

Testimony of Mark Lanaghan, Assistant Commissioner,  
New York City Department of Environmental Protection,  
At a hearing of the Committee on Civil Service and Labor  
Of the New York City Council  
1 p.m. Wednesday, May 2, 2012

Good afternoon Mr. Chairman and Members, my name is Mark Lanaghan and I am an Assistant Commissioner at the New York City Department of Environmental Protection. Thank you for the opportunity to testify this afternoon.

DEP regulations and requirements intersect with the car wash industry in a few areas: potable water use; wastewater discharges; hazardous substances; and noise. I will briefly summarize how DEP's regulations and requirements affect this industry in each of these areas.

Potable water Car washes are subject to a requirement in Section 20-04 of Title 15 of the City's rules which prohibit use of City water at car washes unless they are recycling at least 75% of the water by means of a recirculating system; or using coin operated automatic high pressure system. This provision -- along with a drought-related prohibition on any use of City water at commercial car washes -- has led many, if not all, carwashes to provide for their water needs through a well. In our billing database, an initial search generated over 200 facilities that we have identified as car washes. Most of those facilities are using well water and are therefore not charged for potable water use, unless they have bathrooms or other fixtures that use City water. Car washes that are using well water have meters on their wells which DEP uses to generate the cost of sewer charges for these properties.

To protect the potable water system from contamination, car washes are required under the relevant State Sanitary Code provision to install a backflow prevention device. These devices prevent highly pressured water generated at the car wash from overcoming the pressure in the City main and "backwashing"

into the City system. Our backflow prevention data indicates approximately 200 facilities with approved and inspected backflow prevention devices.

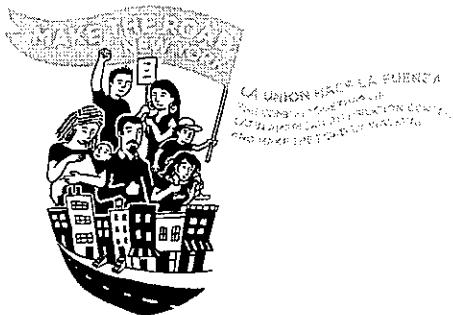
Wastewater discharges All car washes are subject to provisions in our sewer use regulations that set parameters – pH, temperature and chemical content for example – that wastewater must comply with prior to discharge to the public sewer system. Wash water generated at car washes often contains sediment, oils, sand or grit that has to be settled out of the wash water before it can be discharged to our sewer system. Exterior car washes are subject to a specific requirement that they install a “sand interceptor” which is essentially a chamber in which the heavier sand particles separate from the water column and sink to the bottom of the chamber. Car washes, vehicle repair shops and similar facilities may also be subject to a requirement that they install an oil separator, which, like the sand interceptor, allows oils to physical separate from water that is then discharged to the sewer system. Although DEP does not “permit” these facilities, they are a type of business at which sewer use regulations often require some type of pre-treatment before wastewater can be discharged to the sewer system.

Car washes are also prohibited from allowing wash water generated on site from overflowing onto the adjacent streets or sidewalks and entering nearby catch basins. Last year we received approximately 5 complaints of discharge from a car wash. Where our inspector observes a violation, a “Notice of Violation” will be issued. If no NOV is issued, an inspector may also issue a generic “commissioner’s order,” in effect reminding the business of the relevant prohibitions on use of the sewer.

Hazardous substances Car washes often have onsite some of the following substance which, in certain quantities, make them subject to the annual filing requirements of the New York City Right to Know Law (Title 24, Chapter 7 of the Administrative Code): liquid car wash cleaners; motor oil; anti-freeze; waste oil; liquid car wash cleaners; and car polish wax. The information provided to DEP pursuant to Right To Know filings is contained in a citywide database that is made available to emergency responders and to the public upon request. There are 72 car washes in our Right to Know database.

Noise Depending on the location and design of the equipment, the pumps and air blowers used at car washes can make enough noise to make them a concern to neighbors. Because there is no code to distinguish noise complaints from car washes from other noise complaints, it is not possible to know with any certainty how many noise complaints have come in from car washes, although my belief is that the number is very low. When DEP does get a 311 complaint about noise from a car wash, there is one provision in the Noise Code -- Section 227 of the Administrative Code) creating restriction on the sound from "circulation devices -- that may be applicable. That provision has recently been used at a Brooklyn car wash that re-opened last year and began generating noise complaints from its residential neighbors.

Thank you for the opportunity to share this information with you. I would be happy to answer questions or provide followup information where I can.



**Text of Testimony at Hearing before the Committee for Civil Service and Labor,  
New York City Council**

May 2, 2012

*Stephen Cha-Kim, Esq.  
Staff Attorney, Make the Road New York*

Mr. Chairman, honorable Council Members, good afternoon and thank you for the opportunity to speak about this very important piece of legislation. My name is Stephen Cha-Kim, Staff Attorney with Make the Road New York. I was the primary author of the proposed Car Wash Accountability Act introduced before the City Council on April 30.

The Car Wash bill extends the very same licensing requirements that the Department of Consumer Affairs already enforces for over 71,000 businesses in nearly 60 industries, to now cover car wash operators. Restaurants, sidewalk cafes, catering establishments, cigarette dealers, electronics stores, locksmiths, newsstands, locksmiths, sightseeing buses, horse-drawn cabs, used car dealerships, scrap metal processors, laundries, garages, car booters, and even thrift stores must all have annual or biannual licenses to operate legally – part of the City’s powers to protect the general welfare and, according to City law, to prevent “deceptive, unfair, and unconscionable practices” and ensure “standards of integrity, honesty, and fair dealing.”

As we have heard today, the New York car wash industry is one whose practices are indeed rampantly unconscionable and where standards of integrity are sorely lacking. In addition to the lack of compliance with environmental and labor standards that has been outlined today, the City’s consumers are also particularly hurt by the lack of any oversight of car washes. A widespread practice is for car wash operators to pay off customers with complaints of car damage under the table, docking worker pay and taking from the tip pool to cover these expenses. The result is a complete lack of transparency, shifting what should be an accounted-for cost of business unfairly and illegally onto workers while also depriving future customers of an accurate portrait of which car washes are worthy of their trust and business.

City licensing exists specifically to counter this problem. Under this bill, car wash operators will have to secure a surety bond to cover any outstanding fines and penalties to the city as well as damages owed to customers, suppliers, and workers. For an industry

where recent U.S. and state investigations have led to assessments of penalties and unpaid claims totaling in the millions of dollars, the surety bond is an absolute necessity. In addition to this long established mechanism to ensure businesses operate and comply with third party obligations fairly, transparently, and securely, the bill also requires applicants for a car wash license to submit proof that they are in compliance with all applicable federal, state, and city regulations – including environmental permits and insurance requirements.

These are prerequisites to obtaining a license that are already in place for the numerous industries I listed. Furthermore, the Car Wash bill requires operators to provide essential information about their business entities and all of the various individual corporate officers involved, to ensure no future evasion of liabilities. The bill also specifically covers successor entities, to combat the common practice of unscrupulous owners evading liability by transferring a car wash to the name of a relative or simply re-incorporating.

The successorship clause and some of the licensing requirements are drawn from California's car wash bill, which was passed in 2003 to address the same types of rampant abuse. That law has proven critical to cleaning up that state's industry – where there have been recent prosecutions of operators in flagrant violation of city-level environmental laws regarding storage of chemicals and repeat violations of labor standards – and encouraging better practices from a more engaged operator community. In fact, in a study carried out by the UCLA School of Public Policy, more reputable members of the trade association of car wash owners were cited as saying that they wished the law had even stronger enforcement provisions, as they found themselves increasingly unable to keep up with unscrupulous and noncompliant competitors.

In sum, the Car Wash Accountability Act would bring an industry that has been anomalously evading oversight into compliance with basic obligations that other businesses manage to follow while successfully operating in the City. The result will be a fairer and more competitive landscape, especially for those honest operators who have been undercut by the unscrupulous ones, and a more transparent marketplace for New Yorkers looking to get their cars cleaned.

Thank you for your time.



