



**STATE OF HAWAII
HAWAII CLIMATE CHANGE MITIGATION & ADAPTATION
COMMISSION
POST OFFICE BOX 621
HONOLULU, HAWAII 96809**

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Director, OPSD

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Director, C+C DPP
Director, Maui DP
Director, Hawai'i DP
Director, Kaua'i DP
The Adjutant General
Manager, CZM

**Testimony of
Leah Laramée
Coordinator, Hawai'i Climate Change Mitigation and Adaptation Commission**

**Before the House Committee on
ENERGY & ENVIRONMENTAL PROTECTION**

**Tuesday, February 14, 2023
9:10 AM
State Capitol, Conference Room 325 & Videoconference**

**In consideration of
HOUSE BILL 575
RELATING TO GASOLINE-POWERED LEAF BLOWERS**

House Bill 575 Prohibits the sale, offer for sale, or operation of gasoline-powered leaf blowers. Increases the amounts of fines for offenses of leaf blower restrictions and provides for the forfeiture of gasoline-powered leaf blowers upon a third violation. Removes the exemption on leaf blower restrictions for government agencies. **The Climate Change Mitigation and Adaptation Commission (Commission) supports this bill.**

The Hawai'i Climate Change Mitigation and Adaptation Commission consists of a multi-jurisdictional effort between 20 different departments, committees, and counties. Electrification is the pathway to a net negative carbon future. No matter how efficient a gas-powered tool is it can't eliminate carbon emissions. We have the technology now at an affordable price. We must start moving away from all gas powered systems and move to electrical technology as quickly as possible to reach our 2045 climate goals.

Mahalo for the opportunity to testify in support of this measure.

JOSH GREEN, M.D.
GOVERNOR



TESTIMONY BY:

EDWIN H. SNIFFEN
DIRECTOR

Deputy Directors
DREANALEE K. KALILI
TAMMY L. LEE
ROBIN K. SHISHIDO
JAMES KUNANE TOKIOKA

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

February 14, 2023
9:10 A.M.
State Capitol & Videoconference

H.B. 575
RELATING TO GASOLINE-POWERED LEAF BLOWERS

House Committee on Energy and Environmental Protection

The Department of Transportation (DOT) **supports** H.B. 575 that prohibits the sale, offer for sale, or operation of gasoline-powered leaf blowers and removes the exemption for government agencies effective January 1, 2025.

The DOT offers the following comment. On page 2, line 11 the term "non-gasoline-powered" does not support the intent of the bill. Suggest using the term "gasoline-powered".

Thank you for the opportunity to provide testimony.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2023**

ON THE FOLLOWING MEASURE:

H.B. NO. 575, RELATING TO GASOLINE-POWERED LEAF BLOWERS.

BEFORE THE:

HOUSE COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

DATE: Tuesday, February 14, 2023 **TIME:** 9:10 a.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Lyle T. Leonard, Deputy Attorney General

Chair Lowen and Members of the Committee:

The Department of the Attorney General offers the following comments on this bill.

The purpose of this bill is to prohibit the sale, offer for sale, or operation of gasoline-powered leaf blowers because of their exhaust and sound emissions.

Prohibiting the sale, offer for sale, or operation of gasoline-powered leaf blowers may be subject to challenge as violating the Supremacy Clause of the U.S. Constitution. Preemption exists when federal law so thoroughly occupies a legislative field "as to make reasonable the inference that Congress left no room for the States to supplement it." *Cipollone v. Liggett Group, Inc.*, 505 U.S. 504, 516 (1992) (citing *Fidelity Fed. Sav. & Loan Ass'n v. de la Cuesta*, 458 U.S. 141, 153 (1982)). "Field preemption" occurs when Congress indicates in some manner an intent to occupy a given field to the exclusion of state law. *Cipollone*, 505 U.S. at 516.

Regarding exhaust emissions from gasoline-powered leaf blowers, Congress has explicitly preempted regulation in this area through the federal Clean Air Act (CAA) which states:

No State or any political subdivision thereof shall adopt or attempt to enforce any standard or other requirement relating to the control of emissions from either of the following new nonroad engines or nonroad vehicles

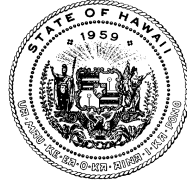
42 U.S.C. § 7543(e)(1).

