understand, and every year I  
5 have to have a bond, and it used to have to be  
6 fingerprinted. And for what? Here, you know,  
7 here's the person, and he doesn't even know what  
8 it is, and the way it was told to me is that in  
9 the '40s, the laundries were--what? Controlled  
10 by, you know, there was, there was an infiltration  
11 of organized crime. And that licensing brought  
12 some accountability to the commercial laundries  
13 and to the people sending them work. That being  
14 said, don't know why it's up there and I'm  
15 licensed by the Department of Consumer Affairs and  
16 my license number has to be on every invoice. We  
17 carefully position Meurice as eco-friendly. We  
18 inform our customers of our process, and how we do  
19 it, and I, we run a multitude of processes. I  
20 look at myself as a plumber that, beware of the  
21 plumber that comes into work on your brand new  
22 kitchen sink with a vise grip and a screwdriver.  
23 It turns out that perchloroethylene is very  
24 effective, although it is a minimal, you know, it  
25 might represent of our cleaning capacity at our

1  
2 facility in The Bronx, but perchloroethylene is  
3 very effective at removing mold, and one--I own 50  
4 percent of a company that provides dry cleaning  
5 services to insurance companies. We've done tests  
6 and compared it with hydrocarbon and wet cleaning,  
7 and the mold spores, the outside of the mold  
8 spores, are cracked by the--[time alarm] That  
9 three minutes?

10 CHAIRPERSON KOSLOWITZ: [off mic]

11 Yes.

12 WAYNE EDELMAN: No way, really?

13 That's it?

14 CHAIRPERSON KOSLOWITZ: - -

15 WAYNE EDELMAN: I feel like I'm on  
16 Jeopardy. [background noise] I feel like I'm on  
17 jeopardy. So, you know, people, this organic  
18 thing, I'll cut to the chase. It's wrong, you  
19 know, if you go to a dictionary and you look at  
20 the term organic, and I happened to go to  
21 Wikipedia, and Wikipedia might have influence from  
22 indivi--you know, individuals, but we refer to  
23 organic in a multitude of fashions, but chemicals  
24 and food. Okay? There's nothing safe, you know,  
25 using the term organic, and I left my peaches in

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2 my bag, it's not peaches. You know, we're not  
3 dealing with organic peaches. And the question  
4 is, you know, this stuff is so safe, would you  
5 drink it? I currently, I clean my clothes  
6 sometimes in perchloroethylene when it's, when  
7 it's necessary. My wife's and that of my  
8 children's, if used properly and responsibly, I  
9 don't see any problem with it. I have a problem  
10 with everyone else talking about how their process  
11 is organic. The other issue, which is big, we not  
12 only deal with the Department of Consumer Affairs,  
13 we have Fire Department regulations, and I see,  
14 you know, in this bill you talk about CO<sub>2</sub> cleaning.  
15 Now, CO<sub>2</sub> cleaning, in its, first of all, you  
16 couldn't get a CO<sub>2</sub> machine into New York City right  
17 now, because of the Fire Department. Hydrocarbon  
18 machines, you have an issue getting them in  
19 because of the Fire Department. There are certain  
20 CO<sub>2</sub> cleaners operating that they don't use just  
21 CO<sub>2</sub>, they use a solvent and then they rinse with  
22 CO<sub>2</sub>, and they're calling them self- CO<sub>2</sub> cleaners,  
23 and the meta-tags on their website says CO<sub>2</sub>. So  
24 it's not just CO<sub>2</sub>, and you need to look at what it  
25 is. In addition--

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CHAIRPERSON KOSLOWITZ: [off mic] -

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- You have to wrap it up.

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WAYNE EDELMAN: Okay, in addition,

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you really need to take a look at where these

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items are going, because there are some people

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that--

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FEMALE VOICE: That's - - that's -

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CHAIRPERSON KOSLOWITZ: No, one

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other thing. [laughter] Okay, take it. Go

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ahead. [laughter]

13

DEBORAH KRAVET: My name is Deb--My

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name is Deborah Kravet, I operate a store in

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Manhattan, I have a dry cleaning plant that I

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built in The Bronx, I operate routes here in New

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York City. We use several methods of cleaning.

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We clean with Perc, we clean with hydrocarbon, we

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clean with wet cleaning. Wet cleaning, you

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operate at Ecomat. I just got my water bill. I'm

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appalled at the price, it's not expensive to buy

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water, but all the water that goes to waste down

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the drain, and into the sewers, I mean, the truth

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of the matter is that I really have to look at my

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wet cleaning practices to decide how much wet

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2 cleaning I really can do. You know, for my  
3 cleaning machines, we have a water tower, so we're  
4 recirculating, recycling, and that's not a  
5 problem. But with wet cleaning, there is a  
6 problem. But my biggest problem right here today  
7 is, how is the New York City Council going to  
8 regulate dry cleaning plants that are not within  
9 the five boroughs of New York City? A lot of  
10 cleaners operate stores, routes, pickup and  
11 delivery service, within the five boroughs, but  
12 they don't have plants in the five boroughs.  
13 They're in New Jersey, they're on Long Island,  
14 they're in Westchester, they're in Connecticut,  
15 they're in Massachusetts. They're all over the  
16 place, but they're offering dry cleaning services  
17 to the residents of the five boroughs of New York  
18 City. How is the Department of Consumer Affairs  
19 and the City Council going to regulate those  
20 businesses? I built my business here in  
21 Manhattan, I was forced out of Manhattan, moved to  
22 The Bronx. I had the choice to move to New  
23 Jersey, but I didn't, I wanted to stay in New York  
24 City. So I'm here in New York City, in The Bronx,  
25 operating a business in New York City, and feel

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2 that I'm going to be taken advantage of by  
3 businesses that are operated outside the City  
4 limits. Thank you. Thank you for giving me this  
5 time, and I think that that's something that  
6 really needs to be taken into consideration.

