

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
COMMITTEE REPORT**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

DRAFT

TO: All Councilmembers

FROM: Chairman Phil Mendelson
Committee of the Whole

DATE: October 16, 2018

SUBJECT: Report on Bill 22-234, “Leaf Blower Regulation Amendment Act of 2018”

The Committee of the Whole, to which Bill 22-234, the “Leaf Blower Regulation Amendment Act of 2018” was referred, reports favorably thereon with amendments, and recommends approval by the Council.

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I. BACKGROUND AND NEED

On April 4, 2017, Bill 22-234, the “Leaf Blower Regulation Amendment Act of 2018” was introduced by Councilmember Mary M. Cheh. As amended, the bill prohibits the sale, offer for sale, or use of gasoline-powered leaf blowers in the District of Columbia, beginning on January 1, 2022. A person who violates this order shall be subject to a fine of not more than \$500. Also, the bill allows for a citizen generated complaint to be submitted to the Department of Consumer and Regulatory Affairs (DCRA). Finally, the bill exempts the use of gasoline-powered leaf blowers on federal lands at federal facilities. The Committee’s amendments were included to address the implementation and enforcement issues identified by the DCRA, while maintaining the original intent of the introduced version to promote the use of manual tools or electric leaf blowers, which are either battery-powered or corded, by prohibiting gasoline-powered leaf blowers in the District.

Existing regulations in the District

In 1977, the Council of enacted the “District of Columbia Noise Control Act of 1977”. The purpose of this act was to provide comprehensive regulations to control noise levels in the District to “preserve, protect, and promote the health, safety, welfare, and the peace and comfort of the residents of the city, prevent injury to humans, animals and property”. The 1977 act established maximum sound levels for the time of day or night and the zoning location where the noise originated. It was here that the maximum allowable decibel measure for a residential zone was set at 60dB during the day and 55dB at night. The 1977 act also granted an exemption for the use “portable power tools, home snow removal, equipment, power garden devices, and other powered equipment for minor repairs or minor improvements of real or personal residential property”. This exemption was only granted during the daytime hours on weekdays and during the hours of 9:00 a.m. to 9:00 p.m. on the weekends and legal holidays.

In 1992, Council approved its first regulations of leaf blowers in the “District of Columbia Noise Control Amendment Act of 1992”. This act removed leaf blowers from the original exemption under “power garden devices” and restricted the sale and use of any leaf blowers that produced noise levels over 70 dB. Though, the 1992 act did not outright prohibit leaf blowers that exceeded the decibel threshold, it did require retailers to provide notice to their customers that the leaf blower may not be used in the District of Columbia after the effective date of the act (July 23, 1992).

Regulations in other jurisdictions

Presently, over 170 municipalities in 31 states have enacted regulations on the use of gas-powered leaf blowers. Most of these communities prohibit the use of gasoline-powered leaf blowers during certain hours; others restrict gasoline-powered leaf blowers altogether, because they tend to be louder than electric models. This includes, Montgomery County, Maryland, which enacted a law in 1990 that restricted the sale and use of leaf blowers that produced noise levels over 70 dB.

Issues related to gasoline-powered leaf blowers

Gasoline-powered leaf blowers use an engine to drive a turbine that causes air movement. Since, gas-powered leaf blower give you the greatest amount of power and range, it has become the favorite of landscapers or anyone who needs to clean up large areas as quickly as possible. However, this power comes with disadvantages. They are also noisy, some produce noise levels more than 100 decibels (dB). OSHA regulations for health and safety state that anyone working in an environment where noise levels are above 85 dB is required to wear ear protection¹. These noise levels do not only affect the operator but can also impact neighbors. Noise at that level can penetrate windows up to 800 feet away². Gasoline-powered leaf blowers also emit fumes from the

¹ OSHA, Occupational Noise Exposure Regulations (Standards – 29 CFR)

https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_id=9735&p_table=standards

² Higgins, Adrian; Nov 1, 2016; Washington Post; https://www.washingtonpost.com/lifestyle/home/we-know-you-love-your-leaf-blower-but-its-ruining-the-neighborhood/2016/10/31/0563e4a4-9b99-11e6-b3c9-f662adaa0048_story.html?utm_term=.60ce9258f2a9

gas engine and gas storage containers. California’s statewide Environmental Protection Agency reports that the best-selling commercial leaf blowers emit as much smog-forming pollution after just one hour of use as driving a 2016 Toyota Camry about 1,100 miles³. Gasoline-powered leaf blowers contribute to environmental and noise pollution, both of which increase public health problems, such as hearing loss, chronic respiratory conditions, seasonal allergies, impaired cognition, stress hormone release, and immune system suppression.

Alternatives to gasoline-powered leaf blowers

Electric leaf blowers are used as an alternative to the gasoline-powered leaf blowers. The prime disadvantage of most electric leaf blowers is battery life and limited range. Most battery-powered leaf blowers are only able to run for about 10-15 minutes at full power and an hour at lower power settings, before the battery needs to be replaced or recharged. While, corded leaf blowers often can only be used on smaller areas of land, because of its reliance on outdoor power outlets and extension cords. However, what electric leaf blowers lack in power and range they make up for by operating quieter and cleaner than its gas-powered counterpart. On average, electric leaf blowers emit less than 60 dB of noise and no harmful gas fumes, which greatly improves the health and safety of an operator, as set by OSHA standards.

Committee Recommendations

To address the some of the concerns identified by DCRA the Committee included language that attempts to resolve the issues related to enforceability. First, the language would grant authority to the agency to work with the Department of Motor Vehicles to identify alleged violators of the new law by means of license plate data on unmarked vehicles reported to have been involved in violations of the new law. The language also gives DCRA explicit authority to utilize the license-plate information as evidence in any enforcement proceeding. This structure was derived from, another statute approved by the Council and signed by the Mayor, the “Trash Collection Noise Violations Abatement Act of 2008” (D.C. Official Code § 8-731).

Bill 22-234 will grant DCRA the necessary flexibility it needs to address issued related to implementation and enforcement. This bill will put in place an enforcement scheme that which the agency is familiar. The Committee therefore recommends approval of Bill 22-234 as reflected in the Committee Print.

II. LEGISLATIVE CHRONOLOGY

April 4, 2017	Bill 22-234, “Leaf Blower Regulation Amendment Act of 2018” is introduced by Councilmember Cheh.
April 4, 2017	Bill 22-234 is officially referred to the Committee of the Whole.

³ Scheer, Roddy and Moss, Doug; Oct 12, 2018; The Environmental Magazine; <https://emagazine.com/leaf-blowers-getting-greener-per-neighbors-demands/>

April 7, 2017	Notice of Intent to Act on Bill 22-234 is published in the <i>District of Columbia Register</i> .
June 15, 2018	Notice of a Public Hearing on Bill 22-234 is published in the <i>District of Columbia Register</i> .
July 2, 2018	The Committee of the Whole holds a public hearing on Bill 22-234.
October 16, 2018	The Committee of the Whole marks-up Bill 22-234.

III. POSITION OF THE EXECUTIVE

Melinda Bolling, *Director of the Department of Consumer and Regulatory Affairs*, testified on behalf of the Executive. Dir. Bolling testified about the multiple challenges that the agency would face in implementing and enforcing the bill. Dir. Bolling first concern about the bill as introduced was that DCRA does not have the capacity and resources to send an inspector out in response to a complaint and get there in time to catch a violator in the act. She also stated that staff lacked the authority hand out a ticket for a violation. Instead DCRA must collect credible and admissible evidence of a violation that can be used in an adjudicatory proceeding. Dir. Bolling also expressed concern about the difficulty to identify the offending parties. Lastly, Dir. Bolling showed hesitation on whether the agency possessed the authority to identify companies or individuals via a picture of a license plate.

IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

The Committee received comments from the following Advisory Neighborhood Commissions.

V. SUMMARY OF TESTIMONY

The Committee of the Whole held a public hearing on Bill 22-234 on Wednesday, July 2, 2018. The testimony summarized below is from that hearing. Copies of written testimony are attached to this report.

Nancy Sainburg, *Public Witness*, testified in support of the bill. Ms. Sainburg is owner of Enchanted Garden a landscaping/nursery business. Her staff enjoy using the battery powered equipment. For the last 2 years Ms. Sainburg has used battery powered leaf blowers, over the gasoline-powered leaf blower and has found that they perform.

Catherine Plume, *DC Chapter, Sierra Club*, testified in support of the bill. Ms. Plume believes this bill assist the District in its sustainability goals for better air quality and health impacts, by helping to reduce carbon emissions. Ms. Plume believes this bill is also an environmental justice issue, protection for workers who may not realize the harmful health impacts.

David Cottingham, Audubon Naturalist Society, testified in support of this bill. Mr. Cottingham stated that the wildlife in the District can be negatively impacted by loud noises, such as leaf blowers.

Zack Kline, Public Witness, testified in support of this bill. Mr. Kline is the owner of AIR Lawn care, which uses only battery-powered leaf blowers and lawn equipment. Mr. Kline believes that battery powered leaf blowers are as effective as gas-powered leaf blowers. Though he states that battery-powered leaf blowers have a higher upfront cost, it has a lower cost of ownership.

Bobb Mann, National Association of Landscape Professionals (NALP), testified in opposition of this bill. Mr. Mann opposes the use of battery-powered leaf blowers do not possess enough power to do the job. Concerned that the bill does not differentiate between small portable and large-scale leaf blowers and would equal a total ban on both 2-stroke and 4-stroke gas-powered leaf blowers. Mr. Mann believes that human behavior should be regulated, such as hours of use or location, and not the lawn equipment used.

Grif Johnson, Public Witness, testified in support of this bill. Mr. Johnson stated that current noise laws are ineffective, because enforcement is not practical. Tools to measure the noise levels and frequency, as well as at distance have not been responsive enough to the negative impacts of gas-powered leaf blowers.

Chris Pollock, Acoustics Expert, testified in support of this bill. Mr. Pollock provided data study that showed gasoline-powered leaf blowers produced more decibels of noise than battery-powered. He offered audio samples of how the gas-powered leaf blower emit low frequency sounds that produce higher decibel noise and travels greater distances.

Jamie L. Banks, PhD, MS, Executive Director, Quiet Communities, testified in support of this bill. Ms. Banks stated that low frequency noise cause greater negative health effects, such as hearing loss, These low frequency noises produced by gas powered leaf blowers reach over 55 dB recommended as the safe from the World Health Organization (WHO).

Gregg Easterbrook, Public Witness, testified in support of this bill. Mr. Easterbrook believes that replacing gas-powered leaf blowers with new technology, such as battery-powered leaf blowers will be safer and cleaner.

Susan Orlins, Public Witness, testified in support of this bill. Ms. Orlins provided an overview of how other jurisdictions have approved or considering similar legislation that would ban gas-powered leaf blowers

Haskell Small, Public Witness, testified in support of this bill. Mr. Small recounted how gas-powered leaf blowers negatively impact his “peace and quiet” of his home.

Lucia Buchanan Pierce, Public Witness, testified in support of this bill. Ms. Buchanan Pierce presented a video of Eugene Jackson, a lifelong groundskeeper at the University of Redlands in California, who lost nearly 60% of his hearing due to his use of gas-powered leaf blower.

Hugh Allen, Ward 3 Democratic Committee, testified in support of this bill. Mr. Allen presented the Ward 3 Democrats resolution that passed with unanimous support for the approval of this bill.

Anne Cauman, Public Witness, testified in support of this bill. Ms. Cauman stated that the noise has been disruptive to her outdoor gardening activities. Ms. Cauman attributes the noise produced by gas-powered leaf blowers as contributing to her hearing loss.

Joey Spatafora, Public Witness, testified in support of this bill. Mr. Spatafora spoke about how gas-powered leaf blowers disrupt his ability to work from home and enjoy his outdoor neighborhood.

Ann Mladinov, Public Witness, testified in support of this bill with amendments. Ms. Mladinov stated that though she supports the bill, has some concerns about the behavioral use of the gas-powered leaf blowers, such as the time restrictions of use and does not believe that the 2022 effective date, will provide fast enough relief. Ms. Mladinov also has hesitation on the District's ability to enforce this bill. Ms. Mladinov would like to see more coordination with landscape/lawn care businesses and professional, retailers, building managers, and residents to discourage use of gas-powered leaf blowers.

Lucian Pugliaresi, Public Witness, testified in support of this bill with amendments. Mr. Pugliaresi believes that an education campaign should be accompanied with this bill. He would like to see the bill enacted before 2022.

Daniel K. Mustico, VP, Government & Market Affairs, Outdoor Power Equipment Institute, Inc. testified in opposition of this bill. Mr. Mustico would like the bill or any regulation to focus on "courteous use" rather than a flat out ban and allow the market to dictate the transition from gas-powered to battery-powered leaf blowers.

Chuck Elkins, Vice-Chair, ANC3D, testified in support of this bill. Mr. Elkins offered a rebuttal of the opposition testimony presented, by stating the ban on only gas-powered leaf blower is the compromise. Battery powered blowers allow landscaping and lawn care businesses to continue operation. Mr. Elkins stated that depending on the markets to also look out for the leaf blower operators/workers and neighbors is a false flag.

The Committee received other comments in writing, which are attached.

VI. IMPACT ON EXISTING LAW

Bill 22-234 amends the "District of Columbia Noise Control Act of 1977", effective March 16, 1978 (D.C. Law 2-53; 20 DCMR § 2808). The bill prohibits the sale and use of gasoline-powered leaf blowers in the District of Columbia by January 1, 2022 but grants an exemption for use on federal lands of federal facilities.

VII. FISCAL IMPACT

The fiscal impact statement from the District's Chief Financial Officer (CFO) to implement Bill 22-234 is pending.

VIII. SECTION-BY-SECTION ANALYSIS

<u>Section 1</u>	Short Title.
<u>Section 2</u>	Prohibits the sale, offer of sell, or use of gasoline-powered leaf blowers; Establishes a fine not-to-exceed \$500; Allows for citizen generated complaints to be filed with the Mayor for review; and Exempts use of gasoline-powered leaf-blowers on federal lands of federal facilities.
<u>Section 3</u>	Adopts the Fiscal Impact Statement.
<u>Section 4</u>	Establishes the effective date by stating the standard 30-day Congressional review language.

IX. ATTACHMENTS

1. Bill 22-234 as introduced.
2. Written Testimony.
3. Fiscal Impact Statement.
4. Legal Sufficiency.
5. Comparative Print for Bill 22-234.
6. Committee Print for Bill 22-234.

COUNCIL OF THE DISTRICT OF COLUMBIA
1350 Pennsylvania Avenue, N.W.
Washington D.C. 20004

Memorandum

To : Members of the Council

From : 
Nyasha Smith, Secretary to the Council

Date : April 04, 2017

Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Legislative Meeting on Tuesday, April 4, 2017. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Leaf Blower Regulation Amendment Act of 2017", B22-0234

INTRODUCED BY: Councilmember Cheh

CO-SPONSORED BY: Councilmembers Allen, Grosso, McDuffie, and Bonds

The Chairman is referring this legislation to the Committee of the Whole.

Attachment

cc: General Counsel
Budget Director
Legislative Services


Councilmember Mary M. Cheh

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the District of Columbia Municipal Regulations to prohibit the sale and use of gasoline-powered leaf blowers in the District of Columbia by January 1, 2022.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Leaf Blower Regulation Amendment Act of 2017”.

Sec. 2. Section 5(d)(6) of the District of Columbia Noise Control Act of 1977, effective March 16, 1978 (D.C. Law 2-53; 20 DCMR § 2808), is amended as follows:

(a) Subparagraph (A) (20 DCMR § 2808.1) is amended as follows:

(1) The existing text is redesignated as sub-subparagraph (i)

(2) A new sub-subparagraph (ii) is added to read as follows:

“(ii) Except as provided under 2808.02, effective January 1, 2022, no person shall sell, offer for sale, or use, at any time, gasoline-powered leaf blowers in the District of Columbia.”.

(b) Subparagraph (B) (20 DCMR § 2808.2) is amended as follows:

(1) The existing text is redesignated as sub-subparagraph (i).

(2) A new sub-subparagraph (ii) is added to read as follows:

31 “(ii) A person who sells, at retail, a gasoline-powered leaf blower
32 in the District of Columbia after January 1, 2022, must provide conspicuous notice to the
33 consumer that the leaf blower may not be used in the District of Columbia.”.

34 (c) Subparagraph (D) (20 DCMR § 2808.4) is amended by striking the phrase “In
35 addition to any other enforcement measure authorized under this act, the Mayor” and inserting
36 the phrase “The Mayor” in its place

37 (d) A new subparagraph (F) is added to read as follows:

38 “(F)(i) Section 13 shall not apply to this paragraph.

39 “(ii) Any person who violates a provision of this paragraph shall be
40 subject to a fine not to exceed five hundred dollars (\$500).

41 “(iii) The Mayor may enforce the provisions of this paragraph by
42 issuing a notice of civil infraction pursuant to the Department of Consumer and Regulatory
43 Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42, D.C. Code §6-
44 2701 *et seq.*) (“Civil Infractions Act”).

45 “(iv) Civil fines, penalties, and fees may be imposed as alternative
46 sanctions for any infraction of this paragraph pursuant to titles I-III of the Civil Infractions Act.
47 Adjudication of any infraction of this paragraph shall be pursuant to titles I-III of the Civil
48 Infractions Act.”.