Nonroad engines are defined in part as an internal combustion engine that "is (or will be) used in or on a piece of equipment that is intended to be propelled while performing its function (such as lawnmowers and string trimmers)." 40 CFR § 1068.30. Gasoline-powered leaf blowers may be deemed a nonroad engine. The bill's mandate to prohibit the sale, offer for sale, or operation of gasoline-powered leaf blowers could be deemed an emissions standard, which is preempted by the CAA. See *Am. Auto Mfrs. Ass'n v. Cahill*, 152 F.3d 196, 199-200 (2d. Cir. 1998).

The bill mentions California's standards, which are unique. Hawaii meets an air quality designation known as "attainment" and is not currently eligible to adopt California's standards. See 40 CFR § 1074.110 (requiring states to have a "Plan under Part D" or a "nonattainment" plan to adopt California standards).

Hawaii, however, is not precluded from regulating the use and operation of leaf blowers, including hours of operation, altogether. See Appendix A to Subpart A of Part 1074. If it is the intent of this measure to reduce usage of gasoline-powered leaf blowers due to noise concerns, it is possible to restrict the time and location of usage. The Department is happy to work with the Legislature to amend the bill to best effectuate its intent.

Thank you for the opportunity to provide comments.



STATE OF HAWAII
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
P. O. BOX 3378
HONOLULU, HI 96801-3378
doh.testimony@doh.hawaii.gov

In reply, please refer to:
File:

**Testimony COMMENTING on HB0575
RELATING TO GASOLINE-POWERED LEAF BLOWERS**

REPRESENTATIVE NICOLE E. LOWEN, CHAIR
HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION
Hearing Date: 2/14/2023 Room Number: 325

1 **Fiscal Implications:** This measure may impact the priorities identified in the Governor's
2 Executive Budget Request for the Department of Health's (Department) appropriations and
3 personnel priorities. Proposed requirements will require additional staff time and effort.

4 **Department Testimony:**

5 The Department respectfully comments on this measure that proposes to ban the sale and use of
6 gasoline-powered leaf blowers.

7 The Department comments that this measure may conflict with federal law. Further, it
8 will defer to the Department of the Attorney General regarding the legality of this measure.

9 We appreciate the intent of the bill in addressing the exhaust and sound emissions from
10 gasoline-powered leaf blowers and favor a quieter environment. Any new mandate will require
11 additional resources for the amendment of rules and serious enforcement. The intent of 342F,
12 Hawaii Revised Statutes was to regulate noise sources that are either fairly constant in nature,
13 stationary, or restricted to a certain location, and can feasibly be enforced. Enforcement against
14 gasoline-powered leaf blowers would be extremely difficult due to their mobility and duration of
15 use.

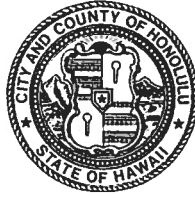
16 Thank you for the opportunity to testify on this measure.

17

18 **Offered Amendments:** None

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
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RICK BLANGIARDI
MAYOR

ARTHUR J. LOGAN
CHIEF

KEITH K. HORIKAWA
RADE K. VANIC
DEPUTY CHIEFS

OUR REFERENCE **BL-BL**

February 14, 2023

The Honorable Nicole E. Lowen, Chair
and Members
Committee on Energy and
Environmental Protection
House of Representatives
Hawaii State Capitol
415 South Beretania Street, Room 325
Honolulu, Hawaii 96813

Dear Chair Lowen and Members:

SUBJECT: House Bill No. 575, Relating to Gasoline-Powered Leaf Blowers

I am Brian Lynch, Major of District 7 (East Honolulu) of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD opposes the passage of House Bill No. 575, Relating to Gasoline-Powered Leaf Blowers. There may be constitutional issues with the ban. Prohibiting the sale, offer for sale, or operation of gasoline-powered leaf blowers may be subject to challenge as violating the Supremacy Clause of the United States Constitution.

The HPD also opposes the forfeiture of gasoline-powered leaf blowers. These tools contain gasoline and oil which are considered hazardous materials. Forfeiture would require the storage of these items as evidence until they can be disposed of. The HPD's Evidence Room (or any other space) would need to be equipped to handle the storage of these hazardous materials, which would be costly.