7           NORA NEALIS: Okay. My name is  
8 Nora Nealis, I'm with the National Cleaners  
9 Association. And I had prepared testimony, but  
10 based on what went on here first thing this  
11 morning, I think we probably need a little dry  
12 cleaning regulation 101 to help us bring this all  
13 together. Let me start out by saying that nothing  
14 could please me more than the City Council taking  
15 action on the egregious and disingenuous use of  
16 the term "organic" as it relates to dry cleaning.  
17 I've gotten call after call from friends, saying  
18 "Nora, they, what are they cleaning in now, cow  
19 manure? They had a big organic sign hanging on  
20 the main, you know, drag in town." The bottom  
21 line is, dry cleaning by its nature is cleaning in  
22 that which is not water, and it is therefore  
23 chemicals. I don't care whether it's chemicals  
24 hydrocarbons, I don't care whether it's Perc, I  
25 don't care whether it's silicone, I'll even go so



1 far as to talk about wet cleaning and the  
2 chemicals, detergents, conditioners and additives,  
3 bleaches that can be used there. It's all  
4 chemicals. And somehow or other, the use of the  
5 word "organic" conveys to the customer warm and  
6 fuzzy, green fields, chemical free, and that is  
7 not what they are getting. I mean, clean and  
8 easy, I would do this bill: "All businesses  
9 offering cleaning service to consumers cannot put  
10 the tagline organic on it." Period. End of  
11 conversation. It takes the whole mis-message out  
12 of play. It doesn't create conversation, it  
13 doesn't create conflict, it doesn't--it doesn't  
14 lead to a whole lot of doubletalk, it's plain and  
15 simple, you cannot tag dry cleaning as organic.  
16 Part two to that is if you are going to go down  
17 the, "I'm an environmentally responsible  
18 business," I think here we need to have a little  
19 respect for the consumer. If I'm smart enough to  
20 make life decisions about what I eat, whether or  
21 not I walk down a dark alley at night, whether or  
22 not I cut through, you know, one of the new parks  
23 that's getting a little dicey, whether or not I  
24 vote for you for City Council, or whether or not I  
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2 got to this cleaner who tells me he's  
3 environmentally responsible, I think we need to  
4 trust my own judgment to make that decision. If  
5 it's important to me, I'll look into it, I'll  
6 question, I'll do my homework, and I will decide  
7 for myself. You know, Councilman Lander said  
8 everybody's got their hot button. For me, it's  
9 cars: don't own one, don't have a driver's  
10 license. I think everybody that drove here today  
11 ought to be taken out and hung. But that's my  
12 thing. That's not to say that others can't make  
13 other choices. Are all consumers concerned about  
14 solvent? No. And you want to talk about  
15 disingenuous advertising [time alarm] 15 seconds?

16 CHAIRPERSON KOSLOWITZ: Go ahead.

17 NORA NEALIS: Ecomat on Moore  
18 Street, though they advertise themselves to be 100  
19 percent wet cleaning, in fact were sending at  
20 least ten percent of their work off to Green  
21 Cleaners on the Upper West Side, because it was  
22 not suitable to be wet cleaned. There are CO<sub>2</sub>  
23 services in the City that are promoting themselves  
24 as CO<sub>2</sub>, and are not cleaning in CO<sub>2</sub>, they're  
25 cleaning in another glycol solvent, and they are

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2 drying and rinsing in CO<sub>2</sub>. Don't get me wrong,  
3 there's nothing wrong with the glycol solvent,  
4 it's a great alternative, but it's not CO<sub>2</sub>. So I  
5 think we need to go back to Consumer Affairs and  
6 say we want honesty in advertising, and we want to  
7 take this whole thing and make it real simple, and  
8 take organic out of the mix.

9 WAYNE EDELMAN: [off mic] And by  
10 the way--[laughs]

11 NORA NEALIS: Yes, thank you, well,  
12 you know.

13 WAYNE EDELMAN: [off mic] In name  
14 have to be green.

15 NORA NEALIS: Now if you have any  
16 questions about Perc posting notices, how many  
17 permits they have, why there's only 73 non-Perc  
18 plants in the City, I can give all that  
19 information to you as well. Thank you very much.

20 CHAIRPERSON KOSLOWITZ: [off mic]  
21 Council Member Lappin.

22 COUNCIL MEMBER LAPPIN: Thank you,  
23 Madam Chair. And I want to thank you for coming,  
24 and Wayne, you know, this was really, this  
25 legislation came out of a conversation we had, and

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you were there, too, Nora, so. You know what I wanted to ask the two of you, since you operate green cleaners--

NORA NEALIS: [off mic] No.

COUNCIL MEMBER LAPPIN: Oh, you don't.

NORA NEALIS: [off mic] I operate a drycleaner. I don't--

COUNCIL MEMBER LAPPIN: Sorry, just for the transcript, you have to--

NORA NEALIS: I do not promote myself as an organic cleaner. I am a member of the Green Cleaners Council, and have filled out an application of six pages. I was awarded my four leaves as a green, as a member of the Green Cleaners Council because of other environmental things that I do: recycling water, using recyclable plastic, recycling hangers. I mean, there's a, a host of things that I do. And the only thing that I have is one little sign in my window that says I'm a member of the Green Cleaners Council. And--

COUNCIL MEMBER LAPPIN: No, I think that, I think that's great.

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NORA NEALIS: Yeah.

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COUNCIL MEMBER LAPPIN: So, so here are my, here's my question for each of you.

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NORA NEALIS: Mm-hmm.

6

COUNCIL MEMBER LAPPIN: And to try to it as succinctly as possible, and I think you've just answered it. Do you think the bill should just only give sort of a good housekeeping seal to those who don't use Perc, or do you think that the bill should have a hybrid approach that you can do other things? And if you think that you could do other things, if you could list some of 'em that aren't included in here, that's sort of my first question. And then, my second question, and which I think is more for Wayne, but if you don't use Perc, what do you think are the good practices that we would include in the legislation as alternatives?