## Testimony from Raul Perez

Good morning, my name is Raul Pech Perez and I am from Mexico. My first job when I arrived in this country in 2003 was in a car wash. I had to work very hard in poor conditions.

I worked washing cars by hand. Specifically, my job was to scrub the cars after they had been soaped. This was made more complicated because we had inadequate protective equipment and sometimes soap and water would fall on me. This soap was a special kind of soap used to clean cars and contained acids used to clean the tire rims. I could tell how strong this soap was because it made the hair on my legs fall off. One day, soap fell on my ear. A few hours later it began to itch and burn and then became inflamed. I didn't say anything at the time, because I didn't know there were laws to protect me, since I'm an immigrant, and I was also afraid that I would lose my job. It wasn't until I went to Make the Road New York that I found out that I was protected under the law. I still have the scar on my ear from that accident.

Aside from that incident, I had to endure other poor working conditions. We did not have the right kind of equipment for the work we were doing. We worked outside, wet all day, and when it was cold outside, the plastic gloves we used made us even colder. The boots they required us to wear also made us colder. We had old ponchos made of nylon that were full of holes and did not protect us from the chemical.

The employers also treated us badly and always pressured us to work harder. The manager never said anything to us about taking a break to eat or rest. When the manager saw us eat, he would tell us to hurry up and get back to work.

It's not right that workers in the car wash industry are exposed to dangerous chemicals. We're hardly ever given any information about the chemicals we use on the job and they usually don't give us any protective equipment.

I would like to call on the City Council of New York to help us make sure that car washes in New York City are a safe, healthy workplace. Thank you.

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## Testimonio de Raul Perez

Buenas días, mi nombre es Raúl Pech Perez, soy de México. Mi primer trabajo cuando llegué a este país en el 2003 fue como lavador de carros. En este trabajo me tocó trabajar muy duro en condiciones inadecuadas.

Yo trabajé lavando carros a mano, en específico me tocaba limpiar los carros después de que los enjabonaban. Mi trabajo era complicado porque las condiciones del equipo no eran adecuadas. En algunos momentos durante el trabajo, me caía jabón y agua. Este jabón era especial para limpiar los carros y también contenía ácidos especiales para limpiar las llantas. Sabía que este jabón era fuerte porque siempre causaba que se me cayeran los pelos de las piernas porque les caía jabón. Un día me cayó jabón la oreja, en ese instante no sentí nada. Unas horas después me empezó a picar mucho y se me inflamó. No dije nada porque no sabía que había leyes que me protegían como inmigrante y también tenía miedo que perdiera mi trabajo. No fue hasta que vine a Se Hace Camino Nueva York que me di cuenta que tenía protección bajo la ley. Todavía tengo la cicatriz de ese accidente.

Más allá de este incidente, tuve que soportar condiciones inadecuadas de trabajo. El equipo era malo para hacer el tipo de trabajo que hacíamos. Trabajábamos al aire libre mojados todo el día, y cuando estaba frío los guantes de plástico que usábamos nos daban aun más frío. Las botas requeridas también causaban que pasara el frío. Teníamos viejos ponchos de nylon que ya tenían huecos y no nos protegían del agua ni el jabón.

El trato de los empleadores también era muy malo. Sentíamos mucha presión para rendir. El manager nunca nos hablaba de tomar tiempo para comer o descansar. Cuando el manager nos veía comiendo, nos apuraba para que pudiéramos volver a trabajar.

No es justo que los trabajadores de la industria de los car wash estén expuestos a los químicos peligrosos. Casi nunca nos den información sobre los productos químicos que estamos usando en el trabajo y muy rara vez nos dan equipo protector.

Me gustaría pedir el apoyo de los Consejales de la Ciudad de Nueva York para ayudarnos a asegurar que los car washes en Nueva York sean un lugar de trabajo seguro y sano. Gracias.



## Testimony from Eduardo Arroyo

My name is Eduardo Arroyo. I came here from Mexico in 2000, leaving behind my wife and four children - two girls and two boys. The oldest is 11 years old and the youngest is five. My father has passed away and my mother is still in Mexico. She has asthma and her medicine is very expensive. I work in order to support my family and pay for my mother's medical costs.

I worked at Magic Car Wash for 10 years, starting in 2002. My job there was to give out tickets, drive the cars, and help fix the machinery.

The chemicals we have to use on the job are very strong and cause sore throats, eye irritation and burns on the hands. My boss never warned us of the danger or the problems that these chemicals can cause. They don't give us gloves or masks or any other kind of protection. When we get sick, most of the time it's because of the chemicals we use and the lack of protective equipment. But at this car wash, we don't have paid sick days. If you get sick, you're not allowed to go back home. You have to be there working, even if you're sick.

They also don't respect our lunch breaks. If the car wash is busy, they don't give us time to eat. Sometimes we have to throw our food away because it's more important to them that we're working than to care about our wellbeing.

In the car wash, there are three big pits where they recycle all the water. All the dirty water goes there - the grime that comes off the cars and all the chemicals as well. When it rains and there is no other work to do, they tell us we'll be working cleaning these pits. Anyone who doesn't want to clean the pit is sent home. We have to climb inside the pit to clean it out and we're not given any protective equipment. The mud and the stench is unbearable, it's so strong that we have stomach pain afterwards and have to drink milk to relieve the pain.

On January 12, 2011, I had an accident at the car wash. I was changing an old machine for a new machine. While I was lowering the machine, it slipped and the sharp edges cut my right hand in three places. I was not wearing protective gloves. If I had been wearing gloves, the machine would not have cut my hand.

When I went to tell my boss that I had cut my hand, he said it was nothing and that I should keep working. So I had to keep working with cuts on my hand. This caused a serious infection and the next day my hand was inflamed, but I still had to keep working because I needed the money to pay my rent and send to Mexico to support my family. When it's cold, this accident

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still affects me because my hand goes numb and I can not work well.

A few months ago there was a week of heavy rain and there was no work at the car wash. At the end of this week, the rain stopped on Friday at 3 pm and they called me and told me to come to work. I was far away from the car wash and couldn't get there in time. When I showed up the next day, I was told that I was no longer needed, in other words, that they had no work for me. They fired me and never paid me for the first week's pay, which is like a deposit, or the last hours I worked. They still owe me \$400. And I think they were just looking for an excuse to fire me because of my accident - because it still bothers me and I can't work well in the cold, and because I stood up for myself and complained about what happened to me.

I hope this bill will help there to be better working conditions in the car wash. It's not fair for car wash workers to have to work with hazardous chemicals and heavy machinery without any kind of protection. I would like to appreciate the support of the New York City Council members who are already supporting us and ask you to do everything possible to ensure that the car washes in New York City are a safe and healthy workplace. Thank you.

## Testimonio de Eduardo Arroyo

Mi nombre es Eduardo Arroyo. Vine de Mexico en 2000, dejando mi esposa con cuatro niños - dos hembras y dos varones. El mayor tiene 11 años y el menor cinco. Mi padre se murió y mi madre está en México y sufre de asma. El costo de los medicamentos es bastante caro y trabajo para el sustento de mi familia y los medicamentos de mi madre.

Trabajé en Magic Car Wash durante 10 años, empezando en 2002. Mi trabajo en el car wash fue dar ticket, manejar y ayudar a arreglar la maquinaria.

Los químicos que usamos son muy fuertes y nos producen dolor en la garganta, ojos irritados y quemadura en las manos. Mi jefe nunca nos advirtió del peligro ni los problemas que pueden causar estos productos químicos. No nos dan ningún tipo de guantes ni máscaras ni nada de protección. La mayoría de las veces que nos enfermamos es por los productos químicos que usamos y la falta de protección. Pero en ese car wash no tenemos días de enfermedad pagados. Si uno llega enfermo, no nos permiten regresar a la casa. Tenemos que estar allí trabajando aunque estemos enfermos.

Tampoco se respeta el horario de comida. Si hay mucho trabajo en el car wash, no tenemos tiempo para comer. A veces tenemos que botar la comida porque les importa más que estemos trabajando que nuestro bienestar.

