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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**

**No. 1350** Session of  
2006

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INTRODUCED BY REGOLA AND D. WHITE, OCTOBER 11, 2006

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REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, OCTOBER 11, 2006

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AN ACT

1 Reenacting the former act of December 19, 1990 (P.L.1387,  
2 No.214), entitled "An act regulating the construction,  
3 operation and maintenance of dry cleaning plants in this  
4 Commonwealth," restoring the act to the state in which it  
5 existed prior to repeal by the Pennsylvania Construction Code  
6 Act.

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

9 Section 1. The act of December 19, 1990 (P.L.1387, No.214),  
10 known as the Dry Cleaning Law, repealed November 10, 1999  
11 (P.L.491, No.45), is reenacted to read:

12 AN ACT

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

15 Section 1. Short title.

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

18 Section 2. Legislative purpose.

19 The General Assembly finds that solvents used in dry cleaning

1 plants pose fire hazards and health hazards; accordingly, it is  
2 the purpose of this act to regulate the construction, operation  
3 and maintenance of dry cleaning plants in order to protect the  
4 public and the dry cleaning plant workers from fire hazards and  
5 health hazards associated with dry cleaning solvents.

6 Section 3. Definitions.

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

10 "Class I solvent." A liquid having a flash point below 100  
11 degrees Fahrenheit (37.8 degrees Centigrade).

12 "Class II solvent." A liquid having a flash point at or  
13 above 100 degrees Fahrenheit (37.8 degrees Centigrade) and below  
14 140 degrees Fahrenheit (60 degrees Centigrade).

15 "Class IIIA solvent." A liquid having a flash point at or  
16 above 140 degrees Fahrenheit (60 degrees Centigrade) and below  
17 200 degrees Fahrenheit (93.4 degrees Centigrade).

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

20 "Class IV solvent." A liquid which is nonflammable.

21 "Class I dry cleaning plant." A dry cleaning plant in which  
22 dry cleaning is conducted by utilizing Class I solvent.

23 "Class II dry cleaning plant." A dry cleaning plant in which  
24 dry cleaning is conducted by utilizing Class II solvent.

25 "Class IIIA dry cleaning plant." A dry cleaning plant in  
26 which dry cleaning is conducted by utilizing Class IIIA solvent.

27 "Class IIIB dry cleaning plant." A dry cleaning plant in  
28 which dry cleaning is conducted by utilizing Class IIIB solvent.

29 "Class IV dry cleaning plant." A dry cleaning plant in which  
30 dry cleaning is conducted by utilizing Class IV solvent.

1 "Class V dry cleaning plant." A dry cleaning plant in which  
2 dry cleaning is conducted utilizing Class IV solvent and where  
3 the dry cleaning is conducted by the public.

4 "Department." The Department of Labor and Industry of the  
5 Commonwealth.

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

13 "Dry cleaning plant." Any premises in which dry cleaning is  
14 conducted.

15 "Person." An individual, partnership, association or  
16 corporation.

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

21 Section 4. Class I dry cleaning plant restricted.

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

25 (b) New Class I plants.--No person shall erect or construct  
26 a new Class I dry cleaning plant, and the department shall not  
27 approve plans for a Class I dry cleaning plant; nor shall any  
28 such plant, other than those that were in operation as of May  
29 14, 1949, be hereafter maintained or operated.

30 Section 5. General requirements.

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

10 Section 6. Power to make regulations.

11 The department shall have the following powers and duties:

12 (1) To make, alter, amend or repeal regulations for  
13 carrying into effect all of the provisions of this act.

14 (2) To apply such provisions to specific conditions.

15 (3) To prescribe means, methods and practices to make  
16 such provisions effective.

17 Section 7. Approval of plans for dry cleaning plants.

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

1 the regulations promulgated by the department.

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

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

9 Section 8. Review of orders and decisions of department.

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

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

26 Section 9. Inspection of buildings.

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

1 Section 10. Application to existing plants.

2 Nothing in this act shall be construed so as to restrict or  
3 limit the operation of any dry cleaning plant, the construction  
4 and operation of which was approved by the department prior to  
5 the effective date of this act, unless, in the opinion of the  
6 department, continued operation of the dry cleaning plant poses  
7 a fire hazard or a health hazard to the public or to dry  
8 cleaning plant workers, in which event the provisions of this  
9 act and the regulations promulgated by the department pursuant  
10 to this act shall be applicable.

11 Section 11. Fines and penalties.

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

21 Section 12. Disposition of fines and fees.

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

25 Section 13. Savings provision.

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

28 (1) Act of June 8, 1911 (P.L.705, No.281), entitled "An  
29 act creating the office of Fire Marshal, to be attached to  
30 the Department of Public Safety in cities of the first class;

1       prescribing his duties and powers; and providing penalties  
2       for violations of the provisions of the act; and providing  
3       for the method of appointment, compensation, and for the  
4       maintenance of his office."

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

7 Section 14. Repeal.

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

10 Section 15. Effective date.

11       This act shall take effect immediately.

12       Section 2. The Secretary of Labor and Industry shall  
13       transmit a notice for publication in the Pennsylvania Bulletin  
14       when the secretary is satisfied that all of the following have  
15       been enacted:

16               (1) The addition of sections 2, 3, 3.1, 3.2, 3.6(a),  
17       (b), (c), (d), (e) and (f)(1)(ii) and (iii) and (2), 4, 4.1,  
18       4.2, 5, 6, 7, 8, 9, 10, 11 and 12 of the act of April 27,  
19       1927 (P.L.465, No.299), referred to as the Fire and Panic  
20       Act.

21               (2) The reenactment of the act of May 2, 1929 (P.L.1518,  
22       No.452), referred to as the Elevator Regulation Law.

23               (3) The reenactment of the act of September 1, 1965  
24       (P.L.459, No.235), entitled, as amended, "An act requiring  
25       that certain buildings and facilities adhere to certain  
26       principles, standards and specifications to make the same  
27       accessible to and usable by persons with physical handicaps,  
28       and providing for enforcement."

29               (4) The reenactment of the act of July 9, 1976 (P.L.919,  
30       No.170), entitled "An act providing for the approval or

1 disapproval of applications for a permit relating to the  
2 construction or maintenance of improvements to real estate."

3 (5) The reenactment of the act of December 15, 1980  
4 (P.L.1203, No.222), known as the Building Energy Conservation  
5 Act.

6 (6) The reenactment of the act of December 17, 1990  
7 (P.L.742, No.185), entitled "An act providing for restrooms  
8 in facilities where the public congregates; and requiring  
9 that restroom facilities be provided for women on an  
10 equitable basis."

11 (7) The reenactment of the act of December 19, 1990  
12 (P.L.1387, No.214), known as the Dry Cleaning Law.

13 (8) The repeal of the act of November 10, 1999 (P.L.491,  
14 No.45), known as the Pennsylvania Construction Code Act.

15 Section 3. This act shall take effect as follows:

16 (1) The following provisions shall take effect  
17 immediately:

18 (i) Section 2 of this act.

19 (ii) This section.

20 (2) The remainder of this act shall take effect upon  
21 publication of the notice under section 2 of this act.