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WAYNE EDELMAN: Well, there's, there's several. You know, I'm--are we on?

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COUNCIL MEMBER LAPPIN: Yes, you are.

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WAYNE EDELMAN: Look, I still think Perc is a great cleaner, and if used properly, in

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1  
2 good machines, we, we use a minimal amount, and  
3 there's no exposure to our employees. And we test  
4 the machine. We, you know, any, every time you  
5 take a step forward, you take a step back. We  
6 recycle hangers, we sanitize them. We're looking  
7 at using recyclable bags. But if the bags aren't-  
8 -now we have a big bedbug problem in New York.  
9 So, unless you can guarantee that you're giving  
10 back a sterile item to a, to a customer, and not  
11 something that has been recycled in another  
12 household, you run the risk of doing some kind of  
13 bedbug cross-contamination thing, which could be  
14 horrible. You know, our, we don't use gasoline in  
15 our vehicles, we're using a low sulfur, low sulfur  
16 diesel; we recycle our poly bags.

17 COUNCIL MEMBER LAPPIN: So maybe  
18 the first question first. Do you think the bill  
19 should maintain this sort of hybrid approach of  
20 you don't use Perc, but you do a host of other  
21 things.

22 WAYNE EDELMAN: I don't know if I  
23 could necessarily comment on that, because I'm  
24 hung up on the first line of I have a Perc machine  
25 sitting in my plant that's a tool that I use in my

1  
2 tool chest, to satisfy certain customers' needs,  
3 and it's not our prime, primary means of cleaning,  
4 so I don't know if I could even get beyond the  
5 fact that if, if according to the bill the way  
6 it's written, if I use Perc, I have to post  
7 everywhere in my store that a customer, you know,  
8 it's like putting an armband on me, you know, that  
9 I use Perc. Well, I, you know, it's this much.  
10 So, I don't think I could really comment beyond  
11 the "I use Perc" portion.

12 COUNCIL MEMBER LAPPIN: Okay. And  
13 what about you?

14 DEBORAH KRAVET: I mean, I think I  
15 stick with what Nora says, I think the whole term  
16 "organic" as it, as it pertains to dry cleaning,  
17 is disingenuous. And I don't think that any  
18 drycleaner should be allowed to use the word  
19 organic.

20 COUNCIL MEMBER LAPPIN: Well, what  
21 about eco-friendly?

22 DEBORAH KRAVET: I don't even think  
23 that--

24 COUNCIL MEMBER LAPPIN: What would  
25 make you eco-friendly? And are there things you

1  
2 do, 'cause you listed some, and I wasn't writing  
3 them down, are there things that you do that  
4 aren't listed in this legislation? Recycling  
5 program for water, you said you do; recycle  
6 hangers--

7 DEBORAH KRAVET: Right.

8 COUNCIL MEMBER LAPPIN: --you both  
9 said you do, recycle plastic or other items, if  
10 you can, bedbugs aside. Are there other things  
11 that you do, that we haven't listed here, that we  
12 should consider as eco-friendly dry cleaning  
13 practices?

14 DEBORAH KRAVET: I mean, I think  
15 that there's a host of things. I mean, it can  
16 come down to, you know, we have dishes and glasses  
17 and silverware in our lunchroom that we don't, you  
18 know, use paper products and plastic forks and  
19 keep throwing things out. You know, we recycle  
20 cans and bottles. I mean, we use recycled paper  
21 products when necessary. You know, we buy energy  
22 star rated equipment, when we can. You know, we,  
23 we do all these things, but I'm just doing it  
24 because that's what needs to be done. It's not,  
25 and I'm not advertising it to my customers that



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that's what I'm doing.

COUNCIL MEMBER LAPPIN: Well,  
maybe--

DEBORAH KRAVET: And, and, and  
also, a problem is, I mean, the--was sitting here,  
said that there's you know, 1,500 dry cleaners  
that use Perc, and there's 75 that have  
hydrocarbon machines. I think the biggest problem  
that we have is, it's those 75 people. And I have  
a hydrocarbon machine, I don't, you know, if  
somebody comes in and asks what kind of cleaning I  
do, I say "We do three types of cleaning. We do  
traditional dry cleaning with Perc; we do  
hydrocarbon cleaning, which is what a lot of  
people call organic, it's just another type of dry  
cleaning; and we offer wet cleaning services."  
She goes, "How do you dete--" I said, "We  
determine, we are the professionals, this is our  
craft, and we are the ones that determine," unless  
specifically asked by a customer, that they want  
their clothes wet cleaned or they want them  
cleaned organically, or whatever, that we make the  
decision, that's what we've been trained to do.  
That's what we've studied and learned how to do.

1  
2 We determine whether or not a black label Giorgio  
3 Armani suit can be wet cleaned. You know, it  
4 can't be. It just, you know, unless you want to  
5 buy it for the customer when you're done, it can't  
6 be wet cleaned. You know, if a customer asks for  
7 certain things, you know, we have customers that  
8 ask, you know, they don't want plastic, they want,  
9 you know, cloth bags. We offer the whole gamut.  
10 We're there as, to provide a service and give the  
11 service that the customer asks for. And that's  
12 what we do. And if we don't have the product to  
13 do it, we go out and we get the product to do it.  
14 But we don't deceive anybody. And I think it's,  
15 in general, it's people that operate a store with  
16 a hydrocarbon machine in it, that are promoting  
17 the fact that they're organic. I don't believe,  
18 and I could be wrong, I don't believe that the  
19 cleaners that operate with Perc are, are saying  
20 that they're organic. I think it's really the  
21 ones that operate with hydrocarbons, and those  
22 that use CO<sub>2</sub> but not as a cleaning solvent, as a  
23 rinsing solvent, and I think that's the difference  
24 there.

