

- SUBJECT:** Allowing TCEQ to order closure of unregistered dry cleaners
- COMMITTEE:** Business and Industry — favorable, without amendment
- VOTE:** 9 ayes — Deshotel, Elkins, Christian, England, Gattis, Keffer, S. Miller, Orr, Quintanilla
- 0 nays
- 2 absent — Giddings, S. Turner
- WITNESSES:** None
- BACKGROUND:** HB 1366 by Elkins, enacted by the 78th Legislature in 2003 — and amended in HB 2376 by Elkins in 2005 — established the Dry Cleaner Remediation Program (DCRP) to assist in the remediation of contamination from hazardous dry cleaning solvents. Under Health and Safety Code, sec. 374.102, all dry cleaning facilities in Texas are required to register with the Texas Commission on Environmental Quality (TCEQ).
- The DCRP has a fund that can be used for cleaning up contamination caused by dry cleaning solvents. The fund is largely supported by fees paid by the dry cleaning industry.
- DIGEST:** HB 3547 would permit TCEQ to order unregistered dry cleaning facilities to close down. TCEQ would issue notices of violation to unregistered dry cleaning facilities that the owner had 30 days to submit registration forms and fees to TCEQ before they would be ordered to close.
- The bill would take effect September 1, 2009, and would apply only to violations after that date.
- SUPPORTERS SAY:** HB 3547 would give TCEQ stronger enforcement tools to use in regulating the dry cleaning industry. Current law authorizes TCEQ only to issue penalties to unregistered dry cleaning facilities. Giving TCEQ the power to close down dry cleaning facilities would encourage more facilities to pay fees and register. Registration fees are placed into the DCRP fund, which is used to benefit the entire dry cleaning industry. By

not registering and paying fees, dry cleaners reduce the balance of the fund and decrease the amount of money available for clean-up of contamination from hazardous dry cleaning solvents.

Unregistered dry cleaners may be engaging in practices that harm employee health or the environment. Some dry cleaning solvents are known carcinogens and can seep into ground water. Dry cleaners who follow all health and safety precautions have no reason to avoid registering with TCEQ. However, those that violate industry standards may not register in fear of being cited for unsafe practices. HB 3547 would require bad actors in the industry to register with TCEQ or be shut down.

**OPPONENTS
SAY:**

This bill could result in even higher prices for dry cleaning services. Some dry cleaning facilities cannot afford the registration fees for the program. The bill would require these facilities to shut down, decreasing competition in the industry.