En el car wash hay tres hoyos donde reciclan toda el agua. Allí cae toda el agua sucia, la suciedad que cae de los carros y más los productos químicos. Cuando llueve y no hay otro trabajo que hacer, nos dicen que vayamos a trabajar pero para limpiar el hoyo. Quien no quiere limpiar el hoyo le mandan a casa. Uno se tiene que meter allí adentro para limpiar la suciedad allí y sin ningún tipo de protección. El lodo y el mal olor es insoportable, es tan fuerte que salimos con dolor del estomago y tenemos que tomar leche para calmar el dolor.

El 12 de enero de 2011 tuve un accidente. Estaba cambiando una maquina vieja por una maquina nueva y cuando traté de bajar la maquina se resbaló y con los filos, la maquina cortó mi mano derecha en tres partes. No tenía guantes puestos. Si hubiera tenido los guantes de protección, la maquina no me hubiera cortado.

Cuando me fui a decir a mi jefe que me había cortado, me dijo que no era nada, que podía seguir trabajando así. Con mi mano cortada, tuve que seguir moviendo la maquina. Esto causó una grave infección y el día siguiente mi mano estuvo bien hinchada pero tuve que seguir trabajando porque necesitaba el dinero para pagar la renta y mandar a sostener a mi familia en México. Cuando hay mucho frío, me afecta todavía porque me duerme la mano y no puedo trabajar bien.

Hace unos meses, hubo una semana de mucha lluvia. Después de toda la semana de lluvia, el viernes paró la lluvia a las 3 de la tarde y me llamaron a trabajar. Estaba lejos y no podía llegar al car wash a esa hora. Cuando me presenté al día siguiente, me dijeron que ya no me

necesitaban, o sea que ya no tenían trabajo para mí. Me despidieron y no me pagaron la semana en fondo ni las últimas horas que trabajé durante esa semana de lluvia. Fueron \$400 dólares que me deben todavía. Yo creo que buscaron una excusa para botarme por el accidente, porque me sigue molestando la mano y porque he reclamado por lo que me pasó.

Espero que esta propuesta de ley ayude que haya mejores condiciones de trabajo en los car wash. No es justo que los trabajadores de los car wash tengamos que trabajar con los químicos peligrosos y las maquinas pesadas sin ningún tipo de protección. Me gustaría agradecer el apoyo de los Concejales de Nueva York que ya nos están apoyando y pedirles que hagan todo lo posible para asegurar que los car washes en Nueva York sean un lugar de trabajo seguro y sano. Gracias.

Testimony of  
**Stephen Mooser, MPH, Director of Health and Safety**  
**Retail, Wholesale and Department Store Union, UFCW and**  
**Joel Shufro, PhD, Executive Director**  
**New York Committee for Occupational Safety and Health (NYCOSH)**  
New York City Council Committee on Civil Service and Labor hearing  
"Business Practices of the City's Carwashes: Labor, Consumer and Environmental Issues  
May 2, 2012

**Good Afternoon Council Members:**

**My name is Stephen Mooser. Since 2000 I have been the Director of Health and Safety for the Retail, Wholesale and Department Store Union (RWDSU). In this capacity I conduct worksite inspections, hazard specific and general health and safety training classes, develop educational materials on a wide array of workplace hazards and provide other technical assistance as needed. For the twenty years prior to joining the RWDSU, I was Director of Education at Occupational Medicine clinics at San Francisco General Hospital, the Yale Medical School and the Mount Sinai Medical Center here in Manhattan.**

**I am also a Board member of the New York Committee for Occupational Safety and Health (NYCOSH), a non-profit educational and advocacy organization composed of over 150 local unions and health and safety professionals, lawyers, doctors and rank and file workers, committed to the right of all workers to a safe and healthy workplace. I am speaking today on their behalf and am joined by the NYCOSH Executive Director, Joel Shufro.**

**Based on interviews conducted with workers in carwash facilities we are very concerned about their health. These workers are exposed to a wide variety of cleaning and degreasing substances. They complain of symptoms, especially eye, nose and skin irritation, and respiratory ailments which are common exposure effects from contact with cleaning and degreasing agents. As a Queens carwash worker, Nelson Hernandez, stated:**

**"We use chemical products that are very strong and burn our skin. I have also started to notice that when I work with certain chemicals, even after I leave work and go home, I have a burning sensation in my eyes. What scares me is that I have seen how my brother, who also used to work in this car wash, has problems with his vision even after he left the job".**

**Injuries and accidents occur when workers are exposed to hazards. So to protect workers we want to reduce exposures as much as possible. Ideally this means enclosing a hazard or improving ventilation so exposure is greatly reduced. Often in carwash work these engineering controls are not feasible, and we are left to rely on the least effective method of worker protection: personal protective equipment (gloves, goggles, boots).**

Yet very few carwash employers in New York City are providing their employees this basic last line of defense against the toxic chemicals they are working with! As Carlos Garcia, a New York City carwash worker, related:

**“My lungs and throat hurt from breathing in the bad chemicals. The chemicals that are used in the shampoo are especially strong. I asked them if there was any different kind of shampoo, or protective gear we could use, but management said no”.**

There is protective gear that can be provided, and it should be provided at no cost to employees, as well as training about how to use and maintain the equipment, as mandated under 1910.132 of the OSHA law.

Car washing work involves several different processes and each involves worker exposure to hazardous substances. All utilize a variety of hazardous chemicals. Workers have a right to know what hazardous substances they are exposed. But the reality they currently face is symbolized by the jug I have with me. Workers are told use the pink stuff or use the green stuff. The containers usually have no labels, or warnings about health effects, *contrary to OSHA regulations*.

Under OSHA's Hazard Communication Standard, employees must be trained about the hazards of the materials with which they are working and how to protect themselves and their health. Employer must maintain and provide “ready” access to Material Safety Data Sheets (MSDS) for all toxic substances used.

To protect workers' health they need to know what they are working with, and this simply is not common practice in the car washing industry in New York City in 2012. For example, general purpose detergents are alkaline cleaners and can cause severe eye irritation. Product labels, which these workers rarely see, indicate that skin exposure must be prevented.

Waxes and polishes, which are common in car detailing work, frequently include Amino Functional Siloxane, and Petroleum Distillates which can severely dry and irritate skin. Chemical agents utilized to clean white wall tires and wheels are even more toxic. A typical white wall tire cleaner used at one of the larger car wash facilities is Zep Citrus cleaner. It contains Sodium Metasilicate, 2-Butoxyethanol, Trisodium Phosphate, Potassium Hydroxide and 2-Amino Ethanol. These are caustic substances which can cause serious eye, skin and respiratory irritation. The product label cautions “inhalation of spray mist or vapors may cause respiratory tract irritation and/or central nervous system depression characterized by headache, dizziness, nausea or stupor. Avoid breathing vapors or spray mist.” Degreasers are solvents which are known to have serious long term (chronic) neurologic and liver damage. The workers using this product have not received Hazard Communication training, nor have they been given protective equipment.

Acids are a common ingredient in wheel cleaning products especially in detailing work. One of the wheel cleaning product ingredients of greatest concern is Hydrofluoric Acid. It is

present (<5%), for instance, in Attack Acid Truck Cleaner. Its Material Safety Data Sheet warns about skin contact, stating it is: "Extremely irritating. Penetrates the skin, rapidly destroying deeper soft tissues and bone. Rapidly absorbed into bloodstream to introduce fluoride poisoning (e.g. cardiac edema)". As far as eye contact it warns: "Extremely irritating and damaging. Rapidly destroys corneal tissue to produce possible permanent visual disturbances and/or blindness".

A basic lesson we have learned in Occupational health is that toxics in the workplace often don't remain there. They are released to the surrounding community and imperil the health of residents. We know that carwash operations in New York City utilize a wide variety of toxic chemicals including solvents and very corrosive acids, and that the poorly controlled exposure to these substances is causing significant health problems for workers.

But there is too much about the disposal of these chemicals that we don't know. Are they diluted in accordance with the manufacturers' recommendations or are they under diluted to try to enhance their effectiveness? Is contaminated water properly contained and disposed or is it released into our water system and the neighborhoods surrounding these facilities?