49 Sec. 3. Fiscal impact statement.

50 The Council adopts the fiscal impact statement in the committee report as the fiscal
51 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
52 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

53 Sec. 4. Effective date.

54 This act shall take effect following approval by the Mayor (or in the event of veto by the
55 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
56 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
57 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
58 Columbia Register.

Testimony regarding B22-234
“Leaf Blower Regulation Amendment Act”

Good afternoon,

My name is Nancy Sainburg and I am the owner of The Enchanted Garden, a landscaping company located here in DC. We have been in business for over 30 years and the majority of our business is in DC. We provide service to clients with properties as small as townhouses and as large as several acres, both commercial and residential properties.

You may hear from other testimony here today that it is not possible for landscape professionals to do our job without the gas powered blowers, but I can tell you from my own experience that that is completely untrue. We have been using only battery operated blowers for the past two years and have had no trouble keeping up with the work in a timely manner. We have had no complaints from clients that our services are taking more time and have heard nothing but compliments on low noise level from the battery blowers.

My epiphany regarding the switch from gas blowers to battery blowers occurred two years ago. I was out walking my dog and heard a leaf blower. When I got closer to the noise I realized that it was my own landscape crew who were finishing up an installation in my neighborhood. I had heard it from over two blocks away! That was it for me - the noise pollution was just too much. I went out the next week and bought a battery operated blower to see how well it worked.

The initial reaction from the crew was, “Okay, we’ll give this toy a try,” but pretty soon they were favoring the battery powered blowers over the gas blowers. The following spring season we switched to all battery powered equipment. The crew asked if we could keep one gas blower for the fall leaf season, and I decided to see what would happen. Once the fall season came, no one even once mentioned using the gas blower!

The people who work with this equipment every day have said that they enjoy using it much more than the gas equipment. They are not subjected to high noise levels and they don’t have headaches at the end of the day, which was often a complaint.

Thank you,

Nancy Sainburg
The Enchanted Garden LLC
enchantedgarden@mac.com
www.enchantedgardendc.com

TESTIMONY
of
Catherine Plume
DC Chapter of the Sierra Club
before the
D.C City Council Committee of the Whole
July 2, 2018
John A. Wilson Building, Room 412

I'm Catherine Plume, a lifelong environmentalist, a board member and Conservation Chair of the DC Chapter of the Sierra Club, a member of the Chapter's Zero Waste Committee, blogger and tweeter for the DC Recycler, and a 20-year resident of Ward 6.

I am here today to testify on behalf of the DC Chapter of the Sierra Club regarding the bill (B22-234) known as the Leaf Blower Regulation Amendment Act of 2017. The DC Chapter of the Sierra Club supports this bill as we feel that the negative health impacts of these machines – especially on workers – should be our primary concern.

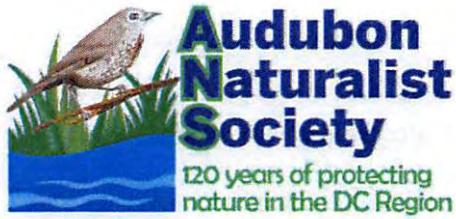
The emissions from these very inefficient gas-powered machines contribute to climate change and health issues, and this is of great concern to the Club. However, we acknowledge (sadly) that the Federal Clean Air Act pre-empts most states and cities from regulating emissions from non-road machinery and that the D.C. City Council can't lawfully base enactment of the bill on a desire to control harmful emissions from gas blowers, their contribution to air pollution, climate change, etc. Given these limitations mandated by law, we urge the Council to legislatively phase out gas-powered leaf blowers to protect the District's citizens - especially landscape workers - from harmful and invasive noise. For the Sierra Club, this is as much an environmental justice issue as it is an environmental issue.

Many of the workers who are subjected to this noise are first-generation Americans. Landscaping is an entry level job in this area, and many workers struggle with English. Even assuming they understand the dangers that they're exposing themselves to by performing their jobs using gas blowers, most lack the employment security to be able to ask their employers to provide safer equipment. And, the noise from these leaf blowers is a nuisance – and has negative health impacts for workers and for residents. Experts will testify to this point today.

There may be concerns that the requirements of this legislation could have negative financial impacts for businesses. The Sierra Club is pleased to learn that there are several landscape companies in the DMV that have opted out of using gas-powered leaf blowers. Their businesses are thriving. You'll hear from some of them today. The Club would also note that people have maintained their yards for years – hundreds of years – without leaf blowers. Yet leaf blower use has become all too common, on even the smallest of yards. In an environmentally aware city such as DC, we suggest that a business model of "leaf-blower free" landscaping would resonate positively with many District residents and businesses and benefitting all.

Battery-powered and electric leaf blower technology is ever- evolving and quieter, cleaner, and safer models now exist. The DC Chapter of the Sierra Club supports legislation that will require the use of these newer models that will emit less noise and/or air pollution and that will result in better and safer conditions for workers and residents. We urge the Council to pass such legislation.

Thank you for the opportunity to testify.



June 28, 2018

Testimony to the Washington, DC Council on Bill 22-234, the “Leaf Blower Regulation Amendment Act of 2017”

Submitted by Eliza Cava (Audubon Naturalist Society Director of Conservation), Janet Bogue (ANS Member & Volunteer), and David Cottingham (ANS Member & Volunteer).

Presented at July 2nd hearing by David Cottingham.

Thank you for the opportunity to submit testimony to the Council on Bill 22-234, the “Leaf Blower Regulation Amendment Act of 2017.” The Act would ban the sale or use of gasoline-powered leaf blowers in the District of Columbia beginning in 2022.

On behalf of our over 10,000 members and supporters in the greater Washington, D.C. region, the Audubon Naturalist Society (ANS) hereby submits testimony on the aforementioned bill. ANS commits itself to inspiring residents of the greater Washington, D.C. region to appreciate, understand, and protect their natural environment through outdoor experiences, education and advocacy. The history of our organization is grounded in the Audubon movement of the late 1800s, and many of our members are dedicated birders and naturalists. Because of this commitment, **our staff and supporters support Bill 22-234 for the reasons described below.**

Washington’s parks, gardens and rivers host 340 species of birds. From Mister President and The First Lady, the iconic bald eagle pair nesting at the National Arboretum, to DC’s official bird, the Wood Thrush, singing on summer nights in Rock Creek Park, Washington’s birds are gifts to our eyes and ears. They are also essential to healthy ecosystems, not least as pollinators and dispersers of plant seeds and a check-and-balance on insect populations, including pest species.

Birds vocalize to warn of danger, recognize their own species, defend their territories, find mates, stay in contact with their young, and find their way during migration. Birds also need to hear predators coming, and some birds, such as owls, use sound to find prey. This dependence on sound makes birds especially vulnerable to acoustic impacts. Recent peer-reviewed scientific studies have shown that where there is loud, human-caused noise, many bird species suffer. Struggling to hear and be heard, they are less protected from predators and less able to find mates. Their stress hormones are elevated, with poor consequences for their health and reproductive success. Research has found that many species of birds have tried to change their voices to be heard above the roar of human activities -- or simply have abandoned noisy environments.

Woodend Sanctuary | 8940 Jones Mill Road, Chevy Chase, Maryland 20815 | 301-652-9188

Rust Sanctuary | 802 Childrens Center Road, Leesburg, Virginia 20175 | 703-669-0000

anshome.org

Scientists have documented declines in bird numbers, bird diversity and bird nesting success in environments with elevated, non-natural noises.¹

When we drive out and drown out birds, we suffer, too. It would be hard to imagine a hearing at which residents complained about too much birdsong. In fact, some schools in Britain use recorded birdsong to enhance students' concentration, while a children's hospital in Liverpool uses birdsong – what the poet Shelley called “a rain of melody”² – to reduce stress for their young patients.³ If we reduce unnecessary noises like those of gas-powered leaf blowers, birds and people will share the benefits.

The National Park Service, a critical District landowner and stakeholder, provides the following information on the impacts of noise on other non-bird wildlife on their website at

https://www.nps.gov/subjects/sound/effects_wildlife.htm:

Research shows that males of at least one frog species are adapting to traffic noise by calling at a higher pitch.⁴ This could be problematic for the females, because they prefer lower-pitched calls, which indicate larger and more experienced males. Human-caused noise has produced similar results in multiple bird species.⁵

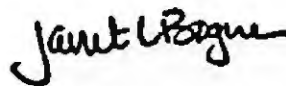
In general, a growing number of studies indicate that animals, like humans, are stressed by noisy environments.⁶ The endangered Sonoran pronghorn avoids noisy areas frequented by military jets; female frogs exposed to traffic noise have more difficulty locating the male's signal; gleaning bats avoid hunting in areas with road noise.⁷

For these reasons, Audubon Naturalist Society supports the passage of Bill 22-234 and urges the Council to also support this legislation.

Sincerely,



Eliza Cava
Director of Conservation
Audubon Naturalist Society



Janet Bogue
Member & Volunteer
3601 Connecticut Ave., NW
Apt. 506
Washington, DC 20008



David Cottingham
Member & Volunteer
2914 Kanawha St NW
Washington, DC 20015

¹ Catherine P. Ortega, “Effects of Noise Pollution on Birds: A Brief Review of Our Knowledge,” *Ornithological Monographs* No. 74, The American Ornithologists' Union, 2012; and Nathan J. Kleist et al., “Chronic Anthropogenic Noise Disrupts Glucocorticoid Signaling and Has Multiple Effects on Fitness in an Avian Community,” *Proceedings of the National Academy of Sciences*, 2017.

² Percy Bysshe Shelley, “To a Skylark”

³ Marc Henshall, “Can Birdsong Really Help You Relax and Concentrate?” *soundmattersblog.com*, 2016; and Stephen Moss, “Birdsong: The Cure for All Ills?” *The Guardian*, August 24, 2010.

⁴ Parris, K. M., M. Velik-Lord, and J. M. A. North. 2009. Frogs call at a higher pitch in traffic noise. *Ecology and Society* 14(1): 25. [online] URL: <http://www.ecologyandsociety.org/vol14/iss1/art25/>

⁵ Barber, J. R., Crooks, K. R., & Fristrup, K. M. (2010). The costs of chronic noise exposure for terrestrial organisms. *Trends in ecology & evolution*, 25(3), 180-189.

⁶ Shannon, Graeme, et al. “A synthesis of two decades of research documenting the effects of noise on wildlife.” *Biological Reviews* 91.4 (2016): 982-1005.

⁷ Id at 5.

TESTIMONY OF JOHN "ZACK" KLINE, AOLCP, LICM

FOUNDER & OWNER, A.I.R. LAWN CARE

BEFORE THE COMMITTEE OF THE WHOLE

14207 Chadwick Lane

Rockville, MD 20853

IN SUPPORT OF

LEAF BLOWER BILL (B22-0234)

Monday, July 2nd, 2018

Good afternoon Committee of the Whole members. My name is Zack Kline and I am the owner of A.I.R. Lawn Care. I started A.I.R. Lawn Care in 2011 after becoming irritated at the excessive amount of smog and loud noise that my former employer's gasoline-powered equipment created. My company, which uses only battery-powered equipment, has been featured in trade publications, and I have won an Entrepreneurial Scholarship Award.

I would not be here today if it were not viable to run a successful landscaping business using battery-powered equipment. The purchase and maintenance of battery-powered equipment such as leaf blowers allows me to be competitive in the rates I charge my clients and as a business. Battery-powered equipment may be somewhat more expensive to purchase upfront, but comes with a much lower cost of ownership and maintenance compared with gasoline-powered equipment.

We maintain a wide range of properties in the greater Washington DC area including low-end residential, high-end residential, and commercial properties, all requiring usual cleanup of debris from grass, shrubs, or leaves.

Many who oppose this bill will say that battery-powered leaf blowers are not always up to the job. However, I have found that the outdoor power equipment industry has researched, developed, manufactured, distributed, and sold a new generation of battery-powered leaf blowers that are indeed up to the job and they are continuing to improve in this R&D.

In the internet age, online information about battery-powered equipment is abundant and easily found. Also, many organizations exist to educate municipalities, professionals, and homeowners about the use of battery-powered outdoor power equipment.

The most important advantage of using battery-powered equipment--especially leaf blowers--is the low noise and zero emissions our employees, customers, and customers' neighbors experience. The people operating battery-powered leaf blowers, like my employees and myself, are not exposed to harmful air and noise emissions while working and also require less protective gear to be safe.

The results I have seen in my landscaping business show that properties can be maintained at a reasonable cost while using battery-powered equipment such as leaf blowers. I recommend the Committee of the Whole to unanimously pass Leaf Blower Bill (B22-0234) so the Districts property owners can live in a safe, clean, and healthy community where people want to live and work.



TESTIMONY IN OPPOSITION TO THE LEAF BLOWER REGULATION AMENDMENT ACT OF 2017, B22-034

Chairman Mendelson and Members of the Council,

Thank you for the opportunity to speak this afternoon. My name is Bob Mann and I am the Director of State and Local Government Relations for the National Association of Landscape Professionals (NALP) headquartered in Fairfax, Virginia. I represent over 900 NALP member companies in the District and the surrounding counties in Virginia and Maryland that maintain landscapes in Washington.

NALP opposes this proposed regulation. I want to acknowledge the concerns of those who have come here today. As you might be aware, leaf blower ban proposals are not unique to the District, leading NALP to take tangible steps to ensure that all companies are aware of best practices as leaf blowers are a necessary and vital part of our industry's toolbox.

Together with our colleagues at the Outdoor Power Equipment Institute (OPEI), we have developed and are implementing the **Backpack Blower Safety and Responsible Operation Pledge**, as well as **Tips for Backpack Blower Safe and Courteous Operation**. As we work towards enrolling all our members in this program, we train operators to follow best practices at all times, resulting in an effective balance of community stewardship, and protection of our environment.

As a practical matter, gasoline-powered leaf blowers are indispensable tools that are necessary in keeping the District beautiful. Millions of people come from all over the world to visit Washington and enjoy the over 7,500 acres of parks and marvel at the beautiful landscapes. Trees, lawns, and gardens are naturally messy spaces that require constant tending, especially in the early spring and the autumn when tree leaves drop. There is simply no viable alternative to gasoline powered blowers. While excellent for homeowner use, the electric powered blowers on the market today do not have sufficient power or duration to replace gasoline engines for professional use.

Leaf blowers are labor multipliers; an employee with a blower can accomplish what two or more employees can accomplish with manual tools. In an economy where the unemployment rate is in the single digits, landscape contractors are finding it impossible to find sufficient quantities of employees to meet demand. There simply aren't enough employees to wield leaf rakes to replace the work performed by leaf blowers. Mind you, the language in this bill does not differentiate between small, portable blowers and large-scale blowers – you're attempting to prohibit all gasoline-powered leaf blowers.

Most of noise and emission problems concerning leaf blowers stem from antiquated and ill-maintained equipment. More stringent regulations on small two-cycle engines from both the EPA and the California Air Resources Board have yielded much improved noise and emission performance. As older equipment is phased out in lieu of new and better performing models, the environmental impact of these tools will abate. We feel that these advances, along with our campaign to increase awareness on the part of our members, will help allay your concerns so that we can have both a quiet and beautifully maintained Washington.

We respectfully request that the Council reject this measure.

Thank you for your time and attention.

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Director of State & Local Government Relations

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Backpack Blower Safe and Responsible Operation Pledge

It is imperative that our company employees always perform their job tasks in a safe, courteous and responsible manner. Employees are properly trained on all equipment and are provided with the proper personal safety equipment. Our company is an environmentally responsible company as we make every effort to be good stewards of the landscape and the environment.

- Our company regularly reviews proper operational and safety procedures. We demonstrate our commitment to these procedures through regular training programs, tailgate meetings, and other encounters. Employees have reviewed operational procedures and been trained on the proper operation of backpack blower equipment.
- Our company uses only equipment compliant with United States Environmental Protection Agency (and the Air Resources Board in California) small spark-ignited engine emission regulations.
- Our company reviews local ordinances in our operating areas to assure equipment is operated in accordance with those ordinances.
- Employees inspect equipment before each use to insure all parts are in working order. By doing so we ensure that equipment remains compliant with applicable safety standards, noise ordinances and emission regulations.
- Employees wear appropriate work clothing, work shoes or boots, no loose-fitting clothes. Employees also wear eye and ear protection when operating equipment.
- Employees are trained to be aware of their surroundings, i.e. other people, children, pets, cars and to operate equipment appropriately.
- Employees are trained to operate blowers at their lowest possible throttle speed for the specific task. Employees are trained to use noise reducing nozzle attachments.
- Our employees make every effort to be good stewards of the landscape, the community and the environment. Thus, as newer safer and more efficient equipment becomes available, our company strives to provide our employees with the best possible, safest equipment for operation.