25 COUNCIL MEMBER LAPPIN: Okay, thank

1

2 you.

3

COUNCIL MEMBER LANDER: I also want to thank you guys for coming out today, the seriousness with which you've approached this issue and, and with which you do your business, as well. It's great to hear. I'm wondering for the two of you, are you using less Perc now than you were at some point previously? First let me also say that I can't speak to what happened at North Moore Street, but on Union Street [laughter] we never sent anything out to any place else. So. But it, I mean, it sounds like maybe you're using less Perc than you once were in your, in your business.

16

WAYNE EDELMAN: Exponentially.

17

[laughter]

18

COUNCIL MEMBER LANDER: And you, that's, and why?

20

WAYNE EDELMAN: It's due to technology. Primarily technology. We had a machine where, when I was working as a kid in our store on University Place, where we actually took the clothes laden with the solvent from a washer to a dryer. The machines are very tight now,

25

1  
2 they're inspected regularly. If maintained and  
3 operated, the Perc usage is down to nothing, to  
4 the point where the Perc companies are like not  
5 even selling enough solvent, they're thinking  
6 about--

7                   NORA NEALIS: Yeah, and Safety  
8 Clean doesn't, there's not enough waste being  
9 generated. You know, you have to beg Safety Clean  
10 to come and make a pickup, because there's just  
11 not that--30 years ago, when I came into the  
12 industry, typical solvent consumption for a  
13 average mom 'n' pop drycleaner was between 60 and  
14 100 gallons a month. Today that same drycleaner  
15 is probably using 50 to 60 gallons a year. And  
16 that's assuming he's only got two solvents in  
17 play, Perc and water. If you put hydrocarbon in  
18 the mix, the guy might be using ten or 20 gallons  
19 a year.

20                   COUNCIL MEMBER LANDER: So I guess  
21 I'm going to ask you sort of the same question,  
22 and I'd, this is really for follow up and not for  
23 today. I mean, I'm encouraged to hear that.  
24 Obviously, there is an important truth in  
25 advertising set of issues that we all care about.

1  
2 From my point of view there's also a reducing the  
3 volume of Perc that is being used in New York  
4 City, that workers are being exposed to, that  
5 consumers are being exposed to. And it sounds  
6 like you guys have taken a set of good practices  
7 to really reduce that in your businesses, and  
8 aside from the question of what you can call  
9 yourselves or other people can call yourselves,  
10 I'd like to see us work closely with DEP and, and,  
11 you know, and Department of Health, to continue  
12 the process of reducing the use of Perc, as much  
13 as we can. I don't want to be a fundamentalist,  
14 if you continue to use a little bit you get some,  
15 you know, silver P on your shirt or something.  
16 But what can we do together to really reduce it  
17 over time. And my hunch is that you guys are at  
18 the forefront, and that there are lots of people  
19 that if they're still not sloshing it around in  
20 the sink, are still using a lot more Perc per set  
21 of garments than you are. That's probably the  
22 subject for another hearing. But I want to thank  
23 you for--yeah.

24 NORA NEALIS: That, that point, not  
25 really true in the City and State of New York.

1  
2 New York has the toughest standards for  
3 engineering controls on Perc in the nation. And  
4 there are no more sloshing buckets. Everybody's  
5 using fourth generation equipment. Everybody's  
6 inspected by an independent engineer annually, to  
7 make sure they're running it right. And that's in  
8 addition to the DEP coming in every three years.

9 COUNCIL MEMBER LANDER: But they  
10 may not also own wet cleaning machines and  
11 hydrocarbon machines--

12 NORA NEALIS: Absolutely.

13 COUNCIL MEMBER LANDER: --to be  
14 able to do more and more of their garments in non-  
15 Perc based environments, and that's the sort of  
16 behavior, for sure, that I would like to encourage  
17 more people to do and be able to do.

18 NORA NEALIS: Yes, yeah.

19 DEBORAH KRAVET: And, and the other  
20 thing is that, with 232, the regulation from New  
21 York State, and New York City follows the same  
22 way, that if you clean on the premises and are  
23 using Perc, you post an 11 by 17 sign stating that  
24 you clean with Perc, and that there is Perc on the  
25 premises. So that's already being done. You

1  
2 know, and now that, you know, Perc is being, by  
3 2020 will be phased out of apartment buildings and  
4 mixed use buildings, then, you know, that's sort  
5 of a moot point. But right now if you're cleaning  
6 with Perc on the premises, you already have a sign  
7 saying. And if you don't, they should be issued a  
8 violation.

9 WAYNE EDELMAN: And you, and 232  
10 requires a licensed and educated operator to be on  
11 premise at all times the machines are being run.

12 COUNCIL MEMBER LANDER: Thank you.

13 NORA NEALIS: Thank you.

14 DEBORAH KRAVET: Thank you.

15 CHAIRPERSON KOSLOWITZ: I want to  
16 thank you very much, I was lost before, but you  
17 found me. [laughter] [applause] Albert Lee. I,  
18 I'm going to really not do this name well: Yale--  
19 how do you say your last name?