Another reason we are opposing this bill is the concern of how to dispose of these items that have been forfeited. A common way for the HPD to dispose of forfeited items is to auction them off. A total ban would prevent the auction of these items and the items would need to be destroyed. The destruction of such items will lead to unforeseen costs since it entails the disposal of hazardous materials.

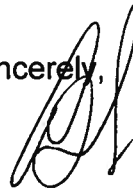
The Honorable Nicole E. Lowen, Chair
and Members
February 14, 2023
Page 2

From an enforcement standpoint, limiting the use of blowers and trimmers with time and location restrictions seems far more reasonable.

The HPD urges you to oppose the passage of House Bill No. 575, Relating to Gasoline-Powered Leaf Blowers.


Thank you for the opportunity to testify.

Sincerely,



Brian Lynch, Major
District 7

APPROVED:



Arthur J. Logan
Chief of Police

February 6, 2023

Transmitted via electronic submission

Re: OPEI Comments on HI SB 54 / HB 575 – Relating to Ban of Gas-Powered Leaf Blowers

The Outdoor Power Equipment Institute (“OPEI”) opposes HI SB 54 / HB 575 which would prohibit the sale and operation of gas-powered leaf blowers. HI SB 54 / HB 575 will negatively impact OPEI members and hardworking professionals throughout Hawaii.

The Outdoor Power Equipment Institute (“OPEI”) is an international trade association representing more than 100 manufacturers and their suppliers of outdoor power equipment. OPEI member products are ubiquitous in American households and businesses. Outdoor power equipment such as lawnmowers, trimmers, chain saws, snow throwers, generators, water pumps, pressure washers, and utility vehicles are the lifeblood of millions of hardworking landscape and construction professions, many of whom are sole proprietors, and emergency responders. See Annex A – Outdoor Power Equipment Facts.

The outdoor power equipment industry is a leader in the deployment of “zero-emission” equipment (ZEE), with electric products dating back more than 70 years. Recent advancements in battery technology have accelerated ZEE growth for many product categories. In fact, the majority of “handheld” products shipped *are already ZEE.* Electric “handheld” leaf blowers and electric hedge trimmers represented approximately 80% of all handheld leaf blower and hedge trimmers shipments in 2022. Residential electric walk-behind mower shipments ballooned from just 5% of total walk-behind lawnmowers in 2014 to over 40% in 2022. These trends will continue without legislative action. HI SB 54 / HB 575 are unnecessary.

However, due to the wide range of powered equipment types and use cases, *there is currently no one-size-fits-all power-source approach.* Codes and bills that propose gas-powered equipment bans and dictate equipment purchase choices ignore technical feasibility challenges, particularly for landscape and construction professionals. Supply chain, electrical grid infrastructure, and product transportation also present significant concerns.

Zero Emissions Equipment Technology Feasibility Challenges

Today’s battery technology is not without limitations. In its recent Small Off-Road Engine rulemaking the California Air Resources Board (CARB) compared on-line (marketing) performance of a gas-powered and electric-powered blower. However, in real-world testing, OPEI member testing shows that the battery-powered unit’s

performance¹ dropped more than 40% as the battery discharged. In “turbo” mode the battery lasted 18 minutes (“run time”). On the other hand, the gas-powered equipment maintained full performance for over an hour, until the unit ran out of gas. More than 3 batteries would be needed for the referenced electric unit to match the continuous run time of the referenced gas-powered unit.

Zero Emissions Equipment Cost Challenges

The number and cost of batteries needed for high-use applications are additional concerns. CARB’s survey and modeling data estimates that landscaper professionals that own walk-behind mowers, string trimmers, leaf blowers and chain saws require on average 13170 W of power *per day*. The average landscape professional would require *dozens* of high-power batteries *every day to achieve the modeled power demand*. OPEI estimates that upfront costs of transitioning a typical small landscapers trailer from gas to electric powered units could exceed \$10,000 in new battery costs alone. Additionally, based on CARB performance modeling, batteries would need to be replaced approximately every 3 years, resulting in thousands of dollars in on-going battery “maintenance” costs.

Additionally, many businesses would also incur upfront costs to safely charge and transport the number of high-powered batteries required to operate daily. In fact, some landscape and construction professionals don’t even have access to power to safely and securely recharge equipment each evening in storage yards where equipment is kept.