Company: _____



Tips for Backpack Blower Safe and Courteous Operation

- Require every employee to review the safe operation portion of the manufacturer's manual
- Visually inspect all equipment before use to ensure it is in safe working condition.
- Check the condition of the muffler, air intakes and air filter to make sure they are in good condition.
- Make sure starter ropes and handles are not frayed or broken and starter handle is secure.
- Check fuel level before you start the engine to avoid fueling while the engine is hot.
- Always fuel on the ground. Never fuel while smoking and never fuel inside a truck or on the truck bed.
- Make sure any fueling overspill is wiped dry before use.
- If using battery powered equipment, make sure batteries are charged and always inspect for damage.
- Be sure the switch is in the off position before connecting the battery pack.
- Adjust shoulder straps to reduce back strain.
- Always wear safety glasses and ear protection.
- Wear appropriate work clothes and work shoes or boots.
- Be aware of bystanders, both people and pets. Always be aware of your surroundings.
- Always operate blowers with firm footing.
- Survey the area you are cleaning before operating the blower. Look for hazards such as broken glass or rocks.
- Be aware of wind direction and dust.
- Use lowest possible throttle speed. This reduces noise and give the operator more control.
- Never blow leaves and debris into the street or onto neighboring property.
- Use the full lower extensions to control sound and minimize dust.
- Limit the number of blowers in use on small residential sites to reduce noise.
- Do not operate blower from a moving vehicle.
- Maintain a safe working distance from other workers on the job site at least 30 feet.
- Never leave a blower running while unattended.
- Stop the engine when inspecting, repairing or cleaning the blower.
- Be aware of local ordinances that may regulate the operation of leaf blowers or other equipment. Hours of operation may be limited.
- Always work carefully. You need to be safe, courteous and responsible.
- When finished, always secured the blower properly in the truck or trailer.



NATIONAL
ASSOCIATION OF
LANDSCAPE
PROFESSIONALS



OUTDOOR POWER EQUIPMENT
INSTITUTE

**Testimony of Grif Johnson of Quiet Clean DC before the
D.C. Council's Committee of the Whole
Regarding the Leaf Blower Regulation Amendment Act
of 2017 (B22-234)
July 2, 2018**

Good afternoon, Mr. Chairman and members of this Committee. I'm Grif Johnson,¹ one of the founders of Quiet Clean DC. We're a group of D.C. residents who are concerned about a significant problem in our city and, indeed, all around the country. That problem is the invasive, harmful noise generated by the gas-powered leaf blower.

I want to thank you, Mr. Chairman, for convening this hearing. I also want to thank Council Member Cheh for introducing the bill that's under consideration today by this Committee, and Council Members Bonds, Grosso, McDuffie, and Allen for co-sponsoring it. We also thank those additional Council Members who've assured us of their support for the legislation.

The bill in question will amend the District of Columbia Noise Control Act of 1977.² That Act stated that chief among its purposes are – and I quote – “. . . to preserve, protect and promote . . . the peace and comfort of the inhabitants of the city,”³

¹ For the record, my full name is John Griffith Johnson, Jr.

² D.C. Law 2-53, effective March 16, 1978, Vol. 24 D.C. Register 5293 (Dec. 30, 1977).

³ Section 2 of the 1977 Act reads in its entirety: “The purpose of this act is to provide comprehensive regulations to control noise levels in the District of Columbia so as to preserve, protect and promote the public health, safety and welfare, and the peace and comfort of the inhabitants of the city, and prevent injury to humans, animals and property. It is the intent of the Council of the District of Columbia that this act be liberally construed to effect its general purpose.”

Subsequent to the 1977 Act, the Council in 1992 adopted a regulation that addresses leaf blowers specifically. That regulation limits both their hours of operation and their noise output to no more than 70 decibels at a distance of 50 feet.⁴

But the regulation doesn't work. As you'll hear today from witnesses who support the bill, your constituents across the District are up in arms over the deprivation of their peace and comfort from excessively noisy gas-powered leaf blowers. More than a quarter of the Advisory Neighborhood Commissions in D.C., representing seven of our city's eight wards, have adopted resolutions endorsing the bill. Over 2,300 individuals have signed an on-line petition urging the Council to move forward on this bill. We hear it from every corner of the city: "Stop the noise!"

Why doesn't the current regulation work? Because it requires, for its effective enforcement, that an appropriate agent of the D.C. government must verify the operation of a leaf blower above the 70 decibel limit and beyond the 50-foot distance. That means the enforcing agent must come to the scene of the violation while it's underway, and armed with a sound meter and a distance measuring tool for which he would need to have been specially trained, confirm the violation. It simply isn't practical for all that to happen before the operator of the violating equipment will have ceased such operation or will have moved on to another property where he'll engage in a new violation.

And there's another reason why the current regulation isn't effective. That's because the regulation relies solely on sound measurements in decibels. That approach overlooks the most offensive element of noise produced uniquely by leaf blowers that are powered by gas. As you'll hear in a few minutes, research that my colleagues on this panel -- Mr. Pollock and Dr. Banks -- will present to you this afternoon establishes that what differentiates

⁴ Section 20-2808 of the D.C. Municipal Regulations.

the gas blower's noise is **a very strong low-frequency component** that a battery-powered blower having an identical decibel rating as the gas blower doesn't generate with the same strength. That powerful low-frequency element is the source of the greatest offense to the human ear.

The complaints all relate to noise from gas-powered leaf blowers. These blowers generate not only **high levels of the most disturbing low-frequency sound components**, but also enormous decibel outputs, well above the limits for safe human exposure. The Centers for Disease Control and Prevention last year published a finding that two hours of exposure to a leaf blower operating at 85 decibels will cause hearing loss.⁵ And hearing loss is permanent; once your hearing has gone, you can't get it back.

The defenders of these thunderous gas blowers actually brag about them. Consider an article recently published in opereviews.com, an on-line publication for the landscaping industry.⁶ The article gets right to the point. Here are the first two sentences:

“What does it feel like to have Hurricane Irma strapped to your shoulders? Donning any of the leading backpack blowers will give you a close representation.”

The article notes that seven models of the most popular gas blowers deliver sound at the operator's ear of between 101 and 104 decibels. Decibels are measured logarithmically, so that a difference of as little as three decibels represents a doubling of the

⁵ <https://www.cdc.gov/vitalsigns/pdf/2017-02-vitalsigns.pdf>

⁶ <https://opereviews.com/landscaping/leaf-blowers/best-backpack-blower-shootout/>

sound's energy. We're talking noise that's several orders of magnitude above the CDC limit of 85 decibels.

Proponents of the gas blower claim a so-called “quieter” gas blower is now available. In a few moments, you'll hear Mr. Pollock play for you an audio clip of this supposedly “quiet” gas blower, including **that low-frequency component that's so uniquely powerful with gas blowers.** You can decide for yourself whether this so-called “quiet” gas blower is, indeed, quiet.

In reality, very few landscaping contractors are using this much-ballyhooed “quiet” gas blower. In an op-ed published in January in totallandscapecare.com, another on-line publication for landscapers,⁷ one of the leading advocates for gas blowers pleads with landscape contractors to start using the supposedly “quieter” gas blower . . . or else cities like ours will adopt laws to phase out gas blowers altogether.

So, returning to our current regulation on leaf blowers; it's unworkable, as I said, because it can't be effectively enforced. But a law that simply bans all gas blowers won't be difficult to enforce, because a gas blower can be easily identified visually, without the need for taking measurements of decibels and distances. And a ban on gas blowers will free all of us from having to endure **that powerful and aggressive low-frequency noise element that the gas blower emits.**

That's why we support this bill – it will work.

⁷ <https://www.totallandscapecare.com/landscaping-equipment/leaf-blower-bans-are-coming/>

**TESTIMONY
of
Chris Pollock, PE
Arup,
before the
D.C City Council Committee of the Whole
July 2, 2018
John A. Wilson Building, Room 412**

1. Background and Acoustic Info

I am Chris Pollock, an acoustical consultant with Arup with 20 years of experience measuring noise and designing buildings and spaces for suitable acoustics and noise conditions. I have a degree in Mechanical Engineering, I am a Licensed Professional Engineer in the Commonwealth of Virginia, have been published in articles in the field of acoustics and interviewed by various media outlets regarding acoustics and noise. Arup was asked to perform acoustical measurements and provide technical acoustical input and support for the testing and review of a group of leaf blowers.

2. Gas Leaf Blowers and Battery Leaf Blowers

The questions we were asked to help answer were:

- a. What is the difference in characteristics of the sound produced by commonly used commercial gas leaf blowers compared with commercial grade battery blowers?
- b. What are the implications for the communities in which those machines operate ?

We are not investigating the noise level at the operator ears relative to exposure, but rather the impact on people and the community surrounding the leaf blowers as they are being used.

3. Testing and Noise Measurements

We designed a set of tests that in our experience would allow us to capture side by side noise levels for various leaf blower types. It was arranged for 7 commercial blowers to be used, Blowers were selected for comparable flow rates and deciBel ratings.

The leaf blowers selected, and their corresponding labels on the graphs below are as follows:

The battery powered blowers labelled in blue are:

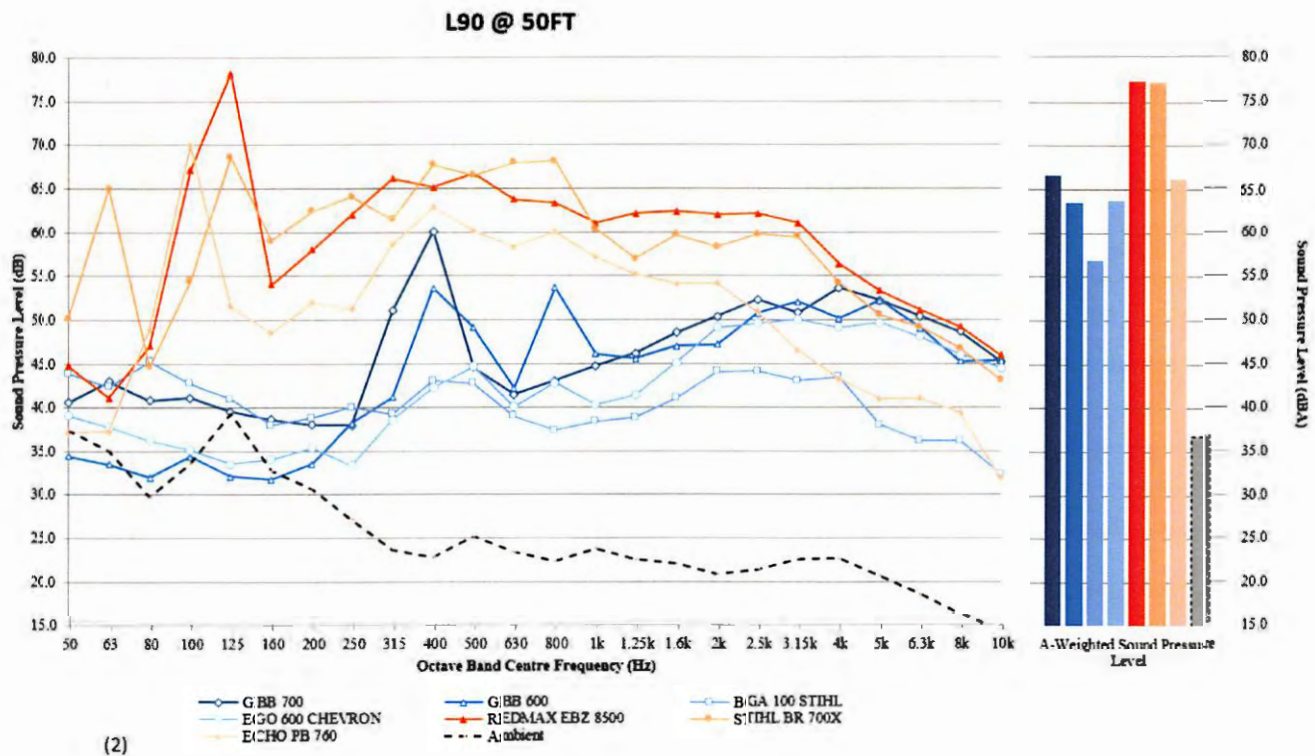
- Greenworks GBB 700
- Greenworks GBB 600
- Chevron EGO 600
- Stihl BGA 100

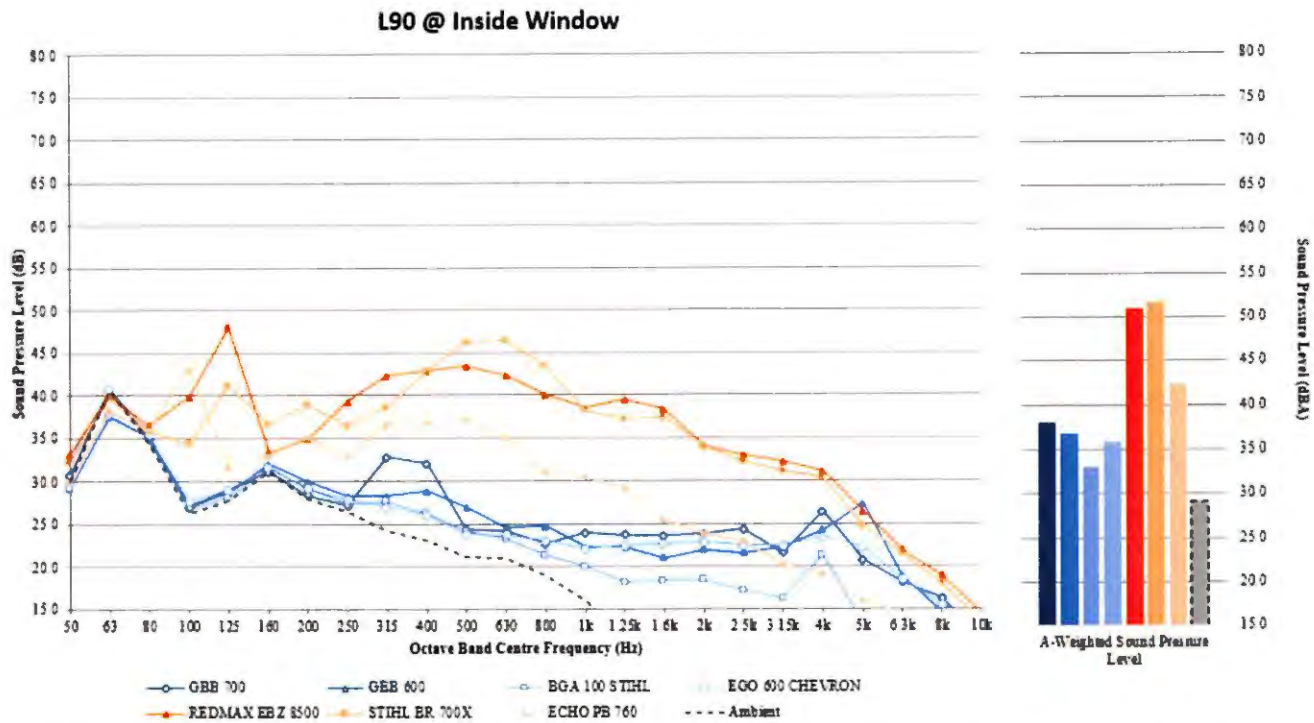
The gas powered blowers are labelled in orange:

- Redmax EBZ 8500
- Stihl BR 700x
- Echo PB 760

The full details of the testing sequence, equipment and protocol will be outlined in my written report to follow.

Some of the summary results from our testing are outlined below:





The horizontal axis of the chart shows frequency, with the left side being very low frequency ‘rumble’ sounds, and the right side being high frequency ‘hissing’ sounds. The vertical axis shows increasing sound pressure level as you go up the chart.

The interesting points to note and where there are significant differences

4. Key Results

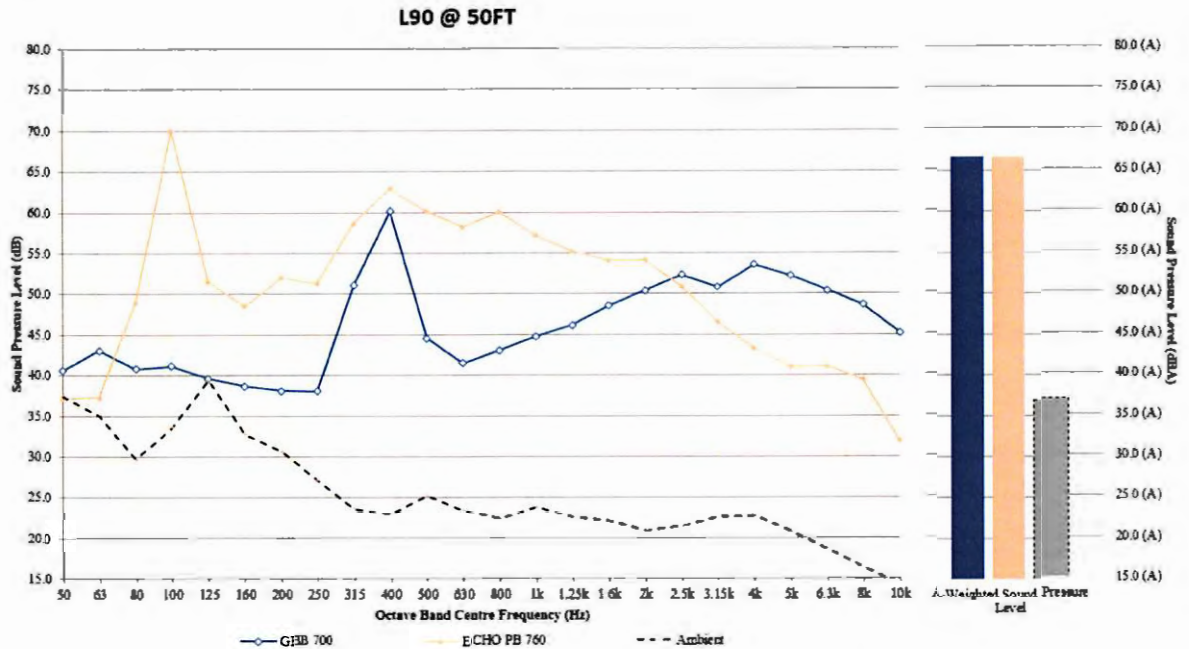
- a. From the data above, we observed clearly that the group of gas leaf blowers all exhibit a much higher level of sound energy in the low frequency bands. In a number of cases, this engine noise is a peak at 100 to 125 Hz. This energy is quite distinctly different for the gas leaf blowers than the battery powered leaf blowers. This is highlighted by the two blowers, the Echo PB 760 and the Greenworks GBB 700, both 66.5 dBA at 50 feet, but with dramatically different acoustic qualities and audibly different at 5 feet, 50 feet and greater distances.
- b. Audibility over larger distances: Based on the experience of measuring sound, I witnessed that the three gas powered leaf blowers at an 800 foot distance were audible, two being clearly audible (Redmax EBZ 8500 and the Stihl BR 700x) and the third (Echo PB 760) being

noticeable, while all of the battery powered leaf blowers were not distinguishable above the very quiet ambient community sound levels at that distance.