20 YALE KLAT: Like the university.  
21 My last name's Klat, K-L-A-T.

22 CHAIRPERSON KOSLOWITZ: Klat, okay.  
23 And Richard Avaros. [pause]

24 ALBERT LEE: It's on, right? Yeah.  
25 Hi, my name is Albert Lee, I have a drop store in

1  
2 Manhattan, and processing plant in Queens. I used  
3 to, I used to operate a store in Manhattan with a  
4 dry cleaning machine on premises. But due to the  
5 change in the regulation, I had to relocate my  
6 processing operation to a standalone building, to,  
7 to Queens, and convert my existing store to a drop  
8 store. During this relocation process, and  
9 conversion process, I was almost going out of  
10 business because of the great cost involved. I  
11 would like to begin with, by letting you know how  
12 difficult it is to be in business and keeping up  
13 with all the new laws and regulation and etc. All  
14 the while, dealing with the competition and  
15 customer satisfaction, which is another issue. We  
16 seen new regulation appear and later disappear  
17 while we have to pay the price. If change have to  
18 make, I want you consider deeply to see that the  
19 detail and side effect from both side, in order  
20 to, for us to comply with the changes. I  
21 understand the need for regulation, but I would  
22 like to, you to consider the impact for each new  
23 regulation which will add more work and cost.  
24 Well, we are a small business in which we cannot  
25 mass produce our service to cut the cost.



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2 Everything is about detail and quality oriented  
3 service. I'm sure you want your drycleaner or dry  
4 cleaning to be done perfect, and I am also sure  
5 everyone here has a problem, a problem or two  
6 about your dry cleaning. And also you don't want  
7 to pay no more than whatever's really need. And  
8 every of this new regulation situation, they bring  
9 the cost up. And the competition by sell, by the  
10 customer choosing the right price, make, you know,  
11 some of the drycleaner already going out of  
12 business. And we think couple year already is  
13 more than ten to 15 percent of drycleaner that  
14 went out of business. As a conscious businessman,  
15 I did change my dry cleaning from using Perc to  
16 the DF2000, which is, you know, the hydrocarbon  
17 solvent, which we call hydrocarbon. Some, some  
18 call it, they call organic. I also use wet  
19 cleaning machine, which is eco-friendly, in  
20 addition. I recycle my water, the supplies, and  
21 also I try use the method for more efficiency, you  
22 know, to use less water, and to heat up the water  
23 using the returning stem, and use less energy, and  
24 reusing the many things possible with the heat and  
25 energy, to, to cause less energy use. License,

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2 licensing the word "organic," doesn't seem to be  
3 the solution. I believe it will create more  
4 expense and cost to comply and to enforce. I  
5 believe the word "organic" is misused in our  
6 industry. In the food industry, the word  
7 "organic" means no use of the harmful chemical  
8 [time alarm] harmful chemical, such as pesticide  
9 and other chemical to enhance the grow. But in  
10 the dry cleaning industry, we are using chemicals  
11 and solvent in the cleaning process. And some  
12 stain, some stain remover process we do need and  
13 we be forcing to use some chemical to, to remove  
14 those special stain. I am marketing myself as a  
15 green cleaner and eco-friendly cleaner, not the  
16 organic cleaner. I do have a problem with  
17 business owner using organic signage and because  
18 the consumer see those sign, they come to my store  
19 ask me if we do organic cleaning. I res--I  
20 respond to them explaining what is the difference  
21 and how, you know, those word "organic" is misused  
22 them. I print, I use DF2000 hydrocarbon, and a  
23 wet cleaning process, which is, you know, what  
24 they calling it is organic.

25 CHAIRPERSON KOSLOWITZ: [off mic]

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You need to wrap it up.

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ALBERT LEE: Yes, just a little.

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How dry cleaner justify using the word organic

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because the solvent come from petroleum, which

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come from the ground, versus the Perc, which is

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manmade synthetic. I beg you to carefully

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consider the issue, and thank you very much for

9

this opportunity. Thank you.

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CHAIRPERSON KOSLOWITZ: Thank you.

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YALE KLAT: Good afternoon, my

12

name's Yale Klat, I'm an attorney, I practice

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environmental law, I have a background litigating

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Superfund sites. I'm here today in my personal

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capacity as a concerned citizen of Manhattan. I

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think this well intended bill has a loophole that

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just needs to be patched, and I just want to talk

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about that one narrow aspect of it. The reason

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that drycleaners are so disproportionately well

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represented in lists of contaminated sites and

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Superfund sites doesn't have to do with their

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failure to recycle hangers or inefficient

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appliances or vehicles, it has to do with their

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use of Perc. And I think those general

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environmental benefits can be used in this current

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2 draft of the bill as a, a loophole, and to  
3 deemphasize the environmental effects of Perc,  
4 which has a very specific and harmful impact. I  
5 do think, though, that the overall objective is  
6 sorely needed, I don't think the current  
7 regulatory scheme addresses green washing in the  
8 dry cleaning industry. Thanks.

9                   RICHARD AVILAS: Good afternoon.  
10 My name is Richard Avilas, and I'm the, I'm the  
11 owner of Bridge Cleaners and Tailors and King  
12 Garment Care, operating in Manhattan and downtown  
13 Brooklyn. I have a production facility in the  
14 Brooklyn Navy Yard. And in September of 2009 I  
15 was contacted by the Brooklyn Chamber of Commerce.  
16 I sat in on a regulatory review panel where I was  
17 asked to explain the difficulties, really detail  
18 the difficulties of doing business with the City  
19 and the various regulatory agencies. This is DEC,  
20 DEP, EPA, FDNY, Department of Small Business  
21 Services Waterfront Unit, and Department of  
22 Consumer Affairs, and a few others. So, I  
23 presented a four page, single-spaced list of the  
24 difficulties we had constructing and operating our  
25 production facility in the Brooklyn Navy Yard,

1  
2 which took over two years to complete. In  
3 March/April I was contacted by the Mayor's Office,  
4 as well as a few City Council Members, to come in  
5 and further explain what the difficulties were.  
6 Soon after, there was a press conference held at  
7 my production facility where Mayor Bloomberg and  
8 Council Speaker Quinn unveiled 14 new measures  
9 detailing how the City was going to work with  
10 small businesses a lot more closely to make it  
11 easier and I guess friendlier to do business,  
12 within the five boroughs. So, I received this  
13 bill, and I'm looking it over, and I think there  
14 are a few issues. You know, I look at, if you  
15 look at Part 20544 under regulations, Part C, says  
16 the Commissioner may promulgate such rules and  
17 regulations as may be necessary to carry out the  
18 provisions of the subchapter. Now, do you imagine  
19 what the Department of Consumer Affairs would have  
20 to adopt under this, and the kind of records and  
21 receipts you'd have to keep to demonstrate that  
22 you were in compliance? It's huge, it's huge. I  
23 mean, how are we going to record the number of  
24 hangers that we save, and/or recycle? And the  
25 biodegradable poly that we, that we use. And any