Small businesses, many of which are low income and minority owned, would be hit hardest by the unaccounted for and/or unanticipated costs of HI SB 54 / HB 575.

Emissions Are Already Federally Regulated

Emissions are a common discussion point surrounding OPE. “Facts” comparing outdoor power equipment emissions to automobiles are not rooted in sound data and are misleading or outright false.

Many believe outdoor power equipment are unregulated, high-emitting sources of exhaust gas emissions. This is not true. The OPE industry has a long history of working cooperatively with the U.S. EPA to develop a regulatory framework which has driven low and zero-emissions technology solutions in outdoor power equipment for over three decades. *Today, the EPA is on its third phase of pollutant controls for small engine-powered equipment, resulting in up to 90% reductions in exhaust gas and evaporative emissions from previously unregulated machines.* Fuel system emission regulations have further reduced smog forming emissions compared to outdoor power equipment a decade ago.

Industry is committed to advancing emission reduction technologies. In fact, many popular lawnmower and leaf blower options are certified *well* below federal standards – and *well* below “fact sheet” comparisons. As a result of federal small spark-ignited

¹ Measured as blower force in Newtons in accordance to ANSI/OPEI B175.2 standard.

engine regulations EPA estimated the US “lawn and garden equipment” fleet smog forming emissions would be reduced by 20 to 30 percent from 2011 to 2018 – And agencies have yet to accurately account for recent and projected ZEE market growth when estimating sector emissions. ZEE growth will continue to drive additional reductions well beyond today’s agency estimates.

The U.S. EPA Has Sole Jurisdiction for Small Engine Emission Regulations

Manufacturers of outdoor power equipment cannot build, and dealers and retailers cannot stock and sell specialized, niche products for each individual city or state. Consequently, Federal law requires that states comply with one set of emission standards. In doing so, the federal Clean Air Act (CAA) Section 209(e) (42 U.S.C. Section 7401), the U.S. Environmental Protection Agency’s (EPA’s) implementing regulations, and 40 C.F.R. Part 1074, prohibit states or any political subdivisions from adopting or attempting to enforce any standard or other requirement applicable to spark ignition engines smaller than 50 horsepower – Including adoption of California small off-road engine emission regulations for which EPA has authorized a waiver of preemption. In short, EPA could not approve the waiver of preemption required under Section 209(e) to allow Hawaii to set unique or separate emission standards or requirements for small-engine outdoor powered equipment.

A Robust Enforcement Program is Necessary

Robust enforcement programs for HI SB 54 / HB 575 will be necessary to ensure fairness to compliant manufacturers, retailers, and end-users. Resources will be needed at state and local levels to assure compliance with and to enforce the bans that may result from HI SB 54 / HB 575. Amid a patchwork quilt of state and municipal regulations, such an enforcement and compliance program will undoubtedly be cost and resource intensive, and in OPEI’s opinion unworkable.

For these reasons, OPEI opposes HI SB 54 / HB 575.

Please do not hesitate to contact us directly if you have questions or require additional information regarding these concerns.

Respectfully submitted,

Greg Knott
Vice President, Standards and Regulatory Affairs
Outdoor Power Equipment Institute
Phone: (703) 549-7600
gknott@opei.org
www.opei.org

ANNEX A – Outdoor Power Equipment Facts

The Outdoor Power Equipment Industry is a Leader in Power Technology and Innovation:

- The outdoor power equipment (OPE) industry has been manufacturing electric “zero-emissions” equipment (ZEE) for more than 70 years.
- ZEE is the number one driver of OPE demand and future industry growth.
- In 2022 shipped products were predominantly ZEE. Approximately:
 - 60% of lawn and garden OPE shipped was ZEE;
 - 65% of handheld products shipped were ZEE;
 - 43% of walk-behind mowers shipped were ZEE – Up from 5% in 2014.
- OPEI members are focused on growing the ZEE market through innovation, especially for landscape, construction and emergency respondent needs.
- However, there is currently no “one-size-fits-all” option for the wide portfolio of OPE products and uses.
 - There is wide range OPE products – Electric power source options do not exist for all categories of equipment.
 - ZEE is widely accepted for residential lawn and garden applications, however, further advancements are necessary for ZEE to deliver the performance needed and a cost competitive with gas-powered equipment in many commercial applications.