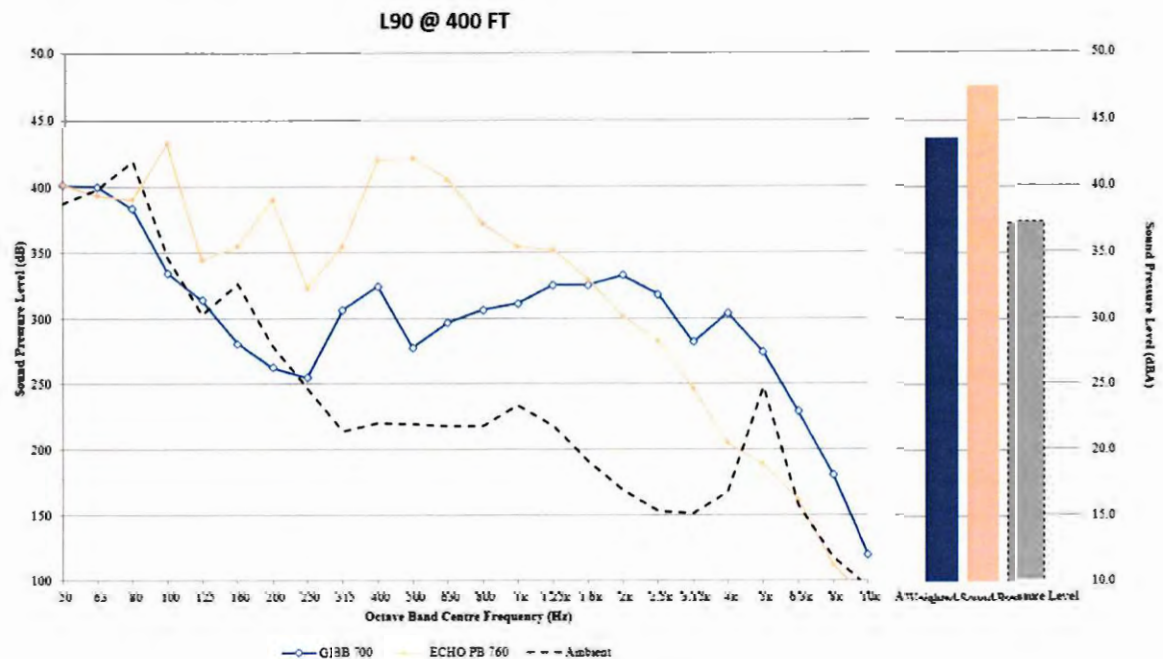
- c. **Audibility within Houses:** One of the challenges with low frequency noise is that it requires heavy construction or materials to stop the sound transmitting from the outside into the building. With leaf blowers, the low frequency components of the gas leaf blowers are what is most easily transmitted, and this is clearly seen in the testing results at 100-125 Hz. These sound levels of gas powered leaf blowers as measured inside the house, are significantly above those of the battery powered leaf blowers, even when both the gas and battery blowers are rated at the same level and measured at the same sound level at 50 feet.
- d. **How they Sound –:** We will demonstrate for you now the sounds of some leaf blowers as captured during our testing so you can experience the sound levels in a community with gas and battery leaf blowers. These samples are calibrated to represent the measured sound levels accurately, so your experience is as close as possible to the real measured conditions.

The first sample is a comparison of a gas and a battery blower with the same dB(A) from the manufacturers standardized testing. The important comparison is that while the overall loudness may be the same, the acoustic qualities of each and the character of the sound are totally different

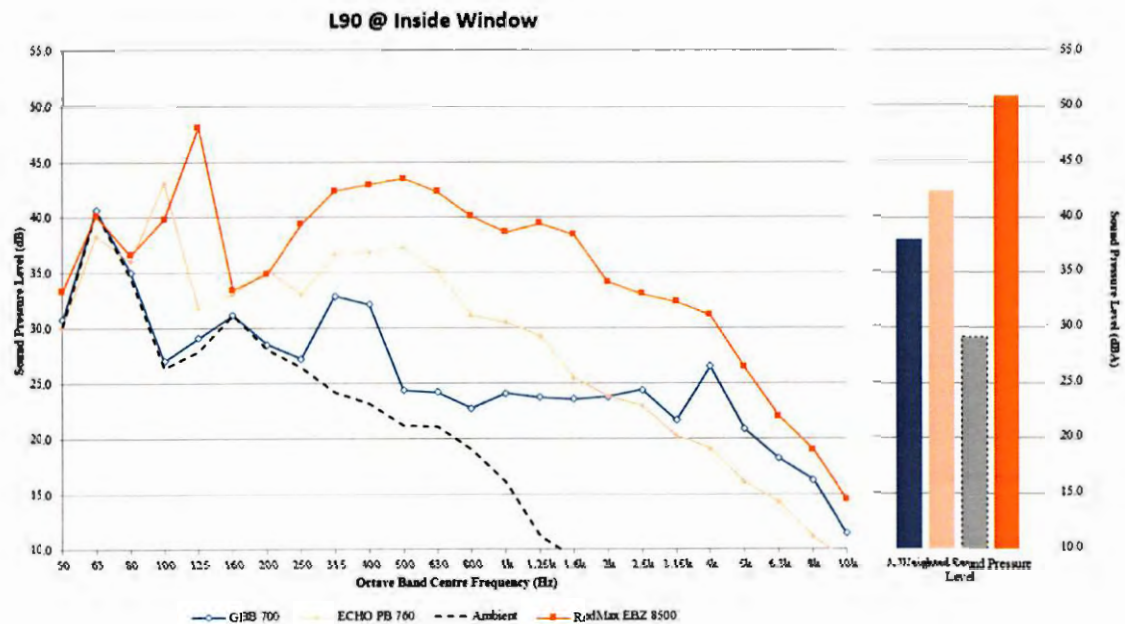
experiences. <Calibrated Audio Demonstration>.



Relative to impact on a community or specific individuals, it may help set the scene to imagine yourself in your own yard, doing your own thing – be it reading a book, relaxing on the deck or porch or sitting talking to your neighbor. This sample is the same two leaf blowers measured at 400 feet. <Calibrated Audio Demonstration>.



Our final demonstration is three leaf blowers as measured inside an adjacent house (Greenworks GBB 700, Echo PB 760 and the Redmax EBZ 8500), with the leaf blowers operating at 50 feet from the windows, behind a typical insulated glass window. <Calibrated Audio Demonstration>.

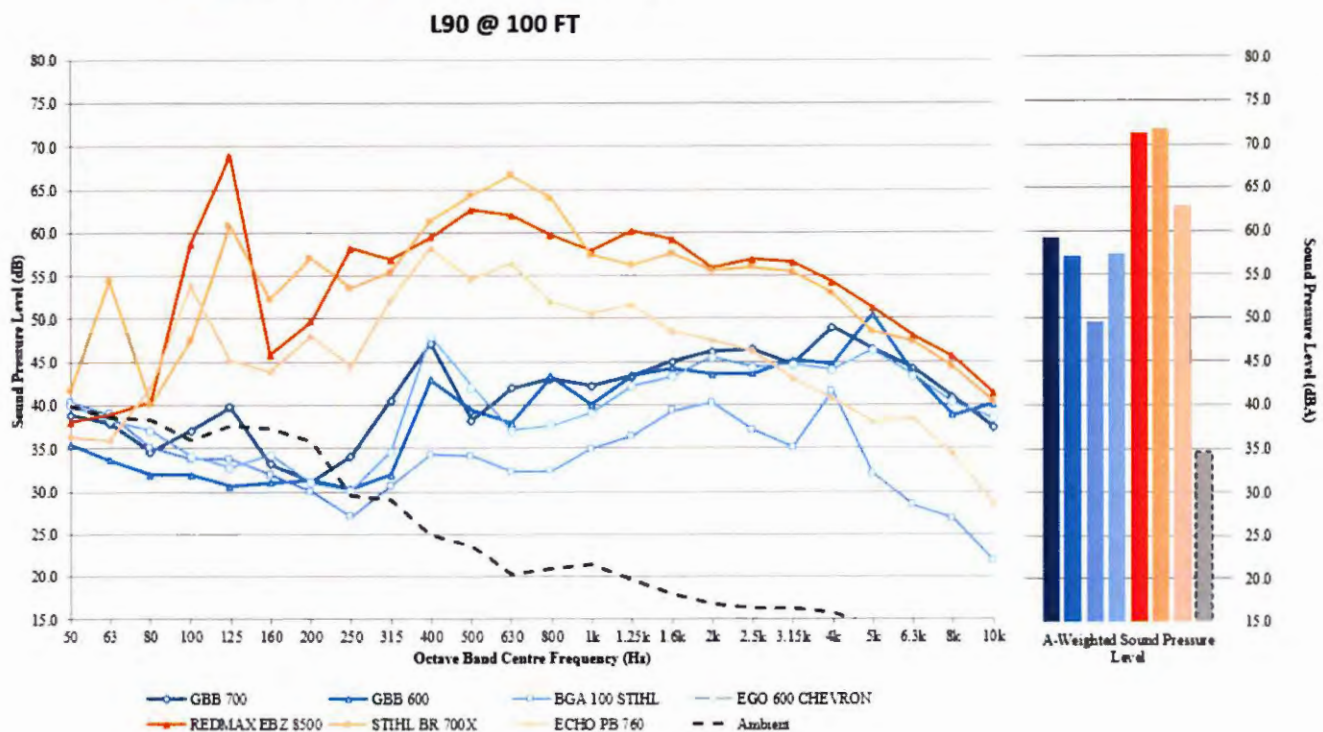
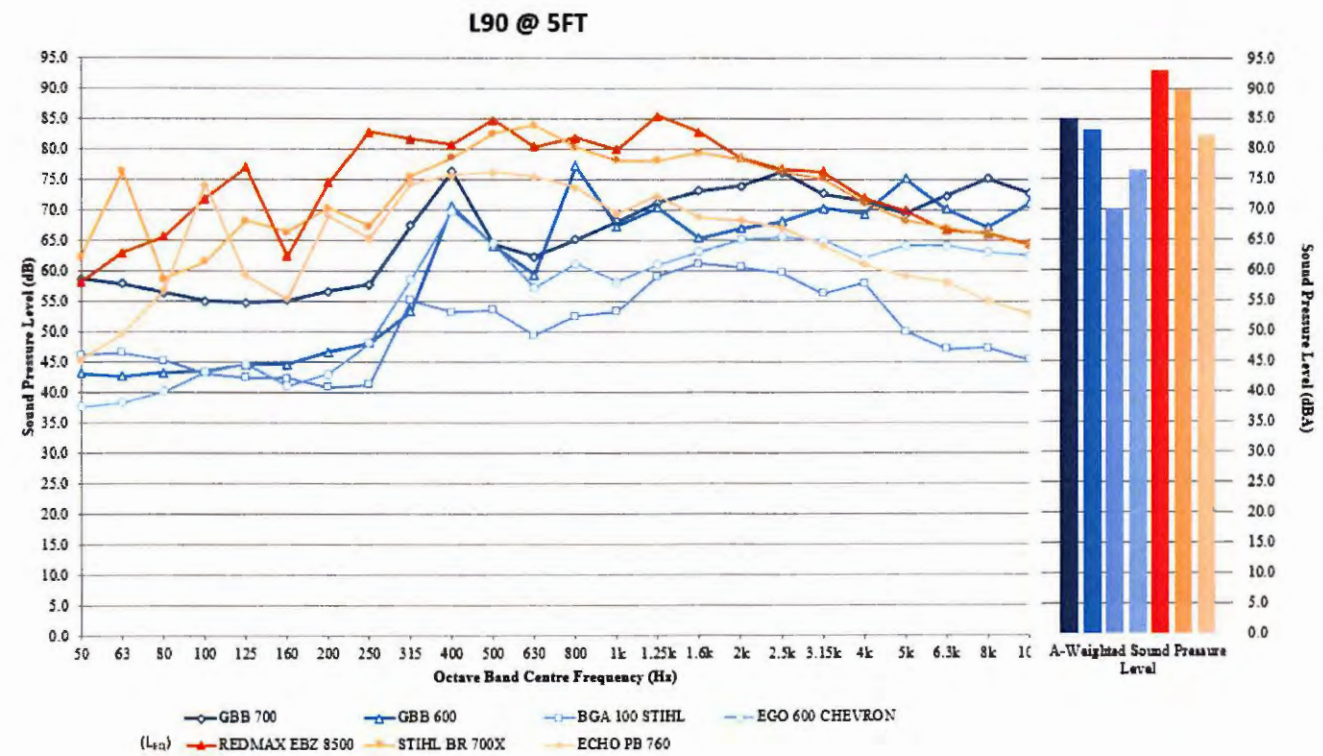


- In summary, our measurements indicate that the sound of the gas leaf blowers measured have a significantly greater low frequency component. This low frequency sound creates a different acoustic quality to the sound of gas leaf blowers vs. battery leaf blowers. Because low frequency sound travels further, is audible over greater distances, transmits most easily through the windows and glass doors of homes and is more audible inside the home. The measured Gas leaf blowers have a greater noise impact on the community than the measured battery powered blowers.

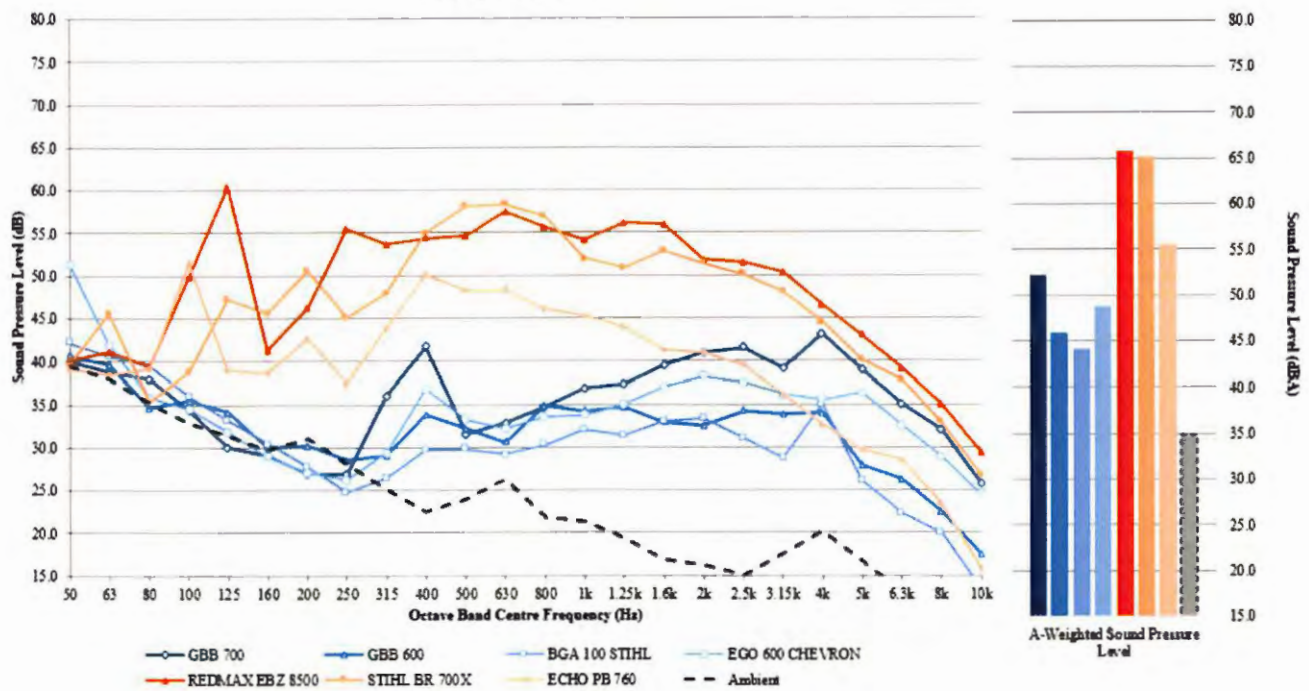
Notes and References:.

- ISO standard on sound propagation ISO 9613-2 outlines the higher rate of sound mitigation over distance for high frequency sound vs. low frequency sound.
- LEQ readings used for this single measurement due to an elongated measurement period with the blower idling which influenced the L₉₀ result.