We know from our experience with dry cleaning facilities that workplace toxic chemicals in the urban environment can pose a serious threat to the health of our communities. We must be committed to limit and control these exposures in the workplace and beyond.



## Testimony from Heriberto Hernandez

My name is Heriberto Hernandez. I am from Veracruz, Mexico. In 1997 I decided to come to the United States because there was not enough economic opportunity in Mexico. I have a wife and a three-year old daughter who live in Mexico. My daughter will be starting school next year.

Since I came to the U.S. more than twelve years ago, I have worked at several different car washes in New York City and I have seen the same problems over and over at every car wash where I have worked. In 2003, I began working at the LMC Car Wash in Astoria, where I was paid approximately \$4.50 per hour. In 2010, I began working at Smart Car Wash, where I was paid approximately \$5.00 per hour. In 2011, I began working at Metro Car Wash, where I was paid approximately \$5.50 per hour. Currently I work at the Hi Tek Car Wash in Astoria, where I make approximately \$5.65 per hour.

At all these different car washes, my co-workers and I experienced the same kinds of problems. We work long hours but are hardly ever paid overtime. Our tips are supposed to make up the difference between our wages and the minimum wage, but the owners and managers usually don't have any system in place to make sure that we're earning the minimum wage. So when we don't earn very much in tips, what we take home is less than the minimum wage.

I'll give you an example. At Metro Car Wash, where I worked until recently, on the weekends I might have made \$25 to \$35 a day in tips, but during the week it was much less. We never had regular schedules and the manager always had the authority to send us home. So it was very common for us to make less than the minimum wage during the week. We were also only allowed to take 10-15 minute lunch breaks, but the company deducted half an hour every day from our paychecks.

Another common problem is that - if anything breaks - we have to pay for it out of our tips, even if it's not our fault. Sometimes clients claim that we broke an antenna, or a mirror, even if it was already broken, and then we have to pay for it. Sometimes we don't make tip money all week because a carpet was stained, for example.

Having worked at several different car washes, I can tell you from my own experience and that of my co-workers, that there is a serious problem with wage violations in the car wash industry throughout New York City. It's not just a problem at one particular car wash or with one particular owner.

I'm hoping this proposed legislation will help ensure better working conditions and legal wages for car wash workers. The car washes are making a lot of money, thanks to our hard work, and the owners keep opening new car washes. Meanwhile we are often being paid less than the minimum wage and struggling to survive and support our families. I want to thank the members of the City Council who are already supporting us and I'd like to ask you to please do everything you can to make sure that the owners of car washes in New York City are respecting the law and paying their workers a fair wage.

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## Testimonio de Heriberto Hernández

Mi nombre es Heriberto Hernández y soy de Veracruz, México. En 1997 decidí venir a los Estados Unidos porque no hubo suficiente oportunidad económica en Veracruz. Tengo una esposa y una hija de tres años, ella va a empezar la escuela el año que viene.

Desde que llegué a los EE.UU. hace más de doce años, he trabajado en diferentes car wash en la Ciudad de Nueva York y he visto los mismos problemas una y otra vez, en cada car wash donde he trabajado. En 2003, empecé a trabajar en el LMC Car Wash en Astoria, donde me pagaron aproximadamente \$4.50 la hora. En 2010, empecé a trabajar en Smart Car Wash, donde me pagaron aproximadamente \$5.00 la hora. En 2011, empecé a trabajar en Metro Car Wash, donde me pagaron aproximadamente \$5.50 la hora. Actualmente, estoy trabajando en Hi Tek Car Wash en Astoria, donde me pagan aproximadamente \$5.65 la hora.

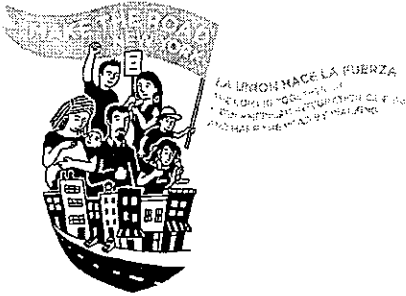
En todos estos car wash, mi compañeros de trabajo y yo hemos vivido los mismos tipos de problemas. Trabajamos horas largas pero casi nunca nos pagan el tiempo y medio por las horas extras. Supuestamente las propinas tienen que cubrir la diferencia entre nuestro sueldo y el salario mínimo pero los dueños y los managers casi nunca tienen un sistema para asegurar que estemos ganando el salario mínimo. Entonces, cuando no ganamos mucho en las propinas, lo que llevamos a casa es menos del salario mínimo.

Les doy un ejemplo. En Metro Car Wash, donde trabajaba hasta hace poco, los fines de semana recibí quizás \$25 a \$35 por día en propinas, pero durante la semana fue mucho menos. Nunca tuvimos un horario regular y el manager siempre tuvo la autoridad para enviarnos a casa. Así que fue muy común que nosotros ganáramos menos del salario mínimo. Sólo nos permitieron tomar 10-15 minutos para comer, pero nos quitaron media hora todos los días de nuestros cheques de pago.

Otro problema común es que - si algo se rompe - tenemos que pagarlo con nuestras propinas, aunque no fue culpa nuestra. A veces el cliente dice que se rompió una antena o un espejo, aunque ya estaba roto, y tenemos que pagar por ello. A veces no ganamos nada de propinas en toda la semana porque una alfombra se había manchada, por ejemplo.

Ya que he trabajado en varios diferentes car wash, les puedo decir de mi experiencia propia, y la experiencia de mis compañeros de trabajo, que hay un problema grave en la industria de los car wash en toda la Ciudad de Nueva York. No es un problema en un solo car wash o con un solo dueño.

Tengo la esperanza de que esta legislación ayudará a asegurar mejores condiciones de trabajo y sueldos legales para los trabajadores en los car wash. Los car wash están ganando mucho dinero, gracias a nuestro trabajo duro, y los dueños siguen abriendo otros car wash nuevos. Mientras tanto, los trabajadores muchas veces recibimos menos del salario mínimo y estamos luchando para sobrevivir y mantener a nuestras familias. Quiero agradecer a los Concejales que ya nos están apoyando y pedirles que hagan todo lo posible para asegurar que los dueños de los car wash en Nueva York cumplan con la ley y paguen a sus trabajadores un salario justo.



**Text of Testimony at Hearing before the Committee for Civil Service and Labor,  
New York City Council**

May 2, 2012

*Magdalena Barbosa, Esq.  
Supervising Attorney, Make the Road New York*

Good afternoon, my name is Magdalena Barbosa and I am an attorney with the organization Make the Road New York. For the last 6 months, I have been meeting with car-wash workers throughout the city.

Workers in the car wash industry are some of the most exploited. Most are Latin American immigrants, with little or no English fluency and little or no knowledge of minimum wage laws or workplace safety laws. Wage theft and egregiously unsafe working conditions are the rule, not the exception. Because the jobs are relatively low-skill, car wash work is a point of entry for many immigrants new to the City – and, in particular, immigrants from Latin America. Newly arrived, many assume, incorrectly, that the laws do not protect workers who lack immigration status. High unemployment, fear of retaliation, and lack of knowledge of the law keep many from speaking out; an exploitative, dangerous job seems better than no job at all, especially when you must send money home to support your family.

Most car wash workers earn less than the New York State minimum wage of \$7.25. Car-wash employers justify paying their workers this hourly rate because most workers also receive tips in addition to their hourly pay. New York law permits car wash employers to pay workers below the minimum wage, but not below \$5.50, when workers also receive at least \$1.75 per hour in tips. Under New York law, employers must follow certain rules in order to take this credit. However, many employers break the rules intended to protect tipped workers. Common violations include employers' failure to ensure that workers earn a sufficient amount in tips and the misappropriation of workers' tips to pay managerial staff, who many times are salaried workers and do not provide a direct service to customers and under law cannot share in workers' tips.