OPEI and Industry Overview:

- OPEI represents 110 industry manufacturers – Most original equipment manufacturers produce *both* gas and electric-powered equipment.
- OPEI members and their suppliers contribute \$16B to the U.S. GDP annually.
- OPE manufacturers employ 150,000 U.S. workers.
- The industry provides tools for a national network of nearly 8M landscape and construction professionals, many of which are sole proprietors.
- OPE is ubiquitous in American households and businesses, with an estimated 40M products sold annually and a total in-service fleet exceeding 250 million.
- OPEI members have a long history of consumer safety and environmental protection through standards development and government engagement.

OPE Industry Principles on ZEE Policymaking

- A patchwork quilt approach by state / municipality is unworkable for original equipment manufacturers and will result in market disruptions.
- The U.S. EPA retains sole jurisdiction over OPE emission regulations.
- Government should rely on sound, real-world data and science for ZEE policy, with particular focus on:
 - The wide range of outdoor power equipment in the market
 - Various user types and respective performance needs
 - Product and infrastructure (both government and business) related costs
 - Supply chain challenges
 - Manufacturing, disposal and waste impacts of different technologies



**TESTIMONY OF TINA YAMAKI
PRESIDENT
RETAIL MERCHANTS OF HAWAII
February 14, 2023**

Re: HB 575 RELATING TO GASOLINE-POWERED LEAF BLOWERS

Good morning, Chair Lowen and members of the House Committee on Energy & Environmental Protection. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii was founded in 1901 and is a statewide, not for profit trade organization committed to supporting the growth and development of the retail industry in Hawaii. Our membership includes small mom & pop stores, large box stores, resellers, luxury retail, department stores, shopping malls, on-line sellers, local, national, and international retailers, chains, and everyone in between.

We are opposed to HB 575 Relating to Gasoline-Powered Leaf Blowers. This measure prohibits the sale, offer for sale, or operation of gasoline-powered leaf blowers. Increases the amounts of fines for offenses of leaf blower restrictions and provides for the forfeiture of gasoline-powered leaf blowers upon a third violation. Removes the exemption on leaf blower restrictions for government agencies; and takes effect 1/1/2025.

While there are choices for electric leaf blowers on the market for residential use, **there are very limited choices of heavy duty commercial leaf blowers on the market. These items are extremely expensive – almost double the price. This maybe cost prohibitive for many landscape companies as well as those who take care of their own lawn.**

Retailers listen to what their customers want. There has not been a large calling for non-gasoline powered leaf blowers. We also want to point out that **the technology still needs to be worked on as the equipment has performance issues. The batteries need constant charging, and some leaf blowers are not as powerful to truly be useful.**

Retailers like many businesses are struggling to survive. It will take many of them years to recover their losses incurred through no fault of their own, but because of this pandemic. Measures like this would especially hurt our small local businesses even more. **Not all stores are able to send their gasoline powered leaf blowers to a sister store on the mainland who can sell them. This would mean that local businesses would either have to sell these types of gasoline powered blowers at a loss or trash them.**

Our local retailers are one of the hardest hit industries due to the pandemic and this type of ban would hurt our retailers during a time when many are still struggling to remain open. Stores had to endure astronomical increases in shipping costs and in the price of goods from manufacturers and wholesalers. And last year with the unexpected increase in employee wages at the end of the year when the minimum wage was raised. Many retailers are still struggling to pay back the debt incurred during the pandemic. **Businesses cannot afford any more hardship as we are seeing more and more retailers closing their doors forever.**

We respectfully ask that you hold this measure. Mahalo again for this opportunity to testify.

HB-575

Submitted on: 2/3/2023 5:52:31 PM

Testimony for EEP on 2/14/2023 9:10:00 AM

Submitted By	Organization	Testifier Position	Testify
Cathy Goeggel	Individual	Support	Written Testimony Only

Comments:

Please, please address one of the most unpleasant polluting machines that invade our peace on a daily basis. There are quieter, less offensive machines available. Hawai'i is not pleasant for those who are constantly barraged with illegally noisy cars and motorcycles and if the blowers spewed less dust and soot, that would be a great start.

Mahalo!

HB-575

Submitted on: 2/3/2023 7:49:07 PM

Testimony for EEP on 2/14/2023 9:10:00 AM

Submitted By	Organization	Testifier Position	Testify
Andrew Crossland	Individual	Oppose	Written Testimony Only

Comments:

I oppose this Bill.