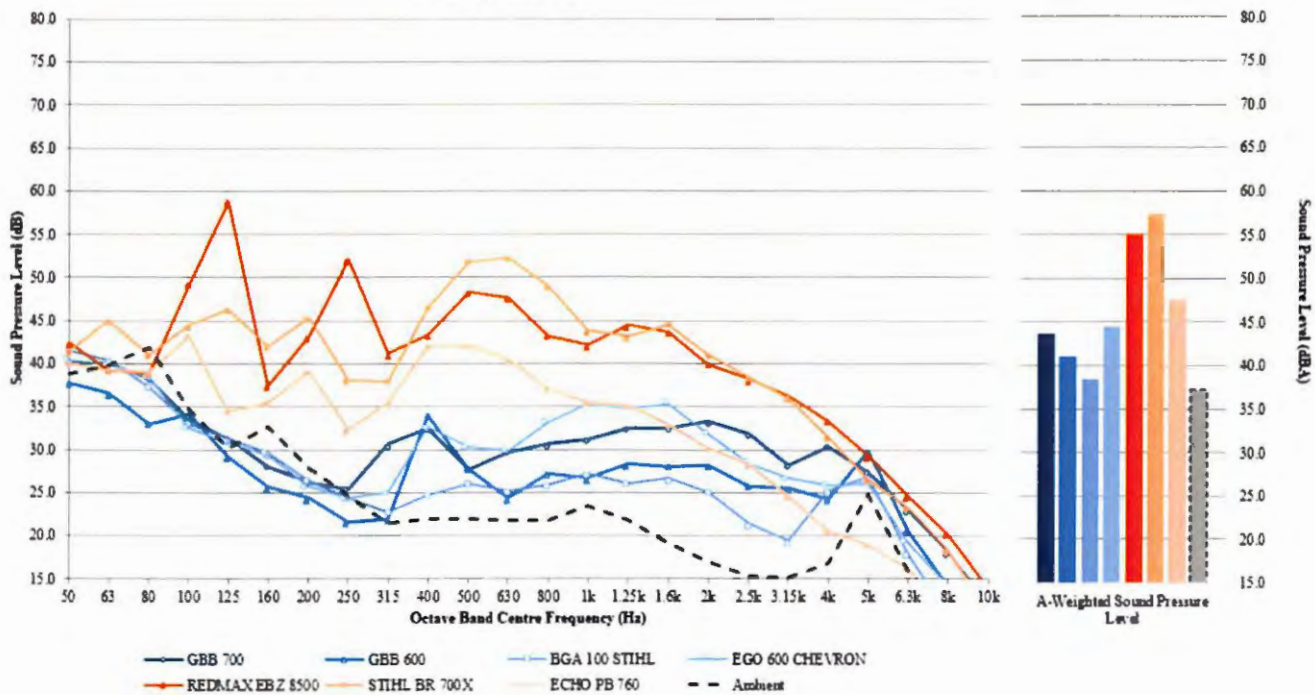
Appendix:



L90 @ 200 FT



L90 @ 400 FT



DC COW Testimony, July 2, 2018

Jamie Banks, PhD, MS

Executive Director

Quiet Communities, Inc.

My name is Jamie Banks. I am the Executive Director of QC, an independent non-profit organization. Our mission is to help transition landscape maintenance to low noise, zero emissions practices with positive solutions to protect the health of workers, children, the public and the environment. I was trained as a health care scientist and worked for many years in health outcomes, economics, and policy, before turning to environment. I hold master's degrees from MIT and Dartmouth Medical School, and a PhD from the University of Kent in the UK. I have been asked to testify about the impact of leaf blower noise on communities and on the health and well-being of community residents.

Today, gas-powered leaf blowers are ubiquitous throughout the country. They are widely used in the commercial landscaping industry, today worth around \$66 billion in annual revenues.

While gas blowers emit all manner of unhealthy pollutants, today we are focusing on the noise they emit. Noise emitted from gas blowers is part of the cumulative environmental noise in which we all live. Today, large numbers of people are involuntarily exposed to levels that are harmful to both hearing health and general health. Increasing concerns about environmental noise levels have earned it the label, "The New Secondhand Smoke."

Slide 1 (Organizations concerned with GLB noise)

Many health organizations are concerned with the noise produced by gas blowers and their potential health effects. Here's an example.

Slide 2 (HMS Special Report quote)

Slide 3 (Noise effects on health)

Extensive evidence from the medical and scientific communities has shown that high levels of noise have adverse health effects, ranging from heart disease and hypertension, to sleep disturbance, to psychological, cognitive, and learning issues, as well as plain old annoyance.

Low frequency noise is particularly concerning. In its community noise guidelines the World Health states, "If the noise includes a large proportion of low-frequency components, values even lower than the guideline values will be needed, because low-frequency components in noise may increase the adverse effects considerably."

The effects of excessive noise are particularly acute for children, seniors, people with hearing disorders and neurological conditions like autism and sensory deficit disorders – and those who are arguably among the most exposed – the more than 1 million workers in the landscape maintenance industry, over half of whom are Hispanic and Latino.

For those operators, noise at the ear is much louder than noise reaching anyone else.

Slide 4 (Popular models of GLB - sound levels)

Popular commercial models of gas leaf blowers are shown here – more than 100 dB at the operator's ear and up to 83 dB at 50 feet. Two are among the 3 gas blowers tested in the acoustic study. These levels are orders of magnitude above occupational and public health standards.

To examine the community impact of gas and battery blower noise, we applied the sound levels recorded in the acoustic study and applied them to a hypothetical urban neighborhood with 1/8 acre zoning. For each of the seven blowers tested, we calculated the number of homes affected by unhealthy levels of outdoor daytime noise defined as 55 dB by the World Health Organization and Environmental Protection Agency.

Slide 5 (neighborhood impact)

For the battery blowers, unhealthy noise affects between 1 and 6 homes. For the quietest gas blower, up to 23 homes are affected. For the other two gas blowers, up to 91 homes are affected.

In everyday terms, this means that unhealthy noise from a single gas blower can intrude into an area encompassing more than 90 homes, and presumably any outdoor playgrounds, parks, and schools in the neighborhood. This situation would be exacerbated if more than one gas blower is used on a property and/or when several properties in the neighborhood are being maintained.

The distress caused by gas leaf blower noise has prompted 170 communities across the country to enact legislation to ban or restrict their use. Many others are making similar efforts. Beyond the community level, the State of MA recently put out nation's the first technical specifications for commercial grade battery powered equipment to encourage state agencies, public schools, and municipalities to transition. Big-campus universities including Harvard, Yale, Florida State, NC State, Cal State, and U TX Austin are transitioning from gas to battery-powered equipment. In 2016, South Pasadena, CA became the first city in the nation to maintain all municipal lands and some routine work on its golf courses, year round with BPE. The Town of Southampton, NY is doing the same. More than 140 companies, some of which you'll hear from today, are now operating with battery powered equipment and manual tools at competitive prices. The National Association of Landscape Professionals named battery powered equipment among its top trends for 2018 stating that "Many lawn mowers, leaf blowers and similar equipment feature low or no emissions, are battery-powered, and are quieter." Finally, the Outdoor Power Equipment Institute has formed a committee and is developing standards for battery electric equipment.

© Quiet Communities, Inc.

Concerned with GLB Noise

- o American Speech-Language-Hearing Association
- o Children's Environmental Health Center
- o Children's Environmental Health Network
- o State Medical Societies
 - o New York
 - o Massachusetts
- o National Institutes of Health
 - o NIDCD
 - o NICHD
- o The National Academy of Engineering/Sciences
- o US CDC
- o US EPA
- o World Health Organization

CDC: Centers for Disease Control; EPA: Environmental Protection Agency; NICHD: National Institute of Child Health and Human Development; NIDCD: National Institute for Deafness and other Communication Disorders


Harvard Medical School: Special Report

The noise that causes sensorineural hearing loss is usually not one deafening bang but decades' worth of exposure to the high-decibel accessories of daily life: leaf blowers, car horns, traffic, movie theater sounds, and so on.

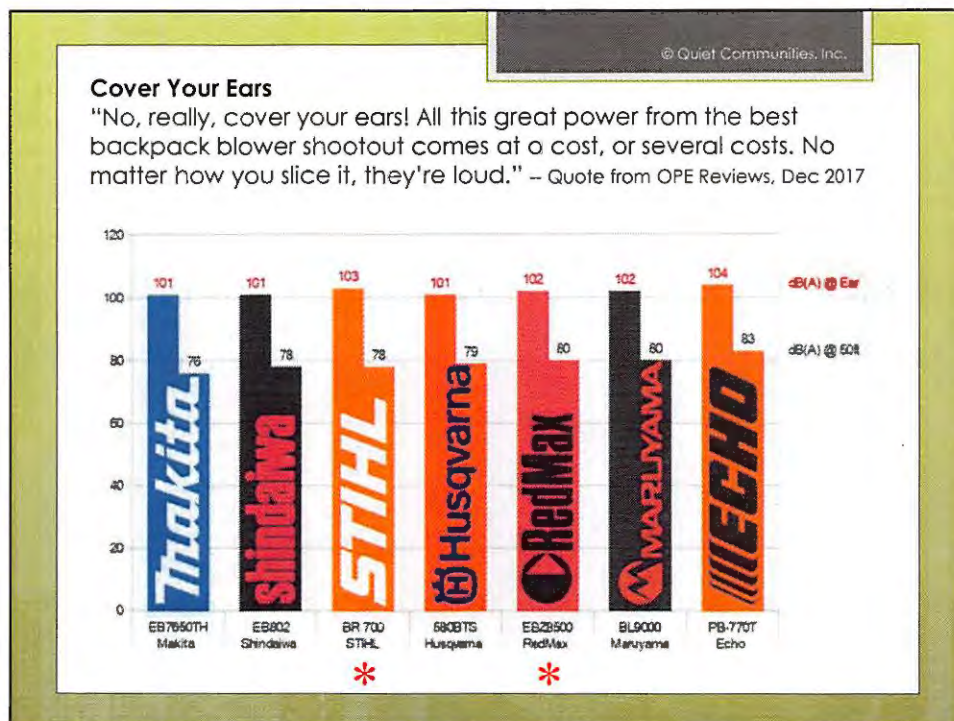
Source: *Hearing Loss: A Guide to Prevention and Treatment*, 2016.

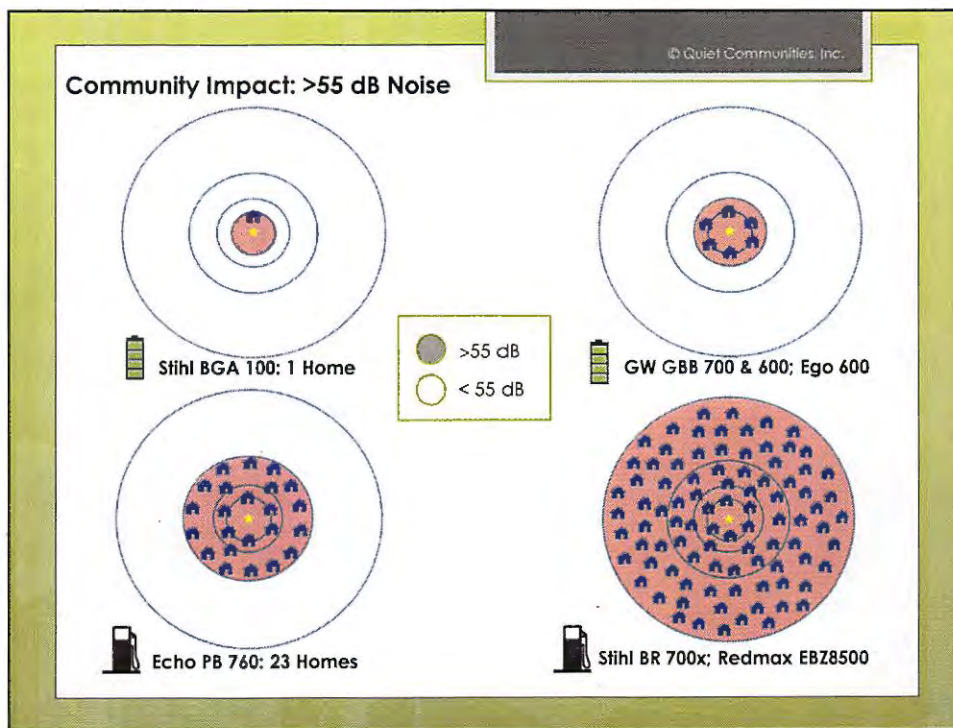
3 © Quiet Communities, Inc.

Noise pollution is an increasing public health problem.
 -- US Centers for Disease Control



- Hearing loss
- Tinnitus
- Cardiovascular effects*
- Immune system suppression
- Stress hormone release
- Sleep disturbance
- Impaired childhood development
- Impaired cognition
- Mental health problems
- Reduced work and school productivity
- Reduced quality of life





Statement by Gregg Easterbrook
D.C. City Council July 2, 2018
Committee of the Whole hearing on the Leaf Blower Regulation
Amendment Act of 2017 (Bill No. 22-234)

My name is Gregg Easterbrook. I am a contributing editor of *The Atlantic Monthly* and a fellow of the American Academy of Arts and Sciences. My *Atlantic* colleague James Fallows, the former White House official, is submitting for the record a detailed statement on what I will say in brief.

I've written extensively about the interaction of new technology and quality of life, including in my current book. The conclusion reached that is relevant to what the Council considers today is as follows. In every case – not in many cases, in every case – when clean new technology replaces obsolete technology, quality of life improves, costs are lower than expected and people say, “Why didn’t we do this sooner!”

Replacing out-of-date two-stroke gasoline leaf blowers with advanced battery powered models will be the same. Initially people will complain about excessive government intervention. Once the reform is in place they will say, “Why didn’t we do this sooner!”

A guiding example is the interaction between Americans and technology as concerns the automobile. For 50 years, cars have gotten safer, cleaner and more reliable while adding countless features. At every turn, industry predicted incredible expense, technical impossibility or consumer revolt. None of these things happened.

Today any new car emits about 1 percent of the smog forming emissions of cars of a generation ago, yet has more horsepower and higher mileage. Risk of death per mile traveled is today about one quarter what it was a generation ago. Meanwhile the inflation-adjusted cost of cars has not risen.

Yard equipment is of course not as important as cars, but moving from obsolete leaf-blower designs to new models will follow the same sequence – safer and cleaner with more benefits than costs.

This is especially true with the United States population aging, and chronic impacts of aging increasingly seen as public-health issues. One chronic impact, hearing loss, may not necessarily be something that “just happens.” It may have causes that can be addressed. One is the low-frequency sound produced by obsolete two-stroke motors.

If this sound were essential for the operation of society, well then, that would be that. But the sound of antiquated engines can be eliminated, and everyone will say, “Why didn’t we do that sooner!” In the process we’ll reduce smog-forming emissions, which would not be the purpose of the regulation but will be a nice bonus.

By acting now, the District can take a leadership position on this issue.

Thank you Chairman Mendelson and Councilmembers for this opportunity to testify.

My name is Susan Orlins and I am a longtime DC resident. I first joined QuietCleanDC because of the stress-inducing noise from gas-powered leaf blowers. I became more engaged with the group once we learned the devastating health effects these machines have on the workers who operate them.

Our group was convinced we had a compelling case for phasing out these outdated machines and phasing in the quieter, **battery-powered** leaf blowers. The sounds of these are much less damaging to operators and do not penetrate inside homes, hospitals, schools, etc. as the gas-powered ones do.

And, yes, we also researched and discovered that indeed battery-powered machines are effective and are being used by a growing number of landscape companies in DC, as well as nationally, and globally.

In fact, several municipalities have already taken the lead, ranging from the city of South Pasadena on the West Coast to the town of Southampton on the East Coast. Los Angeles and other cities are also transitioning. These cities maintain hundreds of acres of land with battery-powered equipment.

All we needed was a hearing before the DC Committee of the Whole to share with you what our countless hours of scrutiny demonstrated.

So we posted a petition on change.org that asked Chairman Mendelson to bring this bill to a hearing.

We were told not to expect more than a few hundred signatures, but in short order we had a thousand. Today our petition has 2,319 supporters, a vast number of whom are DC residents.

Let's have our nation's Capital take the lead on this important legislation! ~Susan Orlins July 2, 2018

Re: Bill 22-234, the “Leaf Blower Regulation Amendment Act of 2017”

Haskell Small, 3220 44th St. NW, Washington, DC 20016

July 2, 2018

Good afternoon. Thank you, Chairman Mendelson and Councilmembers, for the opportunity today to speak in support of this bill. My name is Haskell Small, I am a fourth-generation Washingtonian and reside at 3220 44th St. NW in Washington DC.

As a composer and pianist who works at home, I find the horrendous noise of gas-powered leaf blowers to be not only an intrusion on my right to peace and quiet, but also an invasion of my space, making it sometimes impossible to work. And in attempting to calm my nerves with a pleasant walk, I am often bracketed by the pervasive, wailing scream of these blowers operated by squadrons of lawn maintenance workers.

There are of course many other hazards produced by gas-powered blowers, but the noise alone is reason enough to ban these machines. Besides being an intolerable disturbance to the peace, this noise is an assault on our ears, causing irreversible hearing loss, and an assault on our nervous system, causing stress, sleeplessness and hypertension, not only for residents but especially for the workers, who typically operate these machines 8 hours a day.