1  
2 other items that are regularly used in the dry  
3 cleaning business. I mean, I would literally have  
4 to hire somebody else to do this. I mean, I feel  
5 that the bill is further burdening the small  
6 business owners at a time where our costs of doing  
7 business is rising every day. You know, we're  
8 bleeding. We're bleeding. And business doesn't  
9 seem to be getting any better. So, I mean, I  
10 think the bill is the antithesis of what the  
11 Mayor, Council Speaker Quinn and the people of the  
12 City really want. Thank you.

13 COUNCIL MEMBER LAPPIN: Well, let  
14 me, let me be clear, you wouldn't have to do this,  
15 this is a voluntary thing. If you wanted to have  
16 this additional advertising benefit. But you  
17 would be under no obligation to do any of this. I  
18 just want to make that very clear.

19 RICHARD AVILAS: Am I, am I allowed  
20 to respond to that?

21 CHAIRPERSON KOSLOWITZ: [off mic]  
22 Uh-huh.

23 COUNCIL MEMBER LAPPIN: [off mic]  
24 Sure!

25 RICHARD AVILAS: Okay, thank you.

1

2 You say that people are, are moving in a much more  
3 green direction, people are, you know, wanting to  
4 be more environmentally friendly. If I don't do  
5 this, they'll assume that I'm not.

6 COUNCIL MEMBER LAPPIN: Well, how  
7 do you advertise your business now?

8 RICHARD AVILAS: Right now? Hm,  
9 that's a great question. I guess environmentally  
10 friendly, I guess green. I mean, I'm also a part  
11 of the Green Cleaners Council. I think I'm a  
12 green drycleaner. I mean, when my business was  
13 moved twice over the past four years, and our Perc  
14 machine, which once you plant it in the ground,  
15 really can't be moved, we got variances by  
16 Department of Environmental Conservation to move  
17 it not once but twice. I mean, when I have my  
18 independent inspector come in and when I have DEC,  
19 DEP come in, and they check my machinery, they see  
20 that my machinery runs very, very clean and in  
21 most cases, much better than new machines coming  
22 off the lot.

23 COUNCIL MEMBER LAPPIN: And you use  
24 Perc.

25 RICHARD AVILAS: I use Perc, I use

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2 hydrocarbon, and I use water.

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COUNCIL MEMBER LAPPIN: And so that  
4 sort of goes to, and we didn't get an answer  
5 today, kind of the heart of, you know, I think the  
6 first question, which Yale testified to, which is  
7 this bill should say you have to eliminate your  
8 use of Perc. Or are there other things that you  
9 do, Richard, that one can do that are significant  
10 and make you eco-friendly? Even if you use a  
11 minimal--I'm not saying use, although Wayne said  
12 he uses a relatively minimal amount of Perc. I  
13 didn't, and this is, is just, I'm ruminating here,  
14 I didn't get sort of a clear answer from folks  
15 that it's sort of unanimous consensus from people  
16 in the room that it should be one or the other, we  
17 heard from people who said sort of both things.

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RICHARD AVILAS: Well, you might be  
19 defining eco-friendly and organic incorrectly. I  
20 think that might be the issue.

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COUNCIL MEMBER LAPPIN: Well, I  
22 think we, we've sort of discussed all of this.  
23 You know, I think what we would like to do is give  
24 people a sense, you know, if you see a LEAD  
25 certified building and it's silver or platinum or,

22

23

24

25



1  
2 you know, you know what that means. Maybe you go  
3 to a grocery store and you buy an item that is  
4 labeled organic, or no hormones or no pesticides  
5 or free range, you know what that means. So, you  
6 know, when people are advertising themselves as  
7 "eco-friendly," I think the consumer should know  
8 what that means.

9 RICHARD AVILAS: You're regulating  
10 only a small part of an entire, of an entire  
11 business of a wide variety of activities. Just  
12 like the, the gentleman said before that was  
13 retiring, unfortunately, 'cause he's awesome. He  
14 said, you know, you can't just regulate menthol  
15 cigarettes. If you're regulate cigarettes, you  
16 have regulate cigarettes as a whole, you can't  
17 just take a small part of it and try to regulate  
18 that in itself. So, I mean, that's--

19 COUNCIL MEMBER LAPPIN: Although  
20 we, I think we discussed a few examples of ways  
21 that we do do that. And I think you, you  
22 absolutely can both incentivize people to behave a  
23 certain way and reward them. And I don't think we  
24 should be rewarding people who aren't--I mean,  
25 you're doing all these things, Richard. I think

1  
2 that's great, I think it's great that you're  
3 located in New York City, that you've moved twice  
4 and been willing to stick it out, and that you're  
5 doing eco-friendly things. I think it's great  
6 that the national trade association has some sort  
7 of standards that they've come up with. And I  
8 think we should adopt some in the City of New  
9 York.

10 ALBERT LEE: But the, the customers  
11 already--

12 COUNCIL MEMBER LANDER: You have to  
13 use the mic.

14 ALBERT LEE: Yeah, the customer is  
15 the best judge because already if you're not green  
16 or if you do lousy cleaner, and they leave smell,  
17 they don't come back no more, so you lose the  
18 customer, I guess, you know. I think already the  
19 customer, the economy, already has been doing a  
20 lot of part because a lot of people they went out  
21 of business already.

