

No. 1990-214

AN ACT

HB 2156

Regulating the construction, operation and maintenance of dry cleaning plants in this Commonwealth.

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The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the Dry Cleaning Law.

Section 2. Legislative purpose.

The General Assembly finds that solvents used in dry cleaning plants pose fire hazards and health hazards; accordingly, it is the purpose of this act to regulate the construction, operation and maintenance of dry cleaning plants in order to protect the public and the dry cleaning plant workers from fire hazards and health hazards associated with dry cleaning solvents.

Section 3. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Class I solvent.” A liquid having a flash point below 100 degrees Fahrenheit (37.8 degrees Centigrade).

“Class II solvent.” A liquid having a flash point at or above 100 degrees Fahrenheit (37.8 degrees Centigrade) and below 140 degrees Fahrenheit (60 degrees Centigrade).

“Class IIIA solvent.” A liquid having a flash point at or above 140 degrees Fahrenheit (60 degrees Centigrade) and below 200 degrees Fahrenheit (93.4 degrees Centigrade).

“Class IIIB solvent.” A liquid having a flash point at or above 200 degrees Fahrenheit (93.4 degrees Centigrade).

“Class IV solvent.” A liquid which is nonflammable.

“Class I dry cleaning plant.” A dry cleaning plant in which dry cleaning is conducted by utilizing Class I solvent.

“Class II dry cleaning plant.” A dry cleaning plant in which dry cleaning is conducted by utilizing Class II solvent.

“Class IIIA dry cleaning plant.” A dry cleaning plant in which dry cleaning is conducted by utilizing Class IIIA solvent.

“Class IIIB dry cleaning plant.” A dry cleaning plant in which dry cleaning is conducted by utilizing Class IIIB solvent.

“Class IV dry cleaning plant.” A dry cleaning plant in which dry cleaning is conducted by utilizing Class IV solvent.

“Class V dry cleaning plant.” A dry cleaning plant in which dry cleaning is conducted utilizing Class IV solvent and where the dry cleaning is conducted by the public.

“Department.” The Department of Labor and Industry of the Commonwealth.

“Dry cleaning.” The process of cleaning wearing apparel, cloth, fabrics, textiles, leather goods, feathers, furs and hats of any type or kind by immersion and agitation, or by immersion only, in a commercially nonaqueous volatile or volatile and flammable liquid solvent applied either manually or by means of a mechanical appliance, including the sponging or brushing of such articles by the use of such solvents.

“Dry cleaning plant.” Any premises in which dry cleaning is conducted.

“Person.” An individual, partnership, association or corporation.

“Toxic and hazardous substance.” Any substance included on the list of substances compiled by the department pursuant to section 3 of the act of October 5, 1984 (P.L.734, No.159), known as the Worker and Community Right-to-Know Act.

Section 4. Class I dry cleaning plant restricted.

(a) Existing Class I plants.—Class I dry cleaning plants in operation as of May 14, 1949, may be continued in operation, subject to regulations adopted by the department.

(b) New Class I plants.—No person shall erect or construct a new Class I dry cleaning plant, and the department shall not approve plans for a Class I dry cleaning plant; nor shall any such plant, other than those that were in operation as of May 14, 1949, be hereafter maintained or operated.

Section 5. General requirements.

With respect to the type of construction and materials used, fire proofing, number and type of ways of egress, ventilation, provisions for containment of dry cleaning solvent spills and provisions for venting of vapors from dry cleaning solvent spills, dry cleaning plants must be constructed, operated and maintained in such a manner as to protect the public and dry cleaning plant workers from the hazards of fire and exposure to toxic and hazardous substances and from any other hazards associated with the use of or exposure to dry cleaning solvents.

Section 6. Power to make regulations.

The department shall have the following powers and duties:

- (1) To make, alter, amend or repeal regulations for carrying into effect all of the provisions of this act.
- (2) To apply such provisions to specific conditions.
- (3) To prescribe means, methods and practices to make such provisions effective.

Section 7. Approval of plans for dry cleaning plants.

(a) Application for approval.—No person shall construct, erect, maintain or operate any dry cleaning plant without first obtaining the approval of the department. Application for such approval shall be made upon forms prescribed by the department, which shall require the applicant to identify specifically the dry cleaning solvents that will be used in the plant. The application shall be accompanied by drawings that depict the floor plan, the roof plan, the external elevations of the building in which the plant is located and the position of all machinery and equipment in the plant, including all dry cleaning machines and related equipment, exhaust fans, motors, storage tanks and fire extinguishing equipment. Such plans shall indicate compliance with the requirements of this act and with the regulations promulgated by the department.

(b) Prior approval by the department.—Any dry cleaning plant for which the approval of the department has been secured as required by laws specifically repealed by this act shall be deemed to have complied with the foregoing provisions of this section.

(c) Fee.—A fee of \$75 shall be paid to the department for review of dry cleaning plant plans.

Section 8. Review of orders and decisions of department.

(a) Appeals to Industrial Board.—Any person aggrieved by any order of the department made in carrying out the provisions of this act or by the department's refusal of any application for approval may, at any time within 30 days after receipt of notice of such order or refusal, appeal to the Industrial Board and request a hearing by filing with the Industrial Board a verified petition setting out specifically and in full detail the order or refusal upon which a hearing is desired and the reasons why such order or refusal is deemed to be unreasonable or invalid.

(b) Adjudication by board.—The Industrial Board shall make an adjudication with respect to any petition under subsection (a) in accordance with the procedure prescribed in 2 Pa.C.S. (relating to administrative law and procedure), and any such adjudication made by the Industrial Board shall be subject to judicial review in the manner prescribed by 2 Pa.C.S.

Section 9. Inspection of buildings.

Any inspector of the department or any representative of the Pennsylvania State Police shall be permitted to enter any dry cleaning plant at any reasonable hour for purposes of inspection.

Section 10. Application to existing plants.

Nothing in this act shall be construed so as to restrict or limit the operation of any dry cleaning plant, the construction and operation of which was

approved by the department prior to the effective date of this act, unless, in the opinion of the department, continued operation of the dry-cleaning plant poses a fire hazard or a health hazard to the public or to dry cleaning plant workers, in which event the provisions of this act and the regulations promulgated by the department pursuant to this act shall be applicable.

Section 11. Fines and penalties.

Any person who violates any of the provisions of this act or any of the regulations promulgated by the department, as herein authorized, shall, upon conviction, for the first offense, be sentenced to pay a fine of not less than \$100 nor more than \$500 and costs of prosecution, and, for any subsequent offense, to pay a fine of not less than \$1,000 nor more than \$5,000 and costs of prosecution, and, in default of the payment of such fines and costs, to imprisonment for a period of not less than ten days nor more than 60 days.

Section 12. Disposition of fines and fees.

All fines and fees collected by the department under the provisions of this act shall be used by the department to offset the expenses for the enforcement of this act.

Section 13. Savings provision.

Nothing in this act shall be construed to repeal any of the following acts or parts of acts:

(1) Act of June 8, 1911 (P.L.705, No.281), entitled "An act creating the office of Fire Marshal, to be attached to the Department of Public Safety in cities of the first class; prescribing his duties and powers; and providing penalties for violations of the provisions of the act; and providing for the method of appointment, compensation, and for the maintenance of his office."

(2) Article XXXI of the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code.

Section 14. Repeal.

The act of May 14, 1949 (P.L.1342, No.402), known as the Dry Cleaning and Dyeing Law, is repealed.

Section 15. Effective date.

This act shall take effect immediately.

APPROVED—The 19th day of December, A. D. 1990.

ROBERT P. CASEY