

JOSH GREEN, M.D.
GOVERNOR



KEITH T. HAYASHI
SUPERINTENDENT

STATE OF HAWAII
DEPARTMENT OF EDUCATION
KA 'OIHANA HO'ONA'AUAO
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 02/23/2023

Time: 09:45 AM

Location: CR 016 & Videoconference

Committee: Senate Judiciary

Department: Education

Person Testifying: Keith T. Hayashi, Superintendent of Education

Title of Bill: SB 0054, SD1 RELATING TO GASOLINE-POWERED LEAF BLOWERS.

Purpose of Bill: Prohibits the operation of gasoline-powered leaf blowers in any urban land use districts. 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 7/1/2050.

Department's Position:

The Hawaii State Department of Education (Department) supports the intent of SB 54, SD1, but respectfully provides the following comments.

The Department recognizes that gasoline-powered leaf blowers can have a harmful impact on health and the environment. As such, the Department engages in direct efforts to battle climate change and reduce pollution via procedures, operations, and education.

The Department is concerned about the cost to replace the inventory of those schools in urban land use districts.

The Department is also concerned about inefficiency since the current battery-operated handheld equipment technology does not have the power needed for large areas such as schools and other government entities. The batteries also need to be recharged often and have short life spans.

Thank you for the opportunity to provide testimony on this measure.

SB-54-SD-1

Submitted on: 2/21/2023 10:19:31 AM

Testimony for JDC on 2/23/2023 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
tony frascarelli	Individual	Support	Written Testimony Only

Comments:

Opposed. Vote for clean air and less noise pollution.

SB-54-SD-1

Submitted on: 2/21/2023 2:14:28 PM

Testimony for JDC on 2/23/2023 9:45:00 AM

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

Comments:

These machines are heavy polluters both noise and toxic chemicals. They shouldn't be on our islands. Please support this bill. Mahalo.

SB-54-SD-1

Submitted on: 2/21/2023 9:57:00 PM

Testimony for JDC on 2/23/2023 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Barbara Polk	Individual	Support	Written Testimony Only

Comments:

I very strongly support this bill! I live in a densely settled part of Makiki and those machines are outrageous! I have watch yard crew members use them to chase a single leaf several yards across the grass, blow leaves off the sidewalk onto the street, the blow them into a pile, many of which come back on the sidewalk and have to be chased again.

Please pass this bill to stop the noise pollution, as well as the waste of fuel!



**TESTIMONY OF TINA YAMAKI
PRESIDENT
RETAIL MERCHANTS OF HAWAII
February 23, 2023**

Re: SB 54 SD1 RELATING TO GASOLINE-POWERED LEAF BLOWERS

Good morning, Chairperson Rhoads and members of the Senate Committee on Judiciary. 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 SB 54 SD1 Relating to Gasoline-Powered Leaf Blowers. This measure prohibits the operation of gasoline-powered leaf blowers in any urban land use districts; 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 7/1/2050.

While there are choices for electric leaf blowers on the market for residential use, **there are very limited choices 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.**

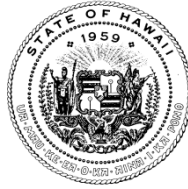
Retailers listen to what their customers want. There has not been a large calling for non-gasoline powered leaf blowers. We also want to point out that **the technology still needs to be worked on as the equipment has performance issues. The batteries need constant charging, and some leaf blowers are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

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 23, 2023

9:45 A.M.

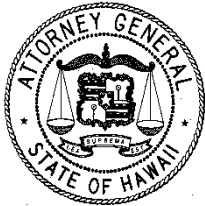
State Capitol, Conference Room 016 & Videoconference

S.B. 54 SD 1
RELATING TO GASOLINE-POWERED LEAF BLOWERS

Senate Committee on Judiciary

The Department of Transportation (DOT) **supports** this bill that prohibits the operation of gasoline-powered leaf blowers in any urban land use district and removes the exemption for government agencies.

Thank you for the opportunity to provide testimony.



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

ON THE FOLLOWING MEASURE:

S.B. NO. 54, S.D. 1, RELATING TO GASOLINE-POWERED LEAF BLOWERS.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

DATE: Thursday, February 23, 2023 **TIME:** 9:45 a.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**

(For more information, contact Lyle T. Leonard,
Deputy Attorney General, at (808-587-3050)

Chair Rhoads 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 operation of gasoline-powered leaf blowers in any urban land use district.

This prohibition may be subject to challenge as violating the Supremacy Clause of the U.S. Constitution as a federally preempted emission standard under the Clean Air Act (CAA) because the prohibition is grounded in the emission characteristics of the engine.

The CAA provides that:

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).

The scope of this preemption is defined in 40 CFR § 1074.10(b), which states in part that "[s]tates and localities are preempted from enforcing any standards or other requirements relating to control of emissions from nonroad engines or vehicles" 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.

In this context, emissions "standards" are any requirement that:

[R]elate to the emission characteristics of a vehicle or engine. To meet them the vehicle or engine must not emit more than a certain amount of a given pollutant, must be equipped with a certain type of pollution-control device, or must have some other design feature related to the control of emissions. This interpretation is consistent with the use of 'standards' throughout Title II of the CAA.

Engine Mfrs. Ass'n v. S. Coast Air Quality Mgmt. Dist., 541 U.S. 246, 253 (2004).

A restriction banning all gasoline powered engines in favor of electric may be subject to challenge as an emissions "standard" under the CAA. See Ass'n of Int'l Auto. Mfrs., Inc. v. Comm'r, Mass. Dep't. of Env'tl. Prot., 208 F.3d 1, 6-7 (1st Cir. 2000) (a mandate requiring a specified percentage of manufacturers in state sales to be of "zero-emission vehicles" was found to be a preempted "standard" under CAA § 209).

If the intent of this bill is to reduce noise, instead of banning gasoline-powered leaf blowers, we suggest creating an objective standard to restrict use of equipment creating noise over a certain decibel level in certain circumstances. 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.

SB-54-SD-1

Submitted on: 2/22/2023 10:53:32 AM

Testimony for JDC on 2/23/2023 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael Kitchens	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair Rhoads, Vice Chair Gabbard and Committee Members,

I oppose SB54. My extended family has a long history of landscaping...years of maintaining everything from our roads and highways to our neighborhoods and homes. The additional cost, the lack of variety of electrical only equipment, the limited capability and longevity of battery charges, and the difficulties in only using electric leafblowers would hurt landscapers in fundamentally detrimental way, which would also affect their business and their clients in a negative fashion. I ask that you oppose this bill.

Mahalo,

Michael Kitchens

SB-54-SD-1

Submitted on: 2/22/2023 3:52:54 PM

Testimony for JDC on 2/23/2023 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Tricia Nakamatsu	Individual	Support	Written Testimony Only

Comments:

Given the existence of quieter, less invasive forms of leaf blowers this seems like a very common sense solution!

SB-54-SD-1

Submitted on: 2/22/2023 8:43:50 PM

Testimony for JDC on 2/23/2023 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Gerard Silva	Individual	Oppose	Written Testimony Only

Comments:

The Government is turning into a Buch of Communist!!!!