22 YALE KLAT: Can I just respond to  
23 the specific comment about my comment, with regard  
24 to an alternative to phasing out Perc, that  
25 alternative needs to mitigate the specific harm of

1  
2 Perc, otherwise it's just not good policy. And I  
3 don't know of, you know, I'm not an expert in the  
4 industry, but I don't know of an alternative, at  
5 least one that the EPA has recognize. That's why  
6 the EPA has determined it a priority to phase out  
7 cold turkey Perc in 2020 in residential buildings.

8 CHAIRPERSON KOSLOWITZ: Eric

9 Goldstein and David Kistner.

10 [pause, background noise]

11 ERIC GOLDSTEIN: Good afternoon,  
12 Chairperson Koslowitz and members of the  
13 Committee, my name is Eric Goldstein with the  
14 Natural Resources Defense Council. I'll quickly  
15 summarize my prepared testimony and briefly  
16 comment on several of the interesting points that  
17 have been raised since. In short, NRDC supports  
18 the intent of this legislation. We agree that  
19 there is confusion in the marketplace, but we  
20 believe that the specifics of the bill, as it's  
21 drafted right now, do not solve the problem.  
22 We've identified three problems with the proposed  
23 bill. First, the definitional section allows a  
24 drycleaner to utilize Perc and still receive a  
25 designation as eco-friendly cleaner, providing

1  
2 other green activities such as recycling and  
3 energy efficiency are followed. We all know Perc  
4 is a significant bad act or a neurotoxin, a  
5 probable human carcinogen. It's being phased out  
6 in residential buildings and in California being  
7 phased out entirely over the next decade. It  
8 makes no sense to allow any drycleaner to use the  
9 eco-friendly label if that establishment uses  
10 Perc. Second problem we have, with the draft  
11 legislation is that it provides in its current  
12 form too broad a discretion to the Commissioner of  
13 Consumer Affairs to identify other cleaning  
14 methods in addition to biodegradable solvents and  
15 liquid carbon dioxide, that might qualify as eco-  
16 friendly. It might allow, for example, the  
17 Commissioner to decide that hydrocarbons, as used  
18 as part of the cleaning process, would be eco-  
19 friendly. But hydrocarbons are petroleum based,  
20 they rely on fossil fuels, they contribute to a  
21 violation of our local New York air quality  
22 standards for ozone smog, and while they might be  
23 preferable to Perc, cleaners using hydrocarbon  
24 solvents shouldn't be classified as eco-friendly,  
25 either directly by statute or indirectly by giving

1  
2 the Commissioner the power to make such a  
3 determination at a later point in time. Our third  
4 concern with the bill relates to this alternative  
5 route, which would allow dry cleaners to qualify  
6 as eco-friendly. Regardless of what products they  
7 use to clean the clothing materials, they could  
8 qualify for an eco-friendly license if they  
9 engaged in other green activities, such as energy  
10 efficiency or recycling, etc. Again, simply  
11 stated, a drycleaner should be required both to  
12 use environmentally preferable materials and be  
13 engaged in other green activities if we are going  
14 to label their activities as eco-friendly and in  
15 the broad sense. We understand this is only the  
16 first hearing, we share your goal, we want to help  
17 you accomplish that and look forward to working  
18 with you. We like the suggestion, and by the way  
19 the first panel that we heard today, I must say,  
20 is clearly we have seen the very top of the  
21 industry leaders and they had some very important  
22 things to say. We like the suggestion that one  
23 option is to simply prohibit the use of the word  
24 "organic." It has no valuable information that's  
25 conveyed to the consumer in the context of dry

1  
2 cleaning. It makes zero sense. [time alarm] If  
3 there is a licensing scheme, for drycleaners, we  
4 believe that DEP rather than DEC should be the  
5 agency. This involves significant issues of  
6 environmental and public health expertise; DEC  
7 does not seem to want that authority and we don't  
8 believe they're the right agency to do it. We  
9 believe disclosure of cleaning products and the  
10 practices that these drycleaners use is a  
11 worthwhile activity. And then finally, regarding  
12 the eco-friendly practices that the industry  
13 leaders talked about, which is an impressive list  
14 and that's great, but environmental labeling is a  
15 tricky business. And before the City gives its  
16 green seal of approval to drycleaners, more  
17 consideration is needed to really identify what  
18 those activities are and if, if we're going to say  
19 it's not as simple with energy efficiency leads,  
20 that's great. If we're going to do it in the dry  
21 cleaning business, it's a much more complicated  
22 definitional process and more work needs to be  
23 done. We share the desire of those who've spoken  
24 from the industry to take the simple approach and  
25 based upon what we've heard today, our first

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2 instance would be to prohibit the activities that  
3 are confusing to the consumer and find a way of  
4 doing that. And if the Committee chooses to  
5 develop some kind of licensing scheme for green  
6 cleaners, we'd be happy to work with you on some  
7 of the problems we've identified with this first  
8 and early draft. And we thank you for inviting  
9 us.

10 [pause]

11 DAVID KISTNER: Good afternoon,  
12 members of the Council. My name is David Kistner,  
13 I'm the founder of Green Apple Cleaners, the only  
14 company serving New York City which restricts  
15 itself to two methods of cleaning: high tech wet  
16 cleaning systems and a, two carbon dioxide systems  
17 using recycled CO<sub>2</sub>. I'm the father of twins, I  
18 live in Queens, and I'm also a cancer survivor.

