

Honolulu, Hawaii

FEB 17 2023

RE: S.B. No. 54
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Commerce and Consumer Protection, to which was referred S.B. No. 54 entitled:

"A BILL FOR AN ACT RELATING TO GASOLINE-POWERED LEAF BLOWERS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit the sale, offer for sale, or operation of gasoline-powered leaf blowers;
- (2) Increase the fines for offenses of leaf blower restrictions and provide for the forfeiture of gasoline-powered leaf blowers upon a third violation; and
- (3) Remove the exemption on leaf blower restrictions for government agencies.

Your Committee received testimony in support of this measure from the Department of Transportation and eight individuals. Your Committee received testimony in opposition to this measure from the Retail Merchants of Hawaii, Inc. and eight individuals. Your Committee received comments on this measure from the Department of the Attorney General, Department of Health, Outdoor Power Equipment Institute, and one individual.



Your Committee finds that the exhaust and sound emissions from gasoline-powered leaf blowers are a public nuisance and a great concern for the State's public health and welfare. The use of a commercial gasoline-powered leaf blower for one hour emits as much smog-forming pollution as a 2016 Toyota Camry being driven one thousand one hundred miles, and more than three times as much pollution as a commercial gasoline-powered lawn mower. Noise-wise, gasoline-powered leaf blowers operate at ninety decibels, which can cause hearing damage after just two hours of exposure. Accordingly, this measure prohibits the sale, offer for sale, or operation of gasoline-powered leaf blowers; increases the fines for violations of this prohibition; and removes the exemption on leaf blower restrictions for government agencies.

Your Committee received comments from several testifiers who noted that regulating the sale of gasoline-powered leaf blowers could be deemed an emissions standard, which is federally preempted by the Clean Air Act. To abide by federal regulations, amendments to this measure are necessary to regulate the noise that gasoline-powered leaf blowers emit, rather than air-pollutants, by banning the use of gasoline-powered leaf blowers in the urban land use district.

Accordingly, your Committee has amended this measure by:

- (1) Deleting language that would have prohibited the sale and offer for sale of a gasoline-powered leaf blower;
- (2) Inserting language prohibiting the operation of a gasoline-powered leaf blower in any urban land use district, as designated pursuant section 205-2, Hawaii Revised Statutes, at any time;
- (3) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (4) Amending section 1 to reflect its amended purpose.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 54, as amended herein, and recommends that it



pass Second Reading in the form attached hereto as S.B. No. 54, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Commerce and
Consumer Protection,



JARRETT KEOHOKALOLE, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:* SB54	Committee Referral: CPN, JDE	Date: 2/9/23
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The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
KEOHOKALOLE, Jarrett (C)	✓			
FUKUNAGA, Carol (VC)	✓			
MCKELVEY, Angus L.K.		✓		
RICHARDS, III, Herbert M. "Tim"		✓		
AWA, Brenton			✓	
TOTAL	2	2	1	0

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:

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*Only one measure per Record of Votes