



REPORT: Consumer Abuse and Environmental Hazards in New York City's Car Wash Industry

OVERVIEW

Every day, hundreds of thousands of taxis, livery cabs, and privately owned cars traverse New York City's streets, collecting ample dirt and grime along the way. Car washes in New York City have become a big business, and a dirty one at that. There are approximately 200 car washes throughout the five boroughs, yet the city has almost no oversight over the car wash industry.

Aware of industry history of wage and hour violations¹ and anecdotal evidence that the industry might be acting inappropriately in other areas, the WASH NY campaign sought to learn about the impact of the car wash industry on consumers and the city's environment. Expert analysis of potential environmental problems and anecdotal evidence of actual practices suggest a need for the City to regulate the industry.

After talking to environmental experts about potential environmental impact issues that may concern car washes – wastewater and sludge disposal in particular – WASH NY researchers interviewed workers at 24 different car washes throughout New York City. Workers were asked to describe their knowledge of their car washes' practices for filtering wastewater, disposing of the sludge that collects in the filters, and responding to customers who have had their vehicles damaged by the car wash.

Researchers also conducted a review of common online resources to identify customer complaints about service at car washes in New York City. The sources reviewed include YELP, Yahoo! Local, City Search, Insider Pages, and Google+. Researchers studied online customer reviews from 54 different car washes throughout the five boroughs.

RESULTS

ENVIRONMENTAL QUESTIONS

WASH NY has concerns that car washes may be allowing wastewater containing potentially dangerous materials to run off into the street, throwing sludge into the trash or the city sewers, or engaging in other practices which might have an impact on the city's environment.

¹ A New York State Department of Labor investigation in 2008 revealed that almost 80% of city car washes were in violation of minimum wage and overtime laws.

Wastewater

Car washes use a variety of products which may have an environmental impact. Examples include petroleum hydrocarbons (oils, greases, and lubricants associated with automobile engines), phosphates, surfactants (soap and detergents that produce sudsing in our waterways), and heavy metals like arsenic, lead, mercury, and cadmium. Jack Caravanos, DrPH, CIH, Associate Professor and Program Director of Environmental and occupational Health Studies at CUNY School of Public Health, explains that some of these elements – including petroleum hydrocarbons and surfactants – are environmentally persistent. That means that they do not readily degrade in the city’s secondary sewage treatment process. According to Caravanos, if these elements are not filtered out prior to entering the sewer system, they may ultimately end up in our city’s waterways.

Notwithstanding these concerns, some respondents to the worker survey indicated that they had seen wastewater flow into the street without being filtered, or that they suspected that the filtration system at their car wash was not working properly. For example, one worker at a car wash in Brooklyn said that “the water goes everywhere” – not just into the filter, but also into the street. A worker at a car wash in Queens reported that “sometimes, on busy days, the filter gets plugged up... the water then flows to the city sewers.” Other responses as to the filtering system include: “Water goes to other places. Mostly to the drain, but also to other places;” “It doesn’t all get caught in the filter;” “There is a small hose that leaks water to the street;” and “We have a filter. But I don’t think it functions properly because the water is always dirty.”² These survey responses raise questions about the car wash industry’s wastewater disposal practices.

Sludge

Another area of concern is the disposal of sludge – a mixture of grit, chemicals, and other particles which gradually accumulate in car wash filtration systems. Sludge must be periodically cleaned out and disposed of in order to prevent the filter from overflowing. Every worker who responded to the WASH NY Survey said that they had experience cleaning sludge out of a filter or witnessing another worker clean sludge out of a filter.

Pursuant to the federal Resource Conservation and Recovery Act (RCRA), all generators of solid waste must determine if the waste is hazardous.³ If a business is generating hazardous waste,⁴ it must send its waste to a specialized treatment, storage, or disposal facility.⁵ Workers at 37.5% of the 24 car washes for which surveys were performed reported that sludge is collected by a hazardous waste disposal company. However, workers at the remaining 62.5% of car washes reported that their car wash simply disposes of its sludge along with all of its other trash, throws the sludge into the city sewer,

² “Survey Responses from City Car Wash Workers,” Surveys conducted between November 11, 2013 and December 9, 2013, on file with Authors.

³ 40 C.F.R. § 262.11.

⁴ Under RCRA, there are two ways in which sludge could potentially be deemed hazardous waste: either it is a “listed” waste (40 C.F.R. § 261.31), which means that it contains specific substances, or it is a “characteristic” waste, which means that it has certain physical properties such as corrosivity (40 C.F.R. § 261.22).

⁵ 40 C.F.R §§261.5(f)(3), 261.5 (g)(3), 262.20(b).

or pushes the sludge into the street. Currently, neither New York City nor the federal Environmental Protection Agency performs regular inspections to determine whether car wash sludge is hazardous, and if so, whether it is being properly disposed of under RCRA.

Other Environmental Issues

Wastewater filtration and sludge disposal are only two of the many important environmental concerns related to the car wash industry. For example, car washes are also required to have “backflow prevention devices” to prevent untreated well water from mixing with the city’s drinking water, and car washes are prohibited from using city water unless it recycles at least 75% of that water.⁶ With minimal oversight over the car wash industry, it is difficult to know whether car washes are in compliance with the numerous federal, state, and city laws which protect human health and the environment.