Car wash workers, like many low income immigrant workers, work very long hours. Most workers I have spoken to work 10-12 hour days, 6 days per week for a total of between 60-72 per week. Few of these workers receive overtime at time and a half for hours worked beyond 40 hours in one week. Although the right to receive overtime was

first codified under the New Deal legislation after the Great Depression over 60 years ago, employers of immigrant workers fail to overlook this basic protection designed to protect the country's most vulnerable workers. Employers often concoct schemes to avoid paying overtime and commonly pay 40 hours of work on the book in check and additional hours in cash. Under New York State law, which goes further than federal employment law to protect workers who work long hours, employers must also pay workers an additional hour of pay to who works over 10 hours per day, termed "spread of hours pay". I have yet to meet with a car-wash worker who receives this pay.

Violations of the minimum wage and overtime laws are par for course for most immigrant workers in New York City. There are certain violations, however, that are particular to the city's car wash workers. For example, almost every car wash worker I have spoken to has reported that it is common practice for their managers to skim from the workers' tips or deduct from workers' pay whenever a customer complains about damage to their car, most often due to the car-wash machinery.

Additionally, a car wash worker's hours and ultimately their take home pay at the end of the week is oftentimes dependent upon changes of the weather and how busy the car wash is on any particular day. It is common for workers to report to work, work an hour or two, and then be sent home if it is cloudy, raining or business is slow. Under New York Labor law, an employer must pay a worker who reports to work and works less than 4 hours for at least four hours of work to compensate the individual who may have had to pay for transportation fees, child-care, or forego other employment opportunities that day to report to work only to be sent home early. Again, throughout my six months meeting with car wash workers, I have yet to meet with one car wash worker who was ever compensated with this pay.

Many of the car-washers, as they commonly refer to themselves, have had experience with government agencies, such as the Department of Labor, that have investigated their employers throughout the years. For example, in 2008 the New York Department of Labor did a modest "sweep" of several car washes in New York City and found incredibly high rates of nonpayment or underpayment of wages. Although most car-washers have had some interaction with the Department of Labor at some time, violations often continue even after the Department of Labor have investigated the car wash and issued orders and levied fines for violations against the car wash employer for violations of the labor law. Employers become adept at changing their practices to avoid further detection of unlawful practices by the government and workers continue to suffer under the same violations.

In my years of work as an employment attorney, I have met with hundreds of low-wage workers across dozens of industries. I have seen my share of unscrupulous employers but have been particularly shocked at how unresponsive car wash operators in the city have been to attempts to date by the Departments of Labor to halt illegal pay practices. Even after multi-million dollar settlements in back wages and penalties, they go right back to stealing wages. It is clear that more comprehensive legal framework is necessary to police this industry.



## Testimony from Adán Nicolás

Good morning, my name is Adán Nicolás. I am from Veracruz, Mexico, but I have lived in this country for twelve years now. I live in an apartment in Astoria, Queens. The rest of my family is in Mexico.

I started working at the LMC Car Wash located at 36-21 21st St. in Astoria in January of 2000 and I'm still working there now. I usually work twelve hours a day, six or seven days a week, and I usually make \$5.50 an hour. Even though I work 60 or 70 hours a week, I don't get paid time and a half for overtime hours.

Twice a week, every week, they make us sign a piece of paper that says we make \$20 or \$25 every day in tips, but it's not true - we don't always make that much. Sometimes we only make \$5 or \$10 dollars a day in tips. On days that we don't earn much in tips, we're earning less than the minimum wage, but the owners of the car wash don't pay us the difference. We have to sign this document to make it look like we're earning the minimum wage, but it's not true. They don't have any system to make sure we're actually being paid the minimum wage or to pay us the difference.

On rainy days, we're sent home and make no tips at all. Life can be very stressful working there and not making a good wage. There are times when I can't pay my bills or send money to my family.

Another problem is that they're always rushing us and not respecting our breaks. They try to make us work faster and it's more dangerous with the machines if we work too fast. They make us rush through our lunch and bathroom breaks because there's so much work to do. The manager is always telling us to hurry.

If anything on a car breaks, like a mirror, they take the cost of the damage out of our tips, even if it wasn't our fault. When they take these expenses out of our tips, it makes a big difference in what we take home that week. I didn't know this was illegal until I began talking to the organizers at Make the Road New York. Now I know more about my rights as a worker.

We want to be paid a legal wage and we want to be respected as workers. I want to thank all the members of the City Council who are here today. Thank you for taking the time to listen to us. We're asking you to please do everything you can to make sure that the owners of car washes in New York City are respecting the law and paying their workers a fair wage.

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**STATEN ISLAND**  
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**LONG ISLAND**  
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FAX 631 231 2229

## Testimonio de Adán Nicolás

Buenos días, mi nombre es Adán Nicolás. Yo soy de Veracruz, México, pero he vivido en este país durante doce años. Yo vivo en un apartamento en Astoria, Queens. El resto de mi familia está en México.

Empecé a trabajar en el LMC Car Wash en 36-21 21st St. en Astoria en enero de 2000 y todavía estoy trabajando allí. Yo trabajo alrededor de doce horas al día, seis o siete días a la semana, y gano más o menos \$5.50 la hora. Aunque trabajo 60 o 70 horas la semana, no me pagan el tiempo y medio por las horas extras.

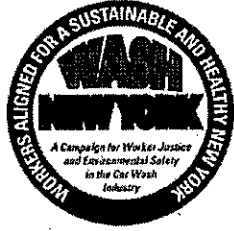
Dos veces por semana, cada semana, nos hacen firmar un papel que dice que ganamos \$20 o \$25 cada día en propinas, pero no es cierto - no siempre ganamos esa cantidad. A veces sólo gano \$5 o \$10 dólares al día en propinas. Los días que no ganamos mucho en las propinas, estamos ganando menos del salario mínimo, pero los dueños de los car wash no nos pagan la diferencia. Tenemos que firmar este documento para que se vea que estamos ganando el salario mínimo pero no es cierto. No tienen ningún sistema para ver si realmente estamos ganando el salario mínimo o para pagarnos la diferencia.

En días de lluvia, nos mandan a la casa y no ganamos nada. Puede ser muy estresante trabajar allí y no ganar un buen salario. Hay veces que no puedo pagar mis cuentas o enviar dinero a mi familia.

Otro problema es que nos apuran mucho y no nos respetan los descansos. Ellos siempre están tratando de hacernos trabajar más rápido y es más peligroso con las máquinas si se trabaja demasiado rápido. También tenemos que apurarnos cuando comemos y para ir al baño, porque hay mucho trabajo que hacer. El manager siempre nos está diciendo que debemos estar con prisa.

Si cualquier cosa de un coche se rompe, como un espejo, quitan el costo de la reparación de nuestras propinas, aunque no fuera nuestra culpa. Cuando nos quitan estos gastos, hace una diferencia grande en nuestro pago de esa semana. Antes no sabía que esto es ilegal, pero después de hablar con los organizadores ya supe de mis derechos como trabajador.

Como trabajadores, queremos recibir un salario legal y que nos respeten en el trabajo. Quiero agradecerles a todos los miembros del Consejo Municipal que están aquí hoy. Gracias por tomar el tiempo de escucharnos. Les queremos pedir que hagan todo lo posible para asegurar que los dueños de los car wash respeten la ley y que paguen a sus trabajadores un salario justo.



## Testimony from Freddy Antonio Nuñez Trujillo

My name is Freddy Antonio Nuñez Trujillo. I am from Santa Ana, El Salvador. I came to this country almost 7 years ago. Poverty and a need to improve my family's life and mine drove me to leave my country. But my luck here hasn't been the best.

Since I arrived to New York City, I've worked in the car wash industry. For the first three years the first owner of X-Cellent Car Wash, was only paying us \$4 an hour. We had to work very long hours, sometimes starting at 7 am, and not leaving until way past midnight. Now we are paid \$5.50 an hour, and still have to work long hours to make it through the week. I have never been paid for overtime hours even though we work well over 40 hours a week. We have to. Just last week, on a bad week I worked 50 hours, and only made \$275. This is not enough.