HB-575

Submitted on: 2/3/2023 11:38:24 PM

Testimony for EEP on 2/14/2023 9:10:00 AM

Submitted By	Organization	Testifier Position	Testify
B.A. McClintock	Individual	Support	Written Testimony Only

Comments:

Those of us with respiratory and chemical disabilities have been waiting for years for these horrible devices to be banned. Please support this bill!

HB-575

Submitted on: 2/4/2023 10:28:11 AM

Testimony for EEP on 2/14/2023 9:10:00 AM

Submitted By	Organization	Testifier Position	Testify
Douglas Perrine	Individual	Support	Written Testimony Only

Comments:

I support HB575

HB-575

Submitted on: 2/4/2023 4:01:51 PM

Testimony for EEP on 2/14/2023 9:10:00 AM

Submitted By	Organization	Testifier Position	Testify
Nancy Davlantes	Individual	Support	Written Testimony Only

Comments:

Thank goodness someone is finally addressing the plague of gas-powered leaf blowers. Every 2 weeks at 8:30 Sunday morning the assault starts and lasts for 90 minutes, shattering the peace and spewing fumes that have no problem seeping in through closed jalousies. Now that California has figured out how to ban these polluting noise machines, Hawaii needs to follow suit.

Please vote to advance this bill and give long-suffering citizens and the planet some relief.

HB-575

Submitted on: 2/5/2023 12:16:13 AM

Testimony for EEP on 2/14/2023 9:10:00 AM

Submitted By	Organization	Testifier Position	Testify
Teo Mocnik	Individual	Support	Written Testimony Only

Comments:

Gas-powered leaf blowers are detrimental for environment and are unacceptably noisy. Imagine a daily chorus of these 90dB noise makers - that's how my mornings sound like every day at 6:30am, living next to two government buildings. Please ban the pointless use of gas-powered leaf blowers as soon as possible! The nature and everyone's ears will be grateful.

HB-575

Submitted on: 2/6/2023 9:08:20 AM

Testimony for EEP on 2/14/2023 9:10:00 AM

Submitted By	Organization	Testifier Position	Testify
Edward Suarez	Individual	Support	Written Testimony Only

Comments:

Thank you for this long overdue effort to reduce the availability/use of these air and noise polluting machines that detract from our quality of life and offer little in return. One caveat though is the need to increase enforcement from the current need for DOH employees to actually catch these perpetrators in the act of violating the related noise ordinance.

To: The Honorable Chair Nicole Lowen, the Honorable Vice Chair Elle Cochran, and members of the House Committee on Energy and Environmental Protection

From: Ted Bohlen

Re: Hearing HB575 **RELATING TO GASOLINE-POWERED LEAFBLOWERS**

Hearing: Tuesday, February 14, 2023, 9:10 a.m.

Aloha Chair Lowen, Vice Chair Cochran, and members of the Committee:

Thank you for hearing this important bill relating to gasoline-powered leafblowers. I strongly support the bill's intent to regulate gasoline-powered leafblowers, but recommend that the bill be amended as follows:

1. **The regulation should be based on restricting noise rather than air-pollution.** There is a legal concern in regulating on the basis of air pollution because Hawaii is not exempt from preemption under the federal Clean Air Act section 177;
2. The bill should restrict the use (rather than the sale, offer for sale and use) of gasoline leafblowers; and
3. The bill should restrict the use of gasoline leafblowers in the urban land use district where the noise pollution impact is greatest rather than statewide.

I propose the following amendments to the bill, marked with underlines for new language and strike-outs for language to be removed. Please pass the bill with these amendments! Thank you for considering these amendments and for the opportunity to testify.

SECTION 1. The legislature finds that dozens of cities and towns in the United States, the District of Columbia, and the State of California have banned gasoline-powered leaf blowers due to their harmful impacts on health and the environment.

The legislature finds that noise can be a pollutant that affects the public health. Noise causes hearing loss, interferes with human activities at home, work, in schools, and is in various ways injurious to people's health and well-being. Noise annoys, awakens, angers and frustrates people. The numerous effects of noise combine to detract from the quality of people's lives and the environment.