CONSUMER ABUSE

Car wash abuses of customers are a common theme in online customer reviews. Researchers found online reviews for 54 car washes in the five boroughs; of these, 49 had at least one negative review. Among all 54 car washes in the study, there were a total of 284 customer reviews, 148 of which were negative. The negative reviews revealed numerous common complaints, including **vehicle damage, improper management supervision, and unexpected charges.**

Some of the most striking complaints were from consumers who reported that the car wash had damaged their vehicles and then refused to compensate the customer for the damage. Almost a quarter (24.2%) of customer complaints dealt with damage to a vehicle. A car wash customer in Brooklyn described the indifference of management:

“They damaged my auto and I required a tow truck to get my vehicle off their premises! To make matters worse, their ‘manager’ was useless, none of the workers would assist me in any way and I was stuck trying to locate a tow truck and repair shop on my own.”⁷

A customer at a car wash in Queens echoed that experience:

“While washing my car another car (yellow cab) was parked too close and when opening the door one of the workers dented my car. They never fixed it for me.”⁸

When a vehicle gets damaged, the cost of repairing the vehicle is often more than the cost of losing a customer. With no laws in place requiring car washes to pay for vehicle damage, it’s easier for a car wash owner to just deny responsibility than it is to do the right thing and pay for the damage. For example, a customer review of a car wash in Brooklyn explained:

⁶ 15 R.C.N.Y. 20-04.

⁷ <http://www.merchantcircle.com/business/Vegas.Auto.Spa.-.Quality.Car.Wash..718-768-9274#reviews>, last accessed as of December 11, 2013.

⁸ <http://www.superpages.com/bp/Astoria-NY/Miami-Hand-Car-Wash-Inc-L0120185176.htm>, last accessed as of December 11, 2013.

*"I paid \$50 for the carwash and they broke my \$250 car key. [T]he manager didn't want to help. [H]e just told me to file a police report."*⁹

In situations like this, filing a police report is usually ineffective. For example, a customer of one Manhattan car wash explained:

*"Car wash machine malfunctioned in the middle of the wash, slamming my car into the vehicle in front of it. I now have cracks in the middle of the grill and the hood was lightly bent. The owner of the shop negated [sic] all responsibility for this incident. ... To add insult to injury, he still forced me to pay for the wash. When I threatened to call the police, he mentioned that it has happened before, police can do nothing with regard to these incidents."*¹⁰

In the absence of proper regulations, consumers have little recourse for damage suffered at the hand of unscrupulous car wash managers. Other problematic reports include car washes that peddle unnecessary services and/or tack on unexpected costs to the car wash bill, and a lack of onsite supervision by car wash managers – 7.4% of complaints reported that the consumer struggled to get in touch with a manager. Further, 37.8% of complaints state that car wash managers, if available, don't listen or pay attention to their requests or complaints. This type of mistreatment is simply unacceptable. New York City must develop oversight over the car wash industry in order to protect car wash consumers from vehicle damage, mistreatment, and poor service at car washes.

CONCLUSION & RECOMMENDATIONS

The two investigations discussed above suggest that washing cars in New York City is a dirty business. But it doesn't have to be that way. In order to protect consumers and the environment from the harms caused by car washes, New York City must enact legislation to increase city oversight over the car wash industry.

Enacting the Car Wash Accountability Act of 2012 (Int. 0852-A) would be an excellent step towards regulating the car wash industry. This Act puts in place a basic requirement that car washes apply for and receive an annual license from the Department of Consumer Affairs if they are to do business in the city. This is comparable to the licensing requirements that are already imposed on dozens of similar businesses, like auto towing companies, car garages, and even laundries.

The Act sets the penalty for operating without a license at \$200 per day, up to a maximum of \$15,000. In order to obtain a license under the Car Wash Accountability Act, every car wash operator would need to:

- Certify and/or demonstrate its compliance with key applicable city, state and federal laws.

⁹ <https://plus.google.com/100663543177956260114/about?gl=us&hl=en>, last accessed as of December 11, 2013.

¹⁰ <http://www.yelp.com/biz/broadway-bridge-wash-and-lube-new-york?nb=1>, last accessed as of December 11, 2013.

- Provide essential information about the way the car wash receives its water and disposes of wastewater and sludge, to demonstrate that the car wash is not causing environmental damage.
- Keep a detailed log documenting consumer complaints of damage to vehicles and the manner and amount of compensation.
- Obtain a surety bond to cover any unpaid fines and penalties to the city as well as unpaid damages owed to customers, suppliers, and workers.

As with other licensed industries, the DCA Commissioner would evaluate the fitness of an applicant to operate a car wash, weighing factors such as prior criminal actions in the industry, violations of related laws, and failure to pay taxes.

With the industry's current lack of regulation, New York City has no way to know whether car washes are engaged in abusive activity, such as the improper disposal of harmful wastes or the refusal to compensate consumers for vehicle damage. New Yorkers deserve to have confidence in the safety of their health and vehicles when they go to get their cars washed. The car wash industry in New York City is in serious need of reform.