We are told that the tips combined with our wages are supposed to make up the \$7.25 mandated federal minimum wage. The reality is that this is not the case. Just yesterday I worked 12 hours and made only \$5 in tips and this is not an isolated incident. We often do not make enough tips, and too often end up making less than minimum wage. On top of that, the owner of the car wash deducts from our pay or tips for any accidents or damages that occur in the car wash. Last week I had to pay \$24 out of pocket to a seat handle that got damaged while I was cleaning the car. When I first started working the owner deducted \$180 for damages to another car out of my paycheck. I basically had to work for free for a week. Currently if an accident happens in the car wash, the owner takes \$10 off our tip pool until the costs of the damages are covered. The owner does not want to pay for anything; it is the workers to pay. The owner even allows the manager to take an equal cut of the tip pool. For these reasons it is unfair for car wash workers to have to rely on tips to make the minimum wage. We rarely make enough in tips to reach \$7.25. We should be paid the mandated minimum wage.

We are here today because we want to change the industry as a whole. The owners know what they have to pay us, but choose not to. This has to stop. Workers stay in these types of jobs because we are too fearful that we will be left unemployed. We have families to take care of back home, so we can not. We are here asking you to hear our plea. To help us make a change that will be for the long term. I hope that you all take into account what we have to say. I hope that you look at this legislation and help us to prevent this from happening to other workers. We are only asking that owners comply with the law.

Testimony of

**Jim Kane, Research Analyst**

**Retail, Wholesale and Department Store Union, UFCW**

New York City Council Committee on Civil Service and Labor hearing

“Business Practices of the City’s Carwashes: Labor, Consumer & Environmental Issues”

May 2, 2012

Good afternoon. I would like to start by thanking the chair and the members of the committee for holding this hearing. These hearings are an important part of a larger process to protect the rights of car wash workers and your efforts here today are deeply appreciated.

My name is Jim Kane, Research Analyst of the Retail, Wholesale and Department Store Union, UFCW. I am here today to give the members of the committee an idea of the scope of the carwash industry in New York City.

In NYC, the car wash industry is comprised of approximately 200 establishments and, based on field research conducted by WASH NY, as many as 5,000 workers.

The industry includes both full- and self-service locations, as well as detailing services. Additionally, firms have diversified their offerings in recent years to include more value-added services such as waxes and interior cleaning.

Individuals represent the largest customer segment for the industry. However, businesses with significant vehicle fleets, such as new and used car dealers, taxi & limousine services, delivery services and property management firms also represent major segments. Agencies and offices of the City are also customers.

The industry is highly fragmented and most car washes are single-location entities. A lack of economies of scale allows small firms with good locations to compete successfully.

The industry is moderately capital intensive, with conveyor and in-bay system equipment often costing \$250,000 to \$375,000 alone. Owning the property can easily push the investment well over a million dollars. This represents a barrier to entry for those unable to attain financing. Capital intensity has been increasing in recent years and will likely continue to increase as more firms have move toward conveyor systems to drive volume.

While single-location operations are common in the industry, we have found that a number of loosely-knit chains exist in NYC. While locations do not always share common branding, and each location is incorporated separately, there are common principles.

Additionally, we have found that some principles, such as John Lage, also have significant real estate holdings, including the car wash properties. Self-rented properties present the principle with opportunity to take advantage of tax shields by paying rent to the real property firm.

Thank you.

Testimony of

**Sarah Meyer, Research Director**

**Retail, Wholesale and Department Store Union, UFCW**

New York City Council Committee on Civil Service and Labor hearing

“Business Practices of the City’s Carwashes: Labor, Consumer & Environmental Issues”

May 2, 2012

Good afternoon. I would like to thank the chair and the members of the committee for holding this hearing today and for their concern and interest about the welfare of New York City’s carwash workers.

In order to get a clearer picture of the conditions faced by workers in the car wash industry, organizers with the WASH NY campaign conducted 89 in-depth interviews with car wash workers employed at 29 different car washes throughout New York City over the course of several months – a statistically significant sample. The interviews were conducted earlier this year.

The interviews painted a picture of conditions that were as disturbing as they were widespread.

85 per cent of workers surveyed reported working over 40 hours a week – with 58 percent working over 60 hours a week.

Some reported working as many as 81-105 hours a week.

Despite those long hours, workers reported that they rarely received legally mandated overtime pay. In fact, 75 percent of those surveyed said that they did not receive overtime for working more than 40 hours in a week.

Workers reported taking home as little as \$125 a week and 66 percent reported being paid less than the legally required New York State minimum wage of \$7.25 an hour.

Not a single interviewed car wash employee received paid sick days, and only one was offered any kind of health plan.

In addition, car wash employees work in potentially hazardous environments dealing with the heat, cold, exposure to wet environments and cleaning chemicals.

Despite that, only three of the workers reported that their employers provided them with any kind of information on the potentially hazardous chemicals they work with - and only 23 percent of

the workers interviewed were provided any kind of protective equipment at all by their employers.

OSHA standards clearly call for personal protective equipment to be provided at no cost when workers face injury or impairment at the workplace. (OSHA 1910.132)

Workers reported receiving little break time during a difficult day of work with 40 percent saying they receive 15 minutes or less for lunch.

Workers also reported having to pay for damaged cars and having tips withheld or unfairly split with managers.

Workers also reported being yelled at, harassed, insulted and mistreated by management.

One worker put it this way – “They yell at us, they disrespect us, and they treat us as if we are not even human beings.”

For further details on the findings, we have with us full copies of the report that we would like to make available to the committee.

Thank you.



**The Dirty Business  
of Cleaning NYC's Cars:  
Carwash Workers Face  
Low Pay,  
Offensive Conditions,  
and Poor Treatment**

## Overview

Every day in New York City, hundreds of thousands of taxis, livery cabs, and privately owned cars traverse hundreds of miles of roads, expressways, and parkways. It's impossible to quantify how much dirt and grime these cars attract everyday, but certainly it's enough that car washes in New York City have become a big business. Thanks to the ample supply of cars, drivers, and filth, New York City's car wash owners are cleaning up.

There are almost 200 car washes in New York City's five boroughs. Keeping the city's cars clean are over 1,600 employees. It's an exploited workforce with wages that are low and too often illegal.

In 2010, the operators of Broadway Bridge Car Wash in upper Manhattan agreed to a nearly \$2 million settlement with the state Department of Labor. The owners of the car wash agreed to pay \$1.3 million in back wages, overtime, and earned tips between 2003 and 2008 to workers who had not been paid their proper wages.

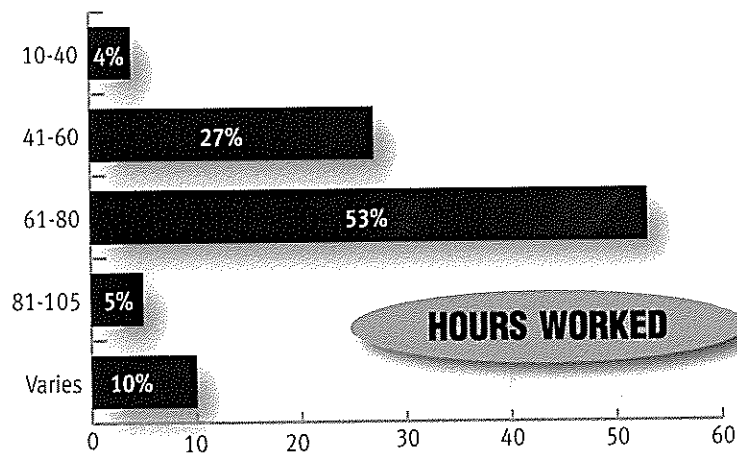
The investigation and resulting agreement was a clear sign that there's a dirty side to the city's car wash industry. In fact, New York State Department of Labor investigators found that close to 80 percent of New York City's car wash operators are guilty of wage and hour violations.