There is another, under-appreciated hazard to workers using gas blowers- while pursuing their ludicrous practice of blowing leaves and debris into the street, they are risking their lives. I recently observed a worker outside my house who danced in front of an approaching SUV, oblivious to the oncoming traffic because of the blaring sound of his gas blower. I googled a little and came up with a dozen incidents resulting in injuries and deaths to workers in this situation. Note that this is not an issue with battery-pack blowers, as their higher pitched, less-growly sound doesn't mask the sound of approaching traffic.

These outrageously loud machines have no place in a civilized community. By passage of this bill, encouraging the replacement of gas-blowers with battery-powered blowers, you will be offering a gift to everyone. Homeowners will have the right to pristinely manicured lawns, their neighbors' rights for peace and quiet will be respected, maintenance companies will have an effective tool that they can employ profitably and responsibly, and their workers will have the right to live productive, healthy lives.

Thank you again, Chairman Mendelson and the Committee members for this opportunity to address this vitally important issue. I would be happy to take your questions.

Re: Bill 22-234, the "Leaf Blower Regulation Amendment Act of 2017"
July 2, 2018

My name is Lucia Buchanan Pierce, and I am a longtime Ward 3 Resident. I'm here to introduce a video on behalf of my friend Deborah Fallows, a founding member of QCDC. Ms. Fallows regrets she cannot be here because of an unbreakable prior commitment.

In Ms. Fallows words:

The video will show Eugene Jackson, whom I've known and respected for several years; he is an award-winning lifelong groundskeeper at the University of Redlands in Redlands, California. Mr. Jackson will describe the effects of his hearing loss, resulting from decades of operating gas-powered leafblowers. Recently, Mr. Jackson was able to switch to battery-powered blowers, which he demonstrates in this video.

Testimony of Deborah Shore
Representing the Ward 3 Democratic Committee
Hearing: Committee of the Whole
B-22 234, Leaf Blower Regulation Amendment Act of 2017
Room 412, John A. Wilson Building
2:00 p.m. Monday, July 2, 2018

My name is Hugh Allen and I am testifying on behalf of the Ward 3 Democratic Committee (Ward 3 Democrats) which supports this legislation. The Ward 3 Democrats is composed of over 90 Ward 3 Democratic Party activists with representatives elected from each precinct in Ward 3.

I wish to thank Chairperson Phil Mendelson and other members of this Committee for the opportunity to provide testimony. I also wish to thank Councilmember Mary Cheh, the sponsor of B-22 234, the Leaf Blower Regulation Amendment Act of 2017, and the bill's co-sponsors, Council Members Allen, Grosso, McDuffie, and Bonds.

On June 4th, the Ward 3 Democrats passed, unanimously, a resolution (attached) in support of the Leaf Blower Regulation Amendment Act of 2017 (Leaf Blower Bill). The Leaf Blower Bill, which will prohibit the use and in most instances the sale of gas-powered leaf blowers in the District of Columbia (District) as of January 1, 2022, will be a boon to the health of residents of the District as well as to any person previously operating gas-powered leaf blowers in the District who switches to another type of blower.

Gas-powered leaf blowers are extremely noisy. The noise from gas-powered leaf blowers is painful and possibly dangerous to the ears of people nearby and disturbs the peace of neighborhoods where used. Such leaf blowers, in their immediate area, greatly exceed noise limits deemed safe by the Environmental Protection Agency and the Occupational Safety and Health Administration and are clearly dangerous to their operators. According to Hammer, Monica S., Swinburn, Tracy K., and Richard L. Neitzel, "Environmental Noise Pollution in the United States: Developing an Effective Public Health Response," *Environmental Health Perspectives*, vol. 122, no. 2 (2014) 116-119, noise loud enough to cause hearing loss can also raise blood pressure and may contribute to heart disease.

<https://static1.squarespace.com/static/57e80a57414fb52bddd431f1/t/58657eda29687f72172b5c39/1483046618986/us-environmental-noise-pollution.pdf>

Additionally, gas-powered leaf blowers are a further health hazard as well as an environmental hazard as they produce fine particulate matter and ozone causing chemicals.

Therefore, we urge the Council to pass and the Mayor to sign the Leaf Blower Bill.

Thank you for the opportunity to testify today. I would be happy to answer any questions.

RESOLUTION OF THE WARD THREE DEMOCRATIC COMMITTEE IN SUPPORT OF "THE LEAF BLOWER REGULATION AMENDMENT ACT OF 2017"

WHEREAS, the noise from a gas-powered leaf blower in the immediate area of such a blower far exceeds noise levels considered safe by the EPA and OSHA and, thus, is dangerous to the ears of the person operating such a blower; and

WHEREAS, the noise from gas-powered leaf blowers is painful, if not dangerous, to the ears of other nearby persons and disturbs the peace of our neighborhoods; and

WHEREAS, gas-powered leaf blowers are a health hazard as they produce fine particulate matter and ozone forming chemicals; and

WHEREAS, gas-powered leaf blowers are so powerful that they disturb topsoil and disperse a variety of substances including, fungi, microbes, and pollen into the air, putting workers and passers-by at risk; and

WHEREAS, electric/battery powered blowers are considerably quieter, do not produce fine particulate matter or ozone forming chemicals, and operate at lower speeds causing less soil disturbance; and

WHEREAS, Councilmember Cheh has introduced the "Leaf Blower Regulation Amendment Act of 2017" to prohibit the use of gas-powered leaf blowers in the District as of January 1, 2022, providing time for homeowners and lawn care companies to switch to electric/battery powered mowers;

THEREFORE, it is hereby resolved by the Ward Three Democratic Committee (Committee) that:

1. The Committee supports the "Leaf Blower Regulation Amendment Act of 2017".
2. The Committee requests that Chairman Mendelson hold a hearing on the Act without delay.
3. The Chair is authorized to take all reasonable actions to implement this resolution.

Passed Unanimously on June 4th, 2018

Testimony of Anne Cauman
Hearing: Committee of the Whole
B-22 234, Leaf Blower Regulation Amendment Act of 2017
John A. Wilson Building
2:00 p.m. Monday, July 2, 2018

My name is Anne Cauman. I live at 4405 38th Street, N.W. in Ward 3. I want to thank the Committee for giving me the opportunity to provide testimony.

I am a gardener and am passionately in favor of the Leaf Blower Regulation Amendment Act of 2017 (Leaf Blower Bill) because leaf blower noise drives me crazy when I garden.

It wasn't so bad several years ago when leaf blowers were mainly used in the fall, but in the last three or four years in my neighborhood they seem to be in almost constant use. Many home owners relatively near me (including two of my three closest neighbors) use lawn services which routinely use leaf blowers. I use a lawn service to mow my lawn, but do NOT routinely have them use leaf blowers. In the fall, even though we are senior citizens with orthopedic issues, my husband and I normally rake our leaves.

The longer that leaf blowers have been used a lot while I am gardening, the more sensitive I have become to their noise and other loud noises. After awhile I bought myself ear protectors to put on when I heard leaf blowers. First, I tried protectors which blocked out 20db of noise, but soon bought 30db protectors even though they are less comfortable. I keep them with my gardening equipment.

At the same time that I became more sensitive to noise I began having hearing problems and now wear hearing aids at least part of the time. Long before I had heard of the Leaf Blower Bill, I became convinced that noise exposure in my yard was related to my hearing loss (although I had no proof). When I first read in the Northwest Current that Councilmember Cheh had sponsored a bill to ban gas-powered leaf blowers I was thrilled because I want to get rid of that noise. My only concern is that the ban will not take place until 2022.

When I recently learned that gas-powered leaf blowers also spew out large amounts of particulates and ozone, my opposition to them strengthened.

I know that there is concern about the cost of replacing gas-powered leaf blowers. Alternatives are getting cheaper and more powerful. But, in any case, I think the most important thing is peace and quiet and health – my health and the health of lawn care workers whose exposure to noise and air pollution is worse than mine. The equities lie with safety. Safety, not money, should be the Council's main concern. Health problems will also cost money and it probably will not be big lawn care companies paying for that.

Thank you Chairman Mendelson and Council members for the opportunity to speak about stress and the lower quality of life from gas leaf blowers.

My name is Joey Spatafora, and I have three problems with gas-powered leaf blowers: They are

- 1) In my bed,
- 2) In my home office, and
- 3) On my sidewalks.

From my fourth-floor Connecticut Avenue apartment, I experience almost daily exposure to gas-powered leaf blowers, often throughout the day.

I work from home as an engineer, and also spend time in loud computer server rooms. I've also played in a rock band, so I'm no stranger to loud noise.

I have no problem with the sounds and traffic noise of Connecticut Avenue; however, gas-powered leaf blowers' sound is different: it disrupts my work, concentration, and walks. Often, a gas leaf-blower disrupts my business conference calls, making it difficult to concentrate or even hear my co-workers.

It's not unusual for my workday to begin with the sound of gas leaf blowers before 8:30. Operators circle the building across the street year-round. Sometimes they even jar me awake.

I've tried several solutions on my own:

- 1) Expensive noise-cancelling headphones, but they almost amplified the leaf blowers because they blocked out most other sounds instead;
- 2) Weather stripping to seal window frames. This didn't work, because the sound penetrates windows. and, I'm told, walls;
- 3) "Noise reduction" companies to seal my window, but this was neither feasible nor affordable in a rental apartment.

So I resort to auditory masking instead:

- 1) I turn on the dishwasher—even if I have no dirty dishes—and
- 2) I play loud rock music.

Now, let's go outside.

On daily walks around the block, I see:

- 1) Gas leaf blowers on both sides of the street.
- 2) Leaf blowers on the sidewalk as pedestrians, dogs, and parents pushing strollers try to walk past.
- 3) Multiple teams of leaf blowers creating the particular screaming drones of gas-powered leaf blowers from several directions at once. I hear them because the sound carries so far. Sometimes as many as three operators at once blow the same property.

We live in a dense, walkable city that is incompatible with these loud and hazardous machines that operate within earshot of our living rooms, kitchens, and bedrooms. Even on the fourth floor above one of our busiest streets.

I urge you to phase out gas-powered leaf blowers in favor of safer, more considerate battery-powered ones.

Thank you again for this opportunity.

WRITTEN TESTIMONY OF ANN LANE MLADINOV
2819 39TH ST NW, WASHINGTON, DC 20007
TO THE DC COUNCIL HEARING BEFORE THE COMMITTEE OF THE WHOLE
MONDAY, JULY 2, 2018
ON B22-0234 LEAF BLOWER REGULATION AMENDMENT ACT OF 2017

Thank you, Mr. Chairman and members of the Council, for holding a hearing on the proposed Leaf Blower Regulation Amendment Act of 2017 and requesting public comments.

I'm an ANC Commissioner in Glover Park-Cathedral Heights but I'm speaking as an individual, not as a representative of the ANC. Like many ANCs, we have heard concerns about noise from leaf blowers and have had several discussions on the subject over recent years. Along with so many policy challenges facing the city, we rely on the Council to research the issues, have informed deliberations, and come up with sound answers to deal with the problems.

The issue is complex, raising questions of the environment, public health and safety, technology, costs, economic and financial impacts on residents and businesses, legal jurisdiction, enforcement authority and the levers available to make things happen and achieve public purposes.

I am concerned that the legislation as written does not:

- A - identify the problem carefully enough--the who, what, where, when behind leaf blower noise
- B - effectively target the most noisy and offensive leaf blowers and how/when/where they are used
- C - create enforcement mechanisms that will work to get at the problem of leaf blower noise
- D - provide relief to residents in the short term (since the effective date is not until January 1, 2022)

It seems clear that many residents do not like hearing the leaf blowers, especially for prolonged periods, in their homes when they are trying to read, work, sleep, get children to sleep, or have the peace and quiet they want in their residences. The high pitched sounds are a particular problem, but so is the duration of the noise.

Quiet Clean DC asked to make a presentation to my ANC earlier this year, supporting the proposed bill 22-0234, and we raised several questions including when residents might begin to notice a difference, how much it would cost current owners of leaf blowers, whether the ban is targeting the devices that are going to be causing the major problems, and how well it could be enforced. I asked about the fact that some of the most popular and best rated leaf blowers on the market are now electric and they are just as powerful and create noise levels in decibels that are just as high or higher than the best rated gas leaf blowers. That is partly because manufacturers have been trying adjust to consumer interests, so they are making electric leaf blowers more powerful and they are making gas leaf blowers quieter and cleaner. The QCDC information sheets did not seem up to date on these changes.

All the members of my ANC recommended asking the Council to hold a hearing on the proposed legislation. I recommended that we encourage the Council to consider noise from leaf blowers beyond just those powered by gas and to take action that would most effectively target the noise problems people we see today and expect in the future. The other ANC members went with the QCDC recommendation to support the proposed legislation, hoping the Council would sort out any problems--We do trust Councilmember, Mary Cheh, to do the right thing on issues of energy and the environment! So the vote was 4-1 on our resolution.

A number of other ANCs in the area have also looked into the leaf blower issue and some have supported the proposed legislation but ANC3F also raised questions about the way the proposed bill is structured, the types of leaf blowers that are targeted, and the enforcement mechanisms, and asked the Council to look into the technology, costs and financial impacts, and adopt performance-based standards rather than a gas leaf-blower ban. I commend to you their resolution of April 17, 2018.

Citizens and ANCs have limited resources for in-depth research and cannot bring together all the informed witnesses that the Council has the capacity to hear from. I hope the Council will take a close look at what the legislation does compared to the nature of the problem we are trying to solve, assesses the regulatory approaches available, balances the cost considerations, and comes up with a better way to address the issue.

Like our ANC members, I believe the Council does not just want to just take action to make people think we're doing something, we want to get to a solution that will actually make a positive difference.

I would like to see the Council take an in-depth look at:

1. What is the problem we are trying to solve?

What causes the irritation, what times and other circumstances situations make it most problematic, who is behind the offending behavior, and where is it usually occurring? Is the greatest problem caused by homeowners using leaf blowers on their properties, or contractors at large buildings? Is there a difference in the effect by the type of device, the time it is used, the length of time, etc.? And who has the ability to change those various elements—the individual homeowner, a building manager, a contractor, a tenant or homeowner association, neighbors, regulators, vendors?

2. What is the current and expected state of leaf blower technology and how will that affect the noise potential and use patterns of the devices in the city for residents and commercial use in the coming years?

3. How well are the proposed provisions designed to deal with the changing technologies, use patterns, and noise profiles of the leaf blowers and related devices we are likely to be seeing?

4. How well are the proposed provisions designed to get current owners to give up the offending devices they now own and replace them with less noisy and harmful devices in the future?

5. What mechanisms other than a ban on gas-leaf blowers are available for influencing behavior to reduce or eliminate the problems associated with leaf blower noise, and which ones could be more effective?

a. Could the city achieve significant improvement through better public information to residents, building managers, lawn and garden maintenance teams, retail suppliers, and enforcement personnel?

b. Are there incentives or disincentives that could motivate various parties to make better choices?

c. Would consultation, coordination, or partnerships among actors improve the situation for residents?

d. What is the best balance to strike to achieve effective results for residents without excess costs to residents or businesses, inefficiencies, work-arounds and other weaknesses in the regulatory approach?

To adopt useful legislation, the Council really should know more precisely the nature of the challenge, when and where and how it most often arises. The Council also needs to evaluate carefully why the existing regulations do not work to alleviate the problem. The city adopted noise regulations that make it illegal for anyone to operate a device like a leaf blower if the sound exceeds 65 dBA within 20 feet of the device. I do not know if anyone has been successfully cited for a violation for using a leaf blower under that statute, but it clearly has not worked to prevent noisy, disruptive, and even dangerous leaf blowers.

Why has the noise regulation not worked? It is my understanding that the city has very few people in a position to enforce a noise complaint, whether located at a fixed facility such as a bar or restaurant or associated with a “mobile source” such as a leaf blower. And even when if you can get a regulatory official from DCRA to come out to a site to examine a complaint, the only way that individual can issue a citation is to have a professional quality device for measuring the sound level at the scene when she or he is there, identify with certainty that the noise exceeds the allowable level, and find someone responsible for using the device and/or causing the unlawful noise. That is extremely difficult in any case, because the offending person generally has plenty of time to adjust the sound, turn off the offending device, or leave the location before a regulatory official can arrive on the scene and take the required measurements. The proposed legislation would present the same difficulty in getting a person on the scene who could measure the sound level and confirm a violation has occurred. No new staff is identified to carry out the regulations, no new resources are identified to be used for this allotted to this function, MPD and DCRA staff do not have enough time to carry out this responsibility, and there is no clear answer to how this could be achieved.

Who would check whether someone was buying one of the leaf blowers banned by the law with the intent of using it in the District? Would there be some prima facie evidence, such as that an individual is buying the leaf blower for personal use and the person resides in the District? Would any contractor with a business address in the District be assumed to be intending to use the device in the District? Would the city require a purchaser of a banned leaf blower to sign an affidavit at the point of sale saying the device would not be used in the District? Would there be a larger fine for violating the commitment in the affidavit?

It is my understanding that each leaf blower currently on the market is rated and labeled with the level of noise it creates at a specified distance. Would it be helpful to post the information with leaf blowers for sale in any District establishment, making clear which ones are rated as violating the District noise standards for leaf blowers? This information could also be posted on the web, in PSAs and flyers to residents, building managers and contractors noting the high noise levels and risks associated with various leaf blowers. It could become a violation to be found using one of the leaf blowers rated as exceeding the legislated noise limit.