The [~~exhaust and~~] sound emissions from gasoline-powered leaf blowers are a great concern for the State's public health and welfare. [~~According to the California Air Resources Board, 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, g]~~ Gasoline-powered leaf blowers operate at approximately ninety decibels, which can cause hearing damage after two hours of exposure. According to the United States Centers for Disease Control and Prevention, the noise intensity is a particularly troubling issue for landscaping workers.

The legislature further finds that there are viable, quieter alternatives to gasoline-powered leaf blowers such as battery-powered leaf blowers.

Accordingly, the purpose of this Act is to ban the [~~sale and~~] use of gasoline-powered leaf blowers in any urban land use district.

SECTION 2. Section 342F-30.8, Hawaii Revised Statutes, is amended to read as follows:

"~~[†]~~§342F-30.8~~[†]~~ **Leaf blowers; restrictions~~[†]~~; and**
prohibition of gasoline-powered leaf blowers. (a) In any urban
land use district, as designated pursuant to section 205-2,
it shall be unlawful for any person to operate a non-gasoline-
powered leaf blower within a residential zone or within one
hundred feet of a residential zone in the State, except between
the hours of 8:00 a.m. and 6:00 p.m. on any day except Sunday or
a state or federal holiday, and between the hours of 9:00 a.m.
and 6:00 p.m. on Sunday or any state or federal holiday.

(b) In any urban land use district, as designated pursuant
to section 205-2, it ~~[†]~~ shall be unlawful for any person to
~~[sell, offer for sale, or]~~ operate a gasoline-powered leaf
blower at any time.

~~[(b)]~~ (c) Violators shall be fined ~~[\$50]~~ \$100 for the
first violation, ~~[\$100]~~ \$250 for the second violation, ~~[\$200 for~~
~~the third violation,~~] and \$500 for each subsequent violation~~[†]~~;
provided that any person who commits a third violation of
subsection (b) shall also be subject to forfeiture of the
gasoline-powered leaf blower.

~~[(c) Government entities, and agents acting on behalf of~~
~~government entities, shall not be subject to this section.]~~

(d) Any county may adopt a rule or ordinance that places
stricter limitations on the use of leaf blowers than are in this
section. In case of a conflict between the requirements or
limitations of this section and any county rule or ordinance
regarding the use of leaf blowers, the more restrictive
requirements shall apply.

(e) For the purposes of this section:

"Gasoline-powered leaf blower" means any leaf blower that is powered by a two-stroke internal combustion engine.

"Leaf blower" means any machine used to blow leaves, dirt, or other debris off sidewalks, driveways, lawns, and other surfaces.

"State holiday" means any day established as a state holiday in section 8-1."

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect on January 1, 2025.

INTRODUCED BY: _____

Report Title:

Gasoline-Powered Leaf Blowers; Prohibition; Fines; Government Agency Exemption; Repeal

Description:

Prohibits the [~~sale, offer for sale, or~~] operation of gasoline-powered leaf blowers in any urban land use district. Increases the amounts of fines for offenses of leaf blower restrictions and provides for the forfeiture of gasoline-powered leaf blowers upon a third violation. Removes the exemption on leaf blower restrictions for government agencies. Takes effect 1/1/2025.

The summary description of legislation appearing on this page is for informational purposes

HB-575

Submitted on: 2/13/2023 7:42:27 AM

Testimony for EEP on 2/14/2023 9:10:00 AM

Submitted By	Organization	Testifier Position	Testify
David Fukuzawa	Individual	Oppose	Written Testimony Only

Comments:

Dear Honorable Representatives,

I am opposed to this bill. At a time where small business owners continue to struggle in the business world, this legislation will only create more difficulties on the small business owner. I would hope that our state would be more creative than to just make it illegal to own and use these pieces of equipment. If you want people to move from using their gas powered blowers, I would hope the legislature would offer some kind of incentive for the person to change over a period of time to make it more feasible. It surprises me because the grass cutting devices (weed eaters) probably are just as noisy and just as polluting as the blowers. I don't think we should make them illegal as well because the power you would need to make battery operated devices are not as strong or last as long between fillups. If you want the small lawn care businesses to move towards your goal, offer them some sort of rebate or tax credit so at least they can afford to take the loss from having to give up their equipment and having to buy new equipment. Lets not just do it because they do it on the mainland. That is a very poor excuse to create a law. Lets make laws that are needed. We have greater problems than worrying about leaf blowers.

Sincerely,

David Fukuzawa