

JAN 19 2022

A BILL FOR AN ACT

RELATING TO AIR POLLUTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds and declares the
2 following:

3 (1) Small off-road engines, which are used primarily in
4 lawn and garden equipment, emit high levels of air
5 pollutants, including oxides of nitrogen, reactive
6 organic gases, and particulate matter, several of
7 which are greenhouse gases. Oxides of nitrogen and
8 reactive organic gases together contribute to the
9 formation of ozone, which has adverse impacts on
10 health and is a criteria pollutant with a national
11 ambient air quality standard set by the United States
12 Environmental Protection Agency. Oxides of nitrogen
13 also contribute to formation of particulate matter,
14 which, along with directly emitted particulate matter,
15 have direct negative health impacts. Reactive organic
16 gases and oxides of nitrogen contribute to climate
17 warming, for which Hawaii has declared a climate



1 emergency. Particulate matter also has an air quality
2 standard set by the Environmental Protection Agency.
3 Small off-road engines also emit noise that is
4 difficult to regulate because of the mobile and
5 dispersed nature of this equipment;

6 (2) Regulations of emissions from small off-road engines
7 have not been as stringent as regulations of other
8 engines, despite the fact that one hour of operation
9 of a commercial leaf blower can emit as much reactive
10 organic gases and oxides of nitrogen as driving 1,100
11 miles in a new passenger vehicle;

12 (3) The battery technology required for commercial-grade
13 zero-emission equipment is available, and many
14 commercial and residential users have already begun to
15 transition to zero-emission equipment; and

16 (4) The State should implement strategies to achieve one
17 hundred per cent zero emissions from off-road
18 equipment in Hawaii by 2030, where feasible and cost-
19 effective, but will not achieve that goal without
20 further regulation of small off-road engines,



1 including a mandate to transition all sales of new
2 equipment to zero-emission equipment.

3 The purpose of this Act is to require the department of
4 health to adopt rules to protect public health and the
5 environment from the harmful effects of emissions of small off-
6 road engines.

7 SECTION 2. Chapter 342B, Hawaii Revised Statutes, is
8 amended by adding a new section to part II to be appropriately
9 designated and to read as follows:

10 "§342B- Small off-road engines; regulations. (a)
11 Pursuant to its authority under section 342B-3, the department
12 shall, consistent with federal law, adopt cost-effective and
13 technologically feasible regulations to prohibit engine exhaust
14 and evaporative emissions from new small off-road engines, as
15 defined by the department; provided that the regulations shall
16 apply to small off-road engines produced on or after January 1,
17 2024, or as soon as the department determines is feasible,
18 whichever is later.

19 (b) In determining technological feasibility pursuant to
20 subsection (a), the department shall consider all of the
21 following:



- 1 (1) Emissions from small off-road engines in the State;
- 2 (2) Expected timelines for zero-emission small off-road
- 3 equipment development;
- 4 (3) Increased demand for electricity from added charging
- 5 requirements for more zero-emission small off-road
- 6 equipment; and
- 7 (4) Use cases of commercial and residential lawn and
- 8 garden users."

9 SECTION 3. The department of health shall submit a report
 10 to the legislature by December 31, 2023, with recommendations
 11 for funding commercial rebates or similar incentive funding to
 12 support the transition to zero-emission small off-road equipment
 13 operations.

14 SECTION 4. New statutory material is underscored.

15 SECTION 5. This Act shall take effect upon its approval.

16

INTRODUCED BY: 

S.B. NO. 2128

Report Title:

Air Pollution; Small Off-road Engines

Description:

Requires DOH to, consistent with federal law, adopt cost-effective and technologically feasible regulations to prohibit engine exhaust and evaporative emissions from new small off-road engines. Requires DOH to report to the legislature by December 31, 2023, with recommendations for funding for commercial rebates or similar incentive funding to support the transition to zero-emission small off-road equipment operations.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