If the most irritating noise is the higher pitched sounds, which are not as common for electric leaf blowers and can also be reduced or muffled on some gas-powered leaf blowers (see <https://reactual.com/home-and-garden/quietest-leaf-blower-2017.html>, that should also be indicated on labels and could be included in published lists of leaf blowers that exceed city noise limits.

With a list of the exceedingly noisy and irritating models or types of leaf blowers on the market, it would be possible not only for individuals to select less aggravating and potentially harmful leaf blowers, and for building managers or tenants/owners associations to commit not to use equipment on that list and to choose only contractors who do not use equipment on that list.

If the Council determines the specific uses of leaf blowers that are most disturbing to residents, such as:

- prolonged use (20-30 minutes or more), which may be most common at large commercial properties
- repeated use over a short span of time, such as every morning to clear a front walk or drive (which also may be most common at large commercial properties)
- use at times when people are trying to sleep, such as first thing in the morning

that could point to other avenues that could be useful to pursue in regulation, such as mechanisms that would penalize using leaf blowers more frequently, beyond a specified length of time, or before a certain hour. One suggestion was to ask for leaf blowers to be used no more than once a week.

One possibility would be for a specific area to try a pilot project to see how a more carefully targeted set of provisions could work to reduce irritating leaf blower noise and avert use of the noisiest leaf blowers.

Options for Pilot Project to Reduce Leaf Blower Noise

- **meeting and talking with local residents, building managers, landscaping companies, retail vendors** of leaf blowers, etc., to discuss the noise problems reported with leaf blowers and various potential recommendations for improving the situation, to gauge community concerns and interests, the level of support for various prospective approaches, and concerns about potential costs and drawbacks
- **distributing information on noise problems with leaf blowers, city regulations and the pilot program** using the web, listservs, Facebook, Twitter, doorknob hangers, and flyers.
- **organizing demonstrations of leaf blowers** to show the difference in noise levels from loudest to quietest
- **working with tenants/owners associations, building managers, and apartment management companies to let them know about quieter and less harmful leaf blower options** and encourage them to commit to having their staff and contractors using only leaf blowing equipment that does not exceed the city's noise limits.
- **working with local retail vendors of leaf blowers** such as Ace Hardware to display the noise level ratings of all leaf blowers and organize coupons or other promotions to encourage purchase of those that meet city noise limits (for example, a "buy back" program providing a \$50 coupon to each customer who trades in a gas leaf blower rated as exceeding the noise limits).
- **setting restrictions on use of leaf blowers** such as no longer than 10 minutes in an hour, no more than once a week at the same location, no earlier than 9 am on weekdays/10 am on weekends or holidays.
- **requiring ear protection for users of leaf blowers** exceeding a specified noise level rating, with fines
- **developing an app, online and/or paper form for residents to report a property or individual** using a leaf blower that goes beyond established time restrictions or is listed as exceeding allowable noise levels or not using ear protections. Three reports covering different days/instances could trigger a citation/fine.
- **allowing someone receiving a citation to present evidence their leaf blower does not exceed the noise limits** or they've turned in the leaf blower and purchased a leaf blower that meets the limits, and avoid a fine
- **collecting data on the effects of each of these initiatives**, in number of devices retired/replaced, hours of irritating noise eliminated, number of buildings and retailers and landscaping companies participating, etc.

Since Ward 3 has been a focus of discussions about leaf blower noise, a pilot program in that area would probably make sense. I would be happy to help bring people together to organize and launch that idea and gather the key data on results, so the Council and executive could see how it works.

I would be glad to share any background information I have. Attached are some additional questions related to the proposed legislation B22-0234. I believe the impetus for the bill is to get some improvement for residents, sooner rather than later, and I want to do what I can to support that objective.

QUESTIONS RE BILL B22-0234 TO BAN GAS-POWERED LEAF BLOWERS

1. Since noise is the most frequent source of objection to leaf blowers, it would be important to know the noise levels from electric leaf blowers v. gas-powered leaf blowers, especially the newest electric (cord or battery-powered) models available for a) residential use and b) commercial use. Some consumer reports indicate high levels of noise from highly-rated new electric-powered leaf blowers (which are being built with more power because customers didn't think they got enough blowing capacity from the early lower-speed models of electric leaf blowers).

2. Most residential customers purchase small hand-held leaf blowers, sometimes under \$100, and use them only a few times a year. (EPA's 2011 study showed that 100% of leaf blowers under 1 horsepower/hp were used by individual residents and 92.5% of leaf blowers 1-3 hp, while 100% of leaf blowers >3 hp were in commercial use.) That same study reported that residential leaf blowers were used 9 hours per year while commercial leaf blowers were used 282 hours per year. This may go along with the perception that leaf blowers used at commercial properties are the source of more noise, more prolonged noise, and more complaints than leaf blowers in residential use. Are there larger electric and battery-powered blowers available that commercial landscaping crews would be able to use if they could not use gas-powered leaf blowers, or would they have to find a different alternative, such as a lawn mower with vacuum or bagging capacity? What would be the effect on noise levels, emissions, health, and costs?

3. How does the noise from gas-powered leaf blowers compare to noise from other gas-powered lawn and garden maintenance equipment (lawn mowers, trimmers, edgers, "weed whackers"), especially the frequency and loudness of the sound, as well as the hours of use, since those seem to be characteristics that create the greatest annoyance?

4. Another major concern about gas-powered leaf blowers is emissions of carbon dioxide, nitrous oxides, benzene and other volatile organic compounds which can be carcinogenic, as well as soot and other particulate matter which can create health problems for those with asthma or other respiratory difficulties. How do emissions of those compounds from gas-powered leaf blowers compare to emissions from other gas-powered lawn and garden maintenance equipment that might be used as a substitute? (Electric leaf blowers do not emit CO₂, NO_x, benzene or other VOCs, but can blow particulate matter, especially in the newer leaf blowers with high blowing power.)

5. How do the noise levels from gas leaf blowers compare for 2-stroke engines v. 4-stroke engines used for residential purposes (less than 3 hp) and also for commercial leaf blowers (especially 4-stroke engines over 3 hp)? Are the advances in muffling noise from leaf blowers affecting commercial models more than those in residential use?

6. How would the proposed legislation be enforced? (The bill says the Mayor may enforce the provisions of the bill by issuing a notice of infraction pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act; adjudication would be handled under that same Civil Infractions Act; and a fine of no more than \$500 could be levied, but there is flexibility: "Civil fines, penalties, and fees may be imposed for any infraction.")

- Would individual residents be asked to report to 311, DCRA or someone else in city government when they observe a leaf blower they believe to be gas-powered a) being sold for use in the District or b) being used in the District?

- Would a store be responsible for checking the ID/street address of a purchaser of a gas-powered leaf blower or would the ban on sales for use in the District be on the honor system, left to the customer (which appears to be the expectation from the provision that the store would simply be required to post a "conspicuous notice" that any gas-powered leaf blower may not be used in the District)?

- Some of the regulatory options raise parallels to provisions for reporting overgrown vegetation or unsightly refuse. In those cases, DPW comes out to check, takes pictures and issues a citation. But in those cases, the offensive material is static, whereas a leaf blower can be quickly shut off and removed from sight. Would a city official come to the site of a reported use of a gas-powered leaf blower, check whether the machine is a gas-powered leaf blower and determine if it had been used at that property? Or would the city send a citation when a violation is reported by a resident or observer who is not a DCRA official?

- Would the individual or company reported to be using a gas-powered leaf blower be given a chance to provide evidence that they were not using that type of device at the reported time and location?

- Would the city issue a fine on the first reported use, or issue a warning? Would the emphasis be on the penalty or would the city make an effort to ensure that the individual or company does not use the offending leaf blower again?

- Would the order and fine go to the commercial company, if a professional lawn service is reported to be the party using the leaf blower, or would the fine go to the property owner (resident or commercial client using the service)?

- Would a \$500 fine for each reported (and verified) infraction be sufficient to deter a commercial company from continuing to use a gas-powered leaf blower?

- How would the city or DCRA ensure that enforcement would be effective and equitable?

- What would the cost implications be for individuals or companies of proposed ban and fines, if they were enforced?

- How many or what proportion of gas-powered leaf blowers are expected to be retired/cease to be used under the proposed ban? What proportion of the hours of noisy leaf blower use would be eliminated? On what timetable?

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE**

1350 Pennsylvania Avenue, NW,
Washington, DC 20004

STATEMENT OF LUCIAN PUGLIARESI

July 2, 2018

RE: Bill 22-234, the “Leaf Blower Regulation Amendment Act of 2017”

Mr. Chairman and Members of the Committee of the Whole, thank you for this opportunity to testify today in favor of the Leaf Blower Regulation Amendment Act of 2017, introduced by Councilmember Mary Cheh. My name is Lou Pugliaresi. I am resident of the District of Columbia.

My wife and I moved to Wesley Heights in the District of Columbia to live in a neighborhood with shaded streets and large backyards that was also close to work. We made the right choice. Wesley Heights proved to be a wonderful neighborhood to raise our family. I also had the privilege of serving for several years as President of the Wesley Heights Spring Valley Citizens Association. Within the last five years, however, our view of living in Wesley Heights has fundamentally changed, due to the unrelenting noise of the gas-powered leaf blowers.

At first, leaf blowers were primarily used only during the Fall. Now, however, they are in use year-round, regardless of the weather, rain or shine. The noise begins early in the morning and often does not recede until after 7pm, Monday through Saturday. The impact on the quality of our life has been significant. We are now unable to open the windows in our home during the day for fresh air. Even with closed windows, the sound permeates the rooms of our house, requiring us to use fans, headphones and other noise-cancelling machines indoors to drown out the revving of the leaf blowing engines. We are also no longer able to use our decks, one of the reasons we moved to Wesley Heights. In short, we have arrived at an absurd outcome for little or no perceptible gain. Most of the time, the blowers are being used to move only a few leaves off lawns and walkways to achieve a short-lived pristine look made possible only by the advent of the leaf blower.

It is hard to understate the impact of the noise. When the blowers are in operation across the street, the noise when standing at the front door often exceeds 70 decibels far above the DC residential daytime limit.¹ This is because blowers often operate in pairs, which increases the noise level significantly. When we have asked workmen to stop for dinner guests, they have correctly responded that there is no law against their use. We have reluctantly concluded that legislation is needed. The noise from gas powered leaf blowers represent a classic externality,

¹ Note decibel measurements use a logarithmic scale, rather than a linear one. A 10-dB difference represents a tenfold increase in intensity.

one that cannot be underestimated in its impact on the quality of life. As many of us work from home, the frustration is enormous. Wesley Heights is no longer a pleasant place to live; our homes are no longer relaxing.

We strongly support the legislation, but would request that the ban be imposed earlier, rather than 2022. We have an electric lawnmower and leaf blower and are happy to report that both work well, producing much less noise.

Banning the use of gas powered leaf blowers would also have the secondary benefit of significantly reducing ozone-forming emissions. It makes very little sense to ask consumers to pay significantly more for fuel-efficient vehicles when the increased emissions from the unfettered use of gas-fired leaf blowers risks eliminating the benefit.²

Thank you for this opportunity to testify. I would be happy to answer any questions.

² The California Air Resources Board now estimates that the emissions from leaf blowers could exceed vehicle emissions by 2020. <https://www.npr.org/2017/02/28/517576431/california-weighs-tougher-emissions-rules-for-gas-powered-garden-equipment>



July 2, 2018

The Honorable Phil Mendelson
Chairman, Council of the District of Columbia
1350 Pennsylvania Avenue, NW
Washington, D.C. 20004

Re: Written Testimony in opposition to B22-034, "The Leaf Blower Regulation Amendment Act of 2017"; public hearing before Council Committee of the Whole, July 2, 2018

Chairman Mendelson and Members of the Council:

My name is Daniel Mustico, I serve as Vice President of Government & Market Affairs for the Outdoor Power Equipment Institute, the trade association representing manufacturers of leaf blowers.

My testimony today is in opposition to the proposed legislation, as it is the wrong approach to addressing the identified concerns. Instead we should recognize and rely on the continuous innovation of these products and improved education about their safe and courteous use. These market-based solutions alleviate the need for this legislation.

First, leaf blowers do more than just blow leaves. They are used by landscapers and homeowners to clean yards, parking lots and sports stadiums, remove snow, clean gutters, and clear flammable debris. Communities want safe and clean spaces and landscapes, and often leaf blowers are the best solution.

On product innovation, manufacturers have invested millions of dollars in the last 15 years resulting in blowers that are as much as 75% quieter, and gas-powered engines that have reduced air emissions as much as 90%. Continuous improvements to both electric- and gas-powered leaf blowers are effectively addressing the underlying concerns of this legislation.

On safe and courteous use education, OPEI has developed new videos for use by landscapers and retailers in explaining manufacturer recommended use guidelines. This series is included in a toolkit provided in our written submittal to the council, and is also publicly available at [OPEI: Leaf Blowers Today](https://www.opei.org/leafblowers) [opei.org/leafblowers]. As an example, I'd like to play the following video which focuses on noise concerns.

Leaf Blowers Today: Quieter Equipment Evolves - YouTube [<https://youtube/-6NvBspqFP8>]

In conclusion, we ask for the Council's consideration of these market-based solutions in place of the subject legislation. This bill will only have adverse impacts on the city's businesses and residents who use, sell, and rely on these important products.

Thank you for the time to express our concerns.

Best regards,

A handwritten signature in black ink that reads "Daniel J. Mustico".

Daniel J. Mustico
Vice President, Government & Market Affairs
Outdoor Power Equipment Institute, Inc.
1605 King Street
Alexandria, VA 22314
(703) 678-2990; dmustico@opei.org

cc: Members of the Council of the District of Columbia

Testimony before the Committee as a Whole
July 2, 2018
B22-234: Leaf Blower Regulation Amendment Act of 2017

By Chuck Elkins, Vice-Chair ANC3D

Mr. Chairman, as ANC Commissioner in ANC3D I have been working with the Quiet Clean DC organization to support this bill which ANC3D has endorsed. At points during my 25 year career at the U.S. Environmental Protection Agency I directed both the Federal Noise Control Program and the Federal Air Pollution Program so I am particularly interested in gas-powered leaf blowers.

I want to address the question of whether the concern about noisy leaf blowers is simply something that a very small number of super sensitive people fuss about? Don't be embarrassed if this thought has crossed your mind. It is a natural hypothesis arrived at by many intelligent and well-meaning individuals when they first hear about Council Member Cheh's bill.

But Quiet Clean DC set out to prove this hypothesis wrong. Mr. Grif Johnson whom you have heard this afternoon set out across this city to gauge whether this is a problem dreamed up by just a few people. Mr. Johnson came back, after countless hours of meetings with neighborhood leaders, with resolutions from twelve (12) Advisory Neighborhood Commissions¹ representing forty-six (46) different and distinct neighborhoods across seven (7) Wards of this city.² Their resolutions are attached to this testimony.

As an ANC Commissioner I can make the point—a point that I know that the several Council members who have served on ANC's know to be the fact—that it is hard to get on the agenda of an ANC to have a discussion of a matter of this breadth; it is even harder to persuade them to pass a resolution. They don't suffer fools easily, and don't put their names on something unless they understand it and approve it.

So, this is NOT just a problem identified by a few residents in one part of town. This is a city-wide problem that needs to be addressed, and we thank the Committee as a Whole for taking up the issue.

¹ ANC 1C; ANC 2D; ANC 2F; ANC 3B; ANC 3D; ANC 3E; ANC 4C; ANC 5B; ANC 5E; ANC 6C; ANC 6D; ANC 7D

² Adams Morgan (1C); American University (3D); American University Park (3E); Berkley (3D); Bloomingdale (5E); Brookland (5B); Capitol Hill (6C); Carrollsborg (6D); Cathedral Heights (3B); Columbia Heights (4C); Crestwood (4C); Downtown (2F); Eastland Gardens (7D); Eckington (5E); Edgewood (5E); Fort McNair (6D); Foxhall (3D); Friendship Heights (3E); Glenwood (5E); Glover Park (3B); Kalorama (2D); Kennilworth (7D); Kent (3D); Kingman Park (7D); Logan Circle (2F); Mayfair (7D); Michigan Park (5B); Navy Yard (6D); Near Northeast (6C); Near Southwest-Southeast (6D); New Mexico-Cathedral (3D); NoMa (6C); North Michigan Park (5B); Palisades (3D); Petworth (4C); Queen's Chapel (5B); Rhode Island Avenue (5B); Shaw (2F); Sheridan (2D); 16th Street Heights (4C); Spring Valley (3D); Tenleytown (3E); Truxton Circle (5E); Waterfront (6D); Wesley Heights (3D); Woodridge (5B)



Advisory Neighborhood Commission 1C

PO Box 21009, NW, Washington, DC 20009

www.anc1c.org

Representing Adams Morgan

Commissioners:

Amir Irani (1C01)

May 7, 2018

Hector Huezo (1C02)

Ted Guthrie (1C03)

Council of the District of Columbia

A. Tianna Scozzaro (1C04)

1350 Pennsylvania Avenue NW

Washington, D.C. 20004

Ryan Strom (1C05)

Brendan Reardon (1C06)

RE: ANC1C Resolution in Support of B22-0234

Wilson Reynolds (1C07)

Amanda Fox Perry (1C08)

Council of the District of Columbia:

At a duly-noticed public meeting held on Wednesday, May 2, 2018, with a quorum present, Advisory Neighborhood Commission 1C (ANC 1C) passed a resolution involving B22-0234 by a vote of 6-0-0.

