

## A Glimpse of the Law

By George Stevenson, Stevenson's Odorless Cleaners

Dry Cleaners face a host of legal and legal related issues each day. Below are a few of those issues under separate headings.

### **Real Estate**

Dry cleaners like other retail service businesses look for locations that are high traffic and economically advantageous. This often means a lease in a shopping center or strip mall. Unfortunately many landlords are leery of dry cleaners. As an industry dry cleaners have to promote use of the latest environmentally safe technology and alternative solvents to combat negative sentiment and adverse statistics. Many commercial landlords believe dry cleaners are the leading source of environmental liability at commercial retail properties. Dry cleaners generate relatively large volumes of hazardous substances-EPA estimates the average dry cleaner generates 660 gallons of hazardous waste ( groundwater contamination including wastewater discharges to sewers and septic systems). Moreover, due to poor housekeeping, dry cleaners have historically had a high frequency of spills and discharges (groundwater contamination including wastewater discharges to sewers and septic systems). Some notable facts:

Studies by EPA, the State Coalition for Remediation of Dry Cleaners (SCRD) and others have estimated that 75% of the approximately 30,000 dry cleaners currently in operation have contamination (i.e., 22,500 actively contaminated sites);

Over 150 dry cleaners are listed in the EPA CERCLIS and over 200 dry cleaners appear in the New York environmental remediation database;

EPA estimates there may be an additional 9,000 to 90,000 former dry cleaner sites that likely present a significant risk of contamination.

### **Insurance**

Many dry cleaners are facing contamination and environmental cleanup issues. This situation is extremely stressful and financially challenging. Often overlooked is the potential for old insurance coverage to help with expenses. Old package policies could provide a dry cleaner with coverage needed to address the environmental contamination of property from [perchloroethylene](#) (Perc) spills below ground that occurred years earlier.

In most states, policies issued before 1986 do not have pollution exclusions barring coverage for Perc spills and can be used to pay for environmental investigations. Being able to put your hands on these old policies may be hard and with consolidation in the insurance industry may require coverage tracing.

There are, however, experts known as insurance archaeologists that can help.

### **Working Conditions**

The California Supreme Court recently ruled that employers are required to provide seating accommodations for employees such as sales clerks who are standing for prolonged periods. The ruling acknowledged that limitations exist where job performance would be adversely affected by sitting; but also said employers cannot manipulate the situation by creating the adverse condition. The case prompting the ruling involved CVS pharmacy employees. Currently there are multiple class actions with a variety of plaintiffs seeking redress on this issue.