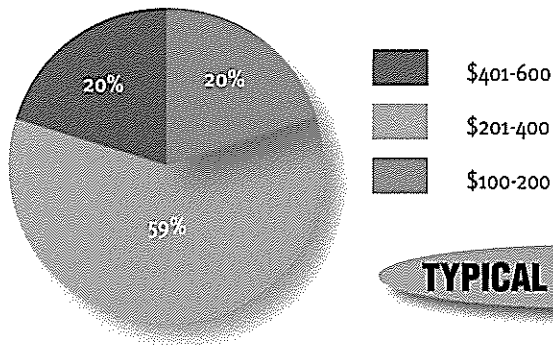


## Long Hours, Low Pay

WASH New York, a coalition of Make the Road New York and New York Communities for Change, with the help of the Retail, Wholesale and Department Store Union, UFCW, conducted

in-depth interviews with 89 New York City car wash workers over several months at 29 different car wash facilities. This broad investigation revealed widespread mistreatment of New York City's car wash workers.





### TYPICAL WEEKLY PAY

Over 71 percent of the workers were on the job for at least 60 hours a week, with some working as many as 105 hours. Despite the long hours, 75 percent of the workers didn't receive any kind of overtime pay for exceeding 40 hours. When workers did get overtime pay, it was often less than the legally mandated rate of time-and-a-half.

The state's minimum wage is \$7.25 an hour, but 66 percent of the workers reported being paid less than that at times. Only five workers reported that

they were paid the difference to make minimum wage if their earnings with tips were less than the legal rate.

Workers reported taking home as little as \$125 a week with small or non-existent breaks, and were frequently sent home without pay depending upon business. Not a single interviewed car wash employee received paid sick days, and only one was offered any kind of health care plan.

It's hard work keeping the city's cars clean, but it's even harder work building lives and providing for families on the poverty wage jobs that are the lifeblood of the industry.

### Working at a Car Wash: Uncertainty, Stress, and Hazards

Besides receiving chronically low pay, the largely immigrant work force staffing New York City's car washes toil away on a job that subjects employees to extreme working conditions and little control over their own lives.

It all starts with unpredictable scheduling that varies wildly from day to day.

Scheduling, hours, and pay are subject to the whims of management, and especially, the weather. Car wash workers have no idea how many hours they'll be working a week or how many hours they'll be paid. They frequently waste huge chunks of their day being sent back and forth from work, and the extreme fluctuations in hours and pay makes sticking to a regular budget a struggle.

"Whenever there is any rain or snow, or if business is slow, the manager immediately sends some of the workers home. When the manager sends us home, they do not pay us for the rest of the day. Because of this, we never know how much money we're going to make during a day or a week. This makes it difficult to pay bills, like my rent and my cell phone," said a Brooklyn car wash worker who didn't want his name used in the report for fear of retaliation — a common occurrence among the workers WASH New York interviewed and surveyed.

The only thing predictable about scheduling hours is their unpredictability. With people constantly being sent home or recalled, workers often find themselves taking on the work of several people just to keep the operation running.

"Just today, my manager sent many people home in the morning. In the afternoon, the car wash was very busy. I had to do the work of three people—driving the cars, working the machine and doing everything else—but I was





greasing substances, and work around high pressure hoses, unguarded machinery, and poorly protected electrical sources which are very close to water and wet surfaces.



*Raul, car wash worker*

Raul, a Mexican immigrant who worked at a car wash upon moving to New York, experienced burns using chemical products, and like many immigrant workers, was afraid to speak up.

still paid the same amount," another worker said.

The trips between work and home can start to resemble a crazed wild goose chase, and entire days of running back and forth – without pay – leave workers frustrated, tired, and broke.

"Sending us home so quickly is also a problem because if the weather improves, the car wash gets busy again. This means that whoever stayed at the car wash will have more work than they can handle, because many of their co-workers have been sent home. Just yesterday, the manager called me asking me to return to the car wash, after sending me home in the morning. After

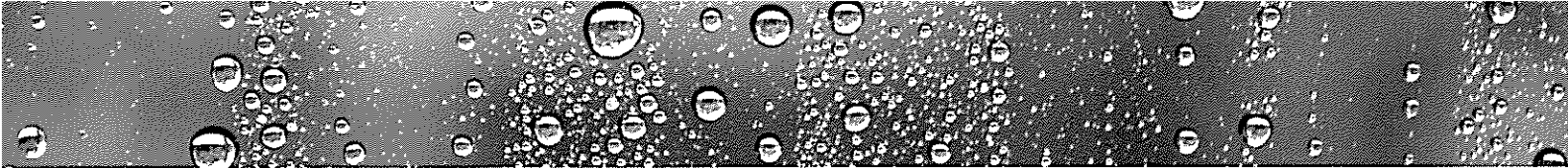
the snowstorm, about a week ago, the manager called everyone in and had us clear the snow from the car wash. When we had finished clearing the snow, he told us all to go home again. This only took an hour, and I made less money that day than I had to pay for my breakfast," one worker added.

### **Keeping Cars Clean in an Offensive Environment**

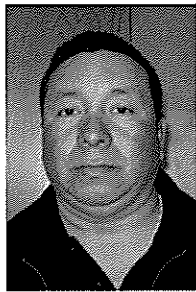
Many of the workers our investigators spoke with described a workplace rife with health and safety issues. Car wash workers face a number of significant work-related hazards. They are exposed to offensive cleaning and de-

"I worked washing cars by hand. Specifically, my job was to scrub the cars after they had been soaped. This was made more complicated because we had inadequate protective equipment and sometimes soap and water would fall on me. This soap was a special kind of soap used to clean cars and contained acids used to clean the tire rims. I could tell how strong the soap was because it made the hair on my legs fall off. One day, soap fell on my ear. A few hours later it began to itch and burn and then became inflamed. I didn't say anything at the time, because I didn't know there were laws to protect me, as an immigrant, and I was also afraid that I would lose my job," Raul said.

Workers interviewed described the foul stew of chemicals they work with every day, and how it has affected their health.



"My lungs and throat hurt from breathing in the bad chemicals. The chemicals that are used in the shampoo are especially strong. I asked them if there was any different kind of shampoo, or protective gear we could use, but the management said no," said New York City car wash worker Carlos Garcia.



*Carlos Garcia*

"We use chemical products that are very strong and burn our skin. I have also started to notice that when I work with certain chemicals, even after I leave work

and go home, I have a burning sensation in my eyes. This wasn't the case before, and I have had to start using eye drops. What scares me is that I have seen how my brother, who also used to work in this car wash, has problems with his vision that have persisted even after he left this job," said Nelson Hernandez, who works at a Car Wash in Queens.

Making matters worse is an industry-wide aversion to providing the proper protective equipment to workers by bosses more concerned with protecting profits than the health of their employees.

OSHA standard 1910.132 calls for personal protective equipment (PPE) to be required at no cost when such equipment is necessary because hazards are "capable of causing injury or impair-

ment in the function of any part of the body through absorption, inhalation, or physical contact." But WASH New York's interviews with car wash workers revealed a common disregard for workers' safety. Only three of the workers reported that their employers provided them with any kind of information on the hazardous chemicals they work with, and only 23 percent of the workers interviewed were provided any kind of protective equipment by their employers. Of those who did receive equipment, usually gloves, many reported that they were of poor quality and "frequently broke" allowing soap and chemicals to make contact with the skin.

Heriberto Hernandez, a former employee at Metro Car Wash in Queens, said, "The company did not provide us with any protection from the strong chemicals. We did not have gloves, masks or smocks."

When Hernandez complained and asked for protective equipment, the manager said he was just "making excuses" and trying to get out of work.

The workers are often on their own as well when it comes to recovering from injuries incurred on the job.

"Sometimes, I'd cut my hand or arm, it's part of the job," Hernandez added. "There were no first-aid kits at the car wash."

"If we wanted Band-Aids, we had to bring them on our own," said a Brooklyn car wash worker.

The long hours, hazardous chemicals and work, and lack of protection take their toll on the workers, who rarely receive sick days or health care from their employers.





*Car wash workers like these employees at LMC in Queens want dignity and respect on the job, and improvements in wages and benefits.*

"Working at the car wash has been very bad for my health. My back hurts constantly. We're never paid when we take off a day for being sick, so I often work when in a lot of pain. When it's cold outside, my fingernails turn purple but we are never given opportunities to warm up," added the Brooklyn worker.