19 CHAIRPERSON KOSLOWITZ: [off mic]

20 I'm grandmother - -

21 DAVID KISTNER: God bless you.

22 [background noise, laughter] I'm passionate about  
23 the problem of toxins in the dry cleaning  
24 industry. And I base my, my decisions every day  
25 at Green Apple Cleaners on hard research. I'm

1  
2 just a little disappointed that the Proposition  
3 84-A would provide the City sanction green cover  
4 for drycleaners using toxins and dubious  
5 alternatives. It must be stopped for  
6 fundamentally just revised, and I ask that the  
7 City Council revise it in, in some of the methods  
8 I'm going to suggest now. The first, the company  
9 does not use Perc, hydrocarbon or silicone as  
10 either of the, as the primary method for cleaning.  
11 They use only methods that are deemed sustainable  
12 and health, healthy as determined by the  
13 Environmental Protection Agency. Currently, that  
14 is CO<sub>2</sub> and wet cleaning. Use fuel efficient,  
15 alternative fuel vehicles, use energy efficient  
16 systems, has a comprehensive recycling program,  
17 uses recognized green energy for its electricity,  
18 minimizes plastic and paper waste, and responsibly  
19 sources materials to the best practices that they  
20 can.

21 CHAIRPERSON KOSLOWITZ: [off mic]

22 Do you have a copy of--

23 DAVID KISTNER: I can give you a  
24 copy today.

25 COUNCIL MEMBER LAPPIN: Yeah,



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that'd be great.

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DAVID KISTNER: And the fourth, which I think is the easiest to implement, post the chemicals that will be used on the consumer's clothing, clearly at the register, and post those chemicals on the receipts of, that the customer is getting on what was actually used on your clothing. And we can address other issues concerning operations that deliver only. The fourth condition, the last one I just mentioned, is actually easier to implement than any of the preceding ones because of the, New York City just passed the Calorie Law. Now we're all familiar with that. Now that's a great way of, of displaying to the consumer information which is readily available, so they can make an educated decision. The law requires little, a law requiring transparency in dry cleaning would bypass all the marketing claims and official signage at the register, and on the receipts, describing what chemicals we'll use. I myself limit my, my company use of carbon dioxide to captured CO<sub>2</sub> because the Environmental Protection Agency, the National Resources Defense Council,

1  
2 Greenpeace and the Sierra Club deemed these  
3 methods-- CO<sub>2</sub> and wet cleaning--[time alarm] to be,  
4 that--sorry, excuse me for one second--these  
5 methods as being the only sustainable and safe for  
6 human health and habitat. Perc, I'm going to,  
7 I'll give you the, the dialogue on Perc, and some  
8 of its issues. Perc is obviously a chemical used  
9 for nearly all dry cleaning in America, we've  
10 established that, has been a proven cancer causer,  
11 in other, in other mammals, and research suggests  
12 that there's no reason to believe that does not  
13 cause cancer in humans. It is classified as a  
14 probable human carcinogen as a result. That's by  
15 the EPA. Perc is also a neurological, causes  
16 neurological damages, skin damages, kidney and  
17 liver damage, and sometimes organ failure. A  
18 recent study by Columbia University stated that  
19 children of dry cleaning workers had a higher rate  
20 of schizophrenia--is that necessary? I don't  
21 think so. Perc is also poorly controlled as  
22 evidenced by the presence of over nearly 800  
23 Superfund toxic cleanup sites across this nation.  
24 New York City is the largest dry cleaning market  
25 in the world. We are to dry cleaning what cars

1  
2 are to California. We suggest by--we should be  
3 setting the highest environmental standards and  
4 leading the world. As a man who was forced to  
5 open a shop in New Jersey, I am also, I can also  
6 say that we should make it easier for green  
7 businesses to open in New York. My CO<sub>2</sub> machines,  
8 the three that I have, only one is permissible in  
9 New York City, the other two are not. And for the  
10 two years I looked for locations in, with SoBRO  
11 and the other agencies around the City, we were  
12 not going to be able to open up with one machine.  
13 So there's some regulatory changes that have to  
14 take place in order to change this industry, to  
15 get it away from the toxics of Perc. And I'll  
16 conclude here: don't expect the industry to  
17 cooperate with this badly needed change. After  
18 all, the National Cleaners Association, and its  
19 Executive Director Nora, has stated publicly,  
20 "We're going to push back, we're not going to let  
21 them take it away from us, not without a fight,"  
22 in relationship to the Perc bans that were  
23 proposed in New Jersey. So, the National Cleaners  
24 Association has a hard line that Perc is fine.  
25 That is not acceptable with me, that is not

1  
2 acceptable with me as a citizen of New York City.  
3 Well, New Yorkers are known for putting up a good  
4 fight, and I hope that the City Council wins this  
5 fight against a toxic industry that has insinuated  
6 itself into our daily lives and neighborhoods.

7 CHAIRPERSON KOSLOWITZ: [off mic]

8 Thank you.

9 COUNCIL MEMBER LAPPIN: It's very  
10 quick, 'cause we have to wrap up, I know we need  
11 to leave. You used a word that I thought was  
12 interesting, that hadn't come up before, that you  
13 said "no perc, hydrocarbon or silicone as a  
14 primary" sort of method which is an interesting  
15 concept for us to think about her, and I just  
16 wanted to flag that. Thanks.

17 DAVID KISTNER: Any time.

18 CHAIRPERSON KOSLOWITZ: [off mic]

19 Okay - -

20 DAVID KISTNER: I will email it to  
21 you.

22 CHAIRPERSON KOSLOWITZ: [off mic] -

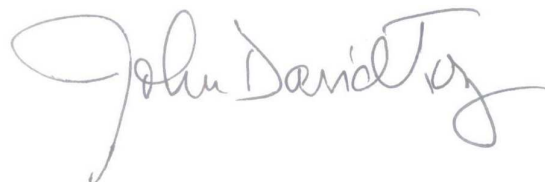
23 -

24 [pause, background noise]

25

C E R T I F I C A T E

I, JOHN DAVID TONG certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

A handwritten signature in cursive script that reads "John David Tong". The signature is written in black ink and is positioned above a horizontal line.

Signature\_\_\_\_\_

Date October 11, 2010