"At one point, I had to get an operation on my foot, which cost me \$3,000 that I had to pay out of pocket since the car wash does not provide insurance. Another of my co-workers broke his leg at the car wash, when part of the machine fell on him," he added.

"After 16 years working at a car wash, I'm feeling my age."

## **No Rest At The Car Wash**

When it's slow at a car wash, workers are sent home. But when it's busy, they work hard with little in the way of

breaks. The breaks are often unpaid, and sometimes exaggerated to hurt workers' already meager paychecks.

"The manager is very strict about how much time we can take for lunch," a worker said. "He only gives us 10 minutes, but then deducts 30 minutes from our paychecks. We have no other breaks for the rest of the day."

Another worker reported a similar break pay scam, saying "we were only allowed to take 10 to 15 minute lunch breaks, but the company deducted a half hour daily from our paychecks."

Over 40 percent of the workers interviewed by WASH New York reported getting only 15 minute or less breaks for lunch. Eleven of the workers said they were given no lunch break at all. Other breaks were sparse, often allowed only when it is slow or raining, or denied altogether. All told, 41 percent of the workers said they receive

no breaks at all besides their short lunch breaks.

Sneaking in a short trip to the bathroom can be an ordeal.

According to one worker, "If I need to use the bathroom, I ask a friend to cover for me. If I am ever in the bathroom for more than five minutes, the manager yells at me and tells me to get back to work."

## **"A Frustrating Situation"**

Car wash employees are hard-working people trying to support themselves and build better lives for their families. At the bottom of the economic ladder, they find themselves in a situation that many describe as helpless, working a low-paying, hazardous job with no respect or dignity. Besides the low pay, workers are often docked pay if cars are damaged, regardless of who is at fault, and poor treatment is rampant.

***“All of the workers split the tips, and the manager is included in this split, even though he doesn’t do any work and gets paid much more than we do.”***

— Carlos Garcia

“Sometimes we don’t make tip money all week. It can be held back by management if a carpet gets stained,” said Heriberto Hernandez.

Added Carlos Garcia, “If cars are damaged, we have to pay for it out of our tips. This can be very expensive, as it costs up to \$500 to replace a mirror. The owners don’t cover it, they are always looking to take it out of our paychecks.”



Tips can be withheld for alleged damage to customer cars, shared with or taken by managers, and inflated to cover the below minimum wage earnings received by many workers.

“All of the workers split the tips,” Garcia said, “and the manager is included in this split, even though he doesn’t do any work and gets paid much more than we do.”

Adan Nicolas, a car wash worker in Queens, reports that managers force employees to regularly inflate the value of their tips.

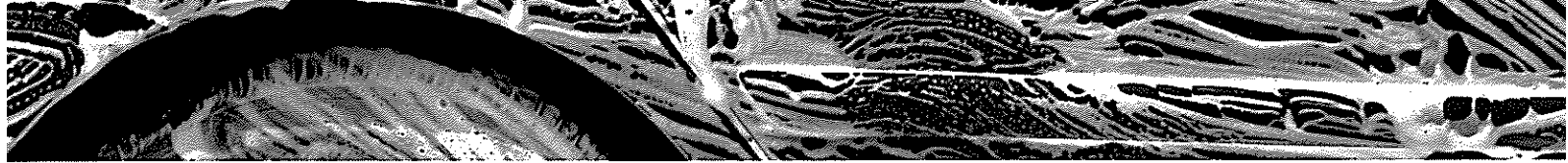
“Twice a week, every week, they make us sign a piece of paper that says we make \$20 or \$25 each day in tips, but we don’t always make that much. Sometimes we only make \$5 or \$10 dollars a day, and on rainy days, we’re sent home and make no tips at all,” Nicolas said.

Facing this kind of treatment creates an environment of hopelessness for car wash workers.

“I came to this ‘land of opportunity’ with so many hopes, but I have become disillusioned about being able to help my family,” a worker said. “The treatment we receive makes us feel powerless. They yell at us, they disrespect us, and they treat us as if we are not even human beings.”

It’s a sentiment shared by far too many workers in New York City’s car washes, and a situation that needs to be changed. The exploitation of car wash workers in the name of profits is a dirty business.





## RECOMMENDATIONS

New York City's car wash workers deserve better. Here are five recommendations for how elected officials and government agencies can help transform hazardous and underpaid car wash jobs into quality jobs that help workers build better lives for themselves and their families:

**1** Stronger and more vigilant enforcement of all wage and hour laws, and all applicable workplace health and safety regulations, at the state and city level. These laws and regulations are designed to ensure proper, legal wages are paid, and provide healthy and safe working environments.

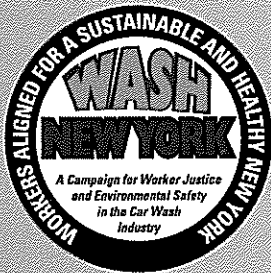
**2** Make it easier to exercise the right to join a union and organize your workplace without fear of intimidation or retaliation--the very fear that, according to car wash workers like Nelson Hernandez, is often part of the job.

"We have been threatened many times if we fight for our rights, so for a long time I didn't do anything to stand up for myself. But I know that if we unite, we can make sure our rights are respected," Hernandez said.

**3** Yearly state and city inspections to ensure compliance with labor laws and all applicable workplace regulations. All car washes found not to be in proper compliance should be subject to maximum fines and penalties under the law.

**4** State and city publication of best practices for preventing unlawful treatment of car wash workers. Appropriate state and city agencies could publish online a clear code of conduct and guidelines for acceptable practices.

**5** State and city hearings on mistreatment of car wash workers and unlawful industry-wide practices. Appropriate state and city legislative committees focused on labor and workplace safety could schedule hearings this year to determine if new legislation is required to protect our communities from bad operators.



### WASH New York

WASH New York is a joint campaign of Make the Road New York and New York Communities for Change, with the help of the Retail, Wholesale and Department Store Union (RWDSU), UFCW. The campaign is fighting for worker justice and environmental safety in the car wash industry.

WASH New York  
30 East 29th Street  
New York, NY 10016

(212) 684-5300

[www.washnewyork.org](http://www.washnewyork.org)

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Address: 30 E. 29th St., NY, NY 10016

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Address: Make the Road, 9210 Roosevelt

I represent: Make the Road NY

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Name: Edward J. Avila

Address: 295 Convent Ave

I represent: Car Wash Magic

Address: 495 Bushwick

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Name: Adon Nicolas Flores

Address: 35-39 105 ST

I represent: Car Wash

Address: 36 21 21 ST

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Date: 5/2/11

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Name: Jose Shifren

Address: 95 SHERMAN ST

I represent: New York Committee for Occupational Safety & Health (NYCOSH)

Address: 61 Broadway, NYC

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Date: 05-02-2012

(PLEASE PRINT)

Name: Foedy Antonio Nuñez Trujillo

Address: 2952 Marion Av. Apto. 31 B. Bronx, NY

I represent: Cars Washes Workers

Address: \_\_\_\_\_

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 in favor  in opposition

Date: 05 02 12

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Name: Heriberto Hernandez

Address: 33-45 97 St

I represent: Car Wash

Address: \_\_\_\_\_

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 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Raul Perez

Address: 111-1143 Avenue Corona, NY 11368

I represent: East Shore Make the Road NY

Address: 92-10 Roosevelt Avenue

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 in favor  in opposition

Date: 5/2/12

(PLEASE PRINT)

Name: Stephen Cha-Kim  
Address: 888 Manhattan Ave #3R Brooklyn NY 11222  
I represent: Make the Road N.Y  
Address: 301 Grove St Brooklyn NY 11237

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I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: 5/2/12

(PLEASE PRINT)

Name: Jim Kano  
Address: 30 E. 29th St., New York, NY  
I represent: RWD5U  
Address: 30 E. 29th St.

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 in favor  in opposition

Date: 5/2/12

(PLEASE PRINT)

Name: Sarah Meyer  
Address: 30 E. 29th St  
I represent: RWD5U  
Address: 30 E 29th St

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