ANC 1C respectfully submits the attached resolution in support of B22-0234.

Sincerely,

Hector Huezo, Esq.
Chair, ANC 1C

ANC 1C Resolution in Support of the Leaf Blower Regulation Amendment Act

WHEREAS, the operation of gas-powered leaf blowers generates noise levels that far exceed health and safety standards and have been shown to contribute to serious environmental and public-health problems, including emissions of pollutants into the environment that greatly exceed levels produced by automobiles;

WHEREAS, studies document that among the populations most seriously threatened by the operation of gas-powered leaf blowers are those operating the equipment themselves, as well as those in near proximity to such operation, especially children, the elderly, and those with respiratory conditions and;

WHEREAS, the noise from leaf blowers can potentially damage a person's hearing, and produce health concerns such as heart disease, hypertension, and an increased risk of heart attack; and

WHEREAS, the wind force from the leaf blowers disturbs topsoil and other materials lying below the leaf layer dispersing spores, fungi, pollen, and chemical residue from insecticides, rodenticides, herbicides and fungicides as well as other potential allergens and particles of animal feces into the air; and

WHEREAS, cleaner and quieter cordless battery-powered leaf blowers are increasingly available and are being used already by some landscaping companies and homeowners with effective results and at a competitive price; and

WHEREAS, a bill (B22-0234) has been introduced in the D.C. City Council by Council Member Mary Cheh, co-sponsored by Council Members Anita Bonds, David Grasso, Kenyan McDuffie, and Charles Allen, to phase out the sale and operation of gas-powered leaf blowers in the District of Columbia after an adequate period for current owners and retailers of such equipment to amortize their inventories and transition to healthier and more environmentally-sustainable alternatives; and

THEREFORE, at a duly noticed meeting of ANC 1C, held on May 2, 2018, at which a quorum was present, and by a unanimous vote, ANC1C adds its name to endorse the enactment of B22-0234; and urges the City Council to enact B22-0234, and Mayor Muriel Boswer to sign the legislation as enacted, at the earliest practicable time.



GOVERNMENT OF THE DISTRICT OF COLUMBIA
Advisory Neighborhood Commission 2D

December 15, 2017

Chairman Phil Mendelson
Chair, Committee of the Whole
Council of the District of Columbia
1350 Pennsylvania Avenue NW, Suite 504
Washington, DC 20004
pmendelson@dccouncil.us

RE: DC Council Bill B22-0234 – the “Leaf Blower Regulation Amendment Act of 2017”

Dear Chairman Mendelson,

At its regular meeting on November 20, 2017, Advisory Neighborhood Commission 2D (“ANC 2D” or “Commission”) considered the above-referenced matter. With 2 of 2 Commissioners in attendance, a quorum at a duly-noticed public meeting, the Commission approved the following resolution by a vote of (2-0-0):

WHEREAS, DC Council Bill B22-0234 has been introduced into the DC Council by Councilmember Mary Cheh, co-sponsored by Councilmembers Anita Bonds, David Grosso, Kenyan McDuffie, and Charles Allen, to phase out the sale and operation of gas-powered leaf blowers in the District of Columbia after an adequate period for current owners and retailers of such equipment to amortize their inventories and transition to healthier and more environmentally-sustainable alternatives.

THEREFORE, BE IT RESOLVED that ANC 2D hereby endorses the enactment of DC Council Bill B22-0234; urges Councilmember Jack Evans to endorse the passage of DC Council Bill B22-0234; and requests that the DC Council enacts DC Council Bill B22-0234, and Mayor Muriel Bowser signs the legislation as enacted, at the earliest practicable time.

Commissioners David Bender (2D01@anc.dc.gov) and Ellen Goldstein (2D02@anc.dc.gov) are the Commission’s representatives in this matter.

ON BEHALF OF THE COMMISSION.

Sincerely,

A handwritten signature in black ink that reads "David R Bender". The signature is written in a cursive style with a small dot above the 'i' in David and a small dot above the 'i' in Bender.

David Bender
Chair



ANC 2F
WASHINGTON, D.C.

ADVISORY NEIGHBORHOOD COMMISSION 2F
Government of the District of Columbia
5 Thomas Circle, NW | Washington, D.C. 20005
Telephone: (202) 642-3168 | www.anc2f.org

Commissioners

2F01 Jason Forman, *Secretary* 2F05 Ron Rubin
2F02 John Guggenmos, *Vice-Chair* 2F06 Charlie Bengel, *Secretary*
2F03 Alex Graham, *Treasurer* 2F07 Kevin Sylvester
2F04 John Fanning, *Chair* 2F08 Kevin Deeley
Adam Beebe, *Executive Director*

**A RESOLUTION
OF ADVISORY NEIGHBORHOOD COMMISSION 2F
Resolution in Support of the Leaf Blower Regulation Amendment Act of 2017
March 7, 2018**

WHEREAS, the operation of gas-powered leaf blowers generates noise levels that far exceed health and safety standards and have been shown to contribute to serious environmental and public - health problems, including emissions of pollutants into the environment that greatly exceed levels produced by automobiles; and

WHEREAS, studies document that among the populations most seriously threatened by the operation of gas-powered leaf blowers are those operating the equipment themselves, as well as those in near proximity to such operation, especially children, the elderly, and those with respiratory conditions and;

WHEREAS, the noise from leaf blowers can potentially damage a person's hearing, and produce health concerns such as heart disease, hypertension, and an increased risk of heart attack; and

WHEREAS, the wind force from the leaf blowers disturbs topsoil and other materials lying below the leaf layer dispersing spores, fungi, pollen, and chemical residue from insecticides, rodenticides, herbicides and fungicides as well as other potential allergens and particles of animal feces into the air; and

WHEREAS, cleaner and quieter cordless battery-powered leaf blowers are increasingly available and are being used already by some landscaping companies and homeowners with effective results and at a competitive price; and

WHEREAS, a bill (B22-0234) has been introduced in the D.C. City Council by Council Member Mary Cheh, co-sponsored by Council Members Anita Bonds, David Grasso, Kenyan McDuffie, and Charles Allen, to phase out the sale and operation of gas-powered leaf blowers in the District of Columbia after an adequate period for current owners and retailers of such equipment to amortize their inventories and transition to healthier and more environmentally-sustainable alternatives; and

THEREFORE BE IT RESOLVED that Advisory Neighborhood Commission 2F adds its name to endorse the enactment of B22-0234; and urges the City Council to enact B22-0234, and Mayor Muriel Bowser to sign the legislation as enacted, at the earliest practicable time.

April 19, 2018

Page 2

This resolution was adopted (4-3-1) on March 7, 2018 by Advisory Neighborhood Commission 2F at a duly called and properly noticed public meeting with a quorum (at least five Commissioners) present and acting throughout.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADVISORY NEIGHBORHOOD COMMISSION 3B GLOVER PARK AND CATHEDRAL HEIGHTS



Resolution Regarding the Leaf Blower Regulation Amendment Act (B22-0234)

Whereas, the operation of gas-powered leaf blowers has been shown to contribute to serious environmental and public health problems;

Whereas, among the risks to health and the environment from the operation of gas-powered leaf blowers are the disturbance of topsoil and the dispersal into the atmosphere of particulate matter, including herbicides and pesticides, spores, fungi, pollen, microbes, allergens, animal feces, and other fine particles that can get into the lungs and into the bloodstream;

Whereas, it has been demonstrated that noise levels generated by most gas-powered leaf blowers substantially exceed levels deemed to be safe for prolonged human exposure;

Whereas, among the populations most seriously threatened by the operation of gas-powered leaf blowers are those individuals operating the equipment themselves, as well as others exposed to the noise and pollution in close proximity, especially children, seniors, and others who already suffer from asthma and other respiratory conditions;

Whereas, workers employed by lawn maintenance companies are frequently powerless to raise concerns regarding the risks to their health from their daily operation of equipment that creates loud noise as well as emissions of unhealthy chemicals and particulates, leaving them particularly vulnerable to hearing loss, respiratory difficulties, hypertension, heart disease, stroke, neurological impairment, and cancer;

Whereas, the operation of gas-powered leaf blowers can create extreme disruption of daily life for those nearby, degrading their quality of life and making it difficult to have normal conversations, conduct work, get infants to sleep during the day, or take care of other needs, affecting many residents who spend days at home, telecommute, perform child care or work at jobs in the neighborhood;

Whereas, existing laws in the District designed to limit the noise levels of leaf blowers have proven to be difficult to enforce and ineffective in addressing these problems;

Whereas, alternatives exist for safe and effective leaf control and management, including quieter battery-powered or electric leaf blowers, that do not generate the same harms to public health and the environment as gas-powered leaf blowers;

Whereas, a number of other cities in the United States have moved to prohibit the operation of gas-powered leaf blowers to protect their citizens from associated risks and improve their quality of life; and

Whereas, Council Bill B22-0234 has been introduced by Ward 3 Councilmember Mary Cheh to phase out the sale and operation of gas-powered leaf blowers in the District of Columbia by 2022, to allow time for current owners and sellers of such equipment to get value from the models they have already purchased and transition to healthier and less environmentally damaging alternatives;

Therefore, be it resolved, that the Commission supports Bill B22-0234 and the urges the DC Council to hold a hearing on it as soon as possible.

BE IT FURTHER RESOLVED that Commissioner Melissa Lane (ANC3B-03) and any other member she designates are authorized to represent the Commission on this matter.

This resolution was APPROVED by a vote of 3-1-1 at a duly noticed public meeting of ANC3B on February 8, 2018, at which a quorum was present (3 of the 5 members constitute a quorum).



Brian Turmail, Chairman



Ann Lane Mladinov, Secretary



**GOVERNMENT OF THE DISTRICT OF COLUMBIA
ADVISORY NEIGHBORHOOD COMMISSION 3D
PO Box 40486, Palisades Station
Washington, DC 20016**

*PALISADES – KENT - SPRING VALLEY - WESLEY HEIGHTS - NEW MEXICO/CATHEDRAL –
THE AMERICAN UNIVERSITY - FOXHALL VILLAGE -BERKELEY*

November 11, 2015

Councilmember Mary M. Cheh
John A. Wilson Building
1350 Pennsylvania Avenue, NW, Suite 108
Washington DC 20004

Dear Councilmember Cheh:

At its meeting on November 4, 2015, Advisory Neighborhood Commission (ANC) 3D heard from a group of Wesley Heights residents who expressed deep concern about the health and environmental impacts stemming from the use of gas-powered leaf blowers in their neighborhood and across the city. As residents indicated, the use of gas-powered leaf blowers – once only a seasonal practice – has now become a year-round concern. Use of gas-powered leaf blowers are now standard practice for landscape and maintenance crews.

The Wesley Heights residents concerned about the issue have taken the initiative to conduct extensive research on uses of gas-powered leaf blowers nationwide and identified multiple scientific studies documenting health hazards, including noise impacts, associated with the use of these leaf blowers. They argued that the use of the gas powered leaf blowers poses a health risk for the landscape workers that use the equipment as well as neighbors. They also pointed to several cities across the U.S. that have adopted new restrictions on the use of gasoline-powered leaf blowers and they sought ANC 3D's support for imposing similar restrictions in the District. Specifically, they sought ANC 3D's support to request that you introduce legislation to address the problems associated with the use of gas-powered leaf blowers.

Since the DC government promulgated regulations on the issue in the 1990's, a number of new options and alternatives have materialized (such as gasoline options that move away from a two stroke engine, as well as battery and electric leaf blowers) that can better protect the health and safety of District residents and those who work in the District.

Consequently, at its properly-noticed public meeting on November 4, 2015, held at the Sibley Hospital Medical Office Building, and with a quorum (5) present at all times, ANC 3D, voted 8-

1-0 to support the residents' call to request that you introduce legislation to address the issues related to the use of gas-powered leaf blowers. The text of the resolution is attached.

We appreciate the efforts of neighbors to bring much-needed attention to this issue and we look forward to working with the neighbors and your office on this important matter.

Sincerely,

A handwritten signature in black ink that reads "Tom Smith". The signature is written in a cursive, flowing style.

Thomas M. Smith
Chair, ANC 3D

Resolution On Gas-Powered Leaf Blowers

Whereas, the operation of gas-powered leaf blowers has been shown to contribute to serious environmental and public-health problems, including emission of hydrocarbon pollutants into the environment that greatly exceed levels produced by high-powered vehicles traveling many miles; and

Whereas, among the risks to health and the environment from the operation of gas-powered leaf blowers are the disturbance of topsoil and the dispersal into the atmosphere of fine-particulate matter, including spores, fungi, pollen, microbes, and animal feces; and

Whereas, studies document that among the populations most seriously threatened by the operation of gas-powered leaf blowers are those individuals operating the equipment themselves, as well as those in near proximity to such operation; and

Whereas, the operation of gas-powered leaf blowers can create undue noise pollution for residents (especially those who are home-bound, retired, disabled, engaged in child-care, working at home, or telecommuting), and a degradation of the peaceful enjoyment of urban life; and

Whereas, existing laws in our city that are designed to limit the noise levels and hours of operation of leaf blowers have proven to be difficult to enforce and/or ineffective in addressing the aforementioned problems; and

Whereas, alternatives exist for safe and effective leaf control and management (such as battery-powered or electric leaf blowers) that do not generate the same harms to public health and the environment as gas-powered leaf blowers; and

Whereas, a number of cities in the United States have now moved to prohibit the operation of gas-powered leaf blowers, in order to protect their citizens and to advance their quality of life and attractiveness;

Now, therefore, be it resolved, that ANC 3D requests Council Member Mary M. Cheh (Ward 3 representative on the DC Council, and Chair of the Council's Committee on Transportation and the Environment) introduce legislation, including revisions to 20 DCMR, Section 2800, to prohibit the use and operation of gas-powered leaf blowers, following the expiration of a so-called "sunset" period.

Adopted November 4, 2015
8-1-0



ADVISORY NEIGHBORHOOD COMMISSION 3E

TENLEYTOWN AMERICAN UNIVERSITY PARK FRIENDSHIP HEIGHTS

c/o Lisner-Louise-Dickson-Hurt Home 5425 Western Avenue, NW Washington, DC 20015

www.anc3e.org

RESOLUTION SUPPORTING GAS-POWERED LEAF BLOWER REGULATION

WHEREAS:

1. Gas-powered leaf blowers with two-stroke engines emit pollutants that greatly exceed levels produced by automobiles operating for the same period. For instance, a 2011 test by Edmunds demonstrated that consumer-grade leaf blower emits more pollutants than a 6,200-pound 2011 Ford F-150 SVT Raptor. . . [; Indeed,] 'the hydrocarbon emissions from a half-hour of yard work with the two-stroke leaf blower are about the same as a 3,900-mile drive from Texas to Alaska in a Raptor.'"¹
2. Noise levels generated by gas-powered leaf blowers often exceed the upper limits of safe human exposure, as determined by federal health and workplace safety authorities.
3. The populations most seriously threatened by gas-powered leaf blowers include individuals operating the equipment themselves, as well as those near such operation, especially children, the elderly, and those with respiratory conditions.
4. Workers employed by lawn maintenance companies are frequently first-generation Americans facing language barriers, such that they may not fully comprehend the risk to their health from operation of gas-burning leaf blowers, and/or they lack sufficient job security to raise concerns about equipment that increases their risk of hypertension, cancer, heart disease, strokes, neurological impairment, and hearing loss.
5. Operation of gas-powered leaf blowers creates noise pollution for residents and degrades quality of life.
6. Effective alternatives exist for leaf management (such as battery-powered or electric leaf blowers) that do not generate the same harms to public health and the environment.
7. Over 35 municipalities in the United States now prohibit the operation of gas-burning leaf blowers.
8. Council Member Cheh introduced a bill (B22-0234) in the D.C. City Council, co-sponsored by Council Members Bonds, Grosso, McDuffie, and Allen, to phase out the sale and operation of gas-powered leaf blowers in the District of Columbia by the end of 2021, allowing adequate time for current owners and retailers of such equipment to amortize their inventories and transition to healthier and more environmentally-sustainable alternative.
9. The Council has not yet scheduled a hearing on the bill.

¹ "Leaf Blower's Emissions Dirtier than High-Performance Pick-Up Truck's, Says Edmunds' InsideLine.com," Dec. 6, 2011 at <https://www.edmunds.com/about/press/leaf-blowers-emissions-dirtier-than-high-performance-pick-up-trucks-says-edmunds-insidelinecom.html>

NOW THEREFORE BE IT RESOLVED:

1. ANC 3E respectfully asks Council Chair Mendelson, in his capacity as Chair of the Council's Committee of the Whole, to which B22-0234 has been referred, to schedule a hearing on the bill at the earliest practicable date, and be it further resolved,
2. ANC 3E respectfully asks the Council to enact B2200234 and Mayor Bowser to sign the legislation.

The resolution passed by a vote of 4-1-0 at a properly noticed meeting held on March 15, 2018, at which a quorum was present, with Commissioners Bender, Ehrhardt, Hall, McHugh, and Quinn in attendance.

ANC 3E

**Jonathan
Bender**

by Jonathan Bender
Chairperson



ADVISORY NEIGHBORHOOD COMMISSION 4C

www.anc4c.org

Phone: 202-723-6670

Email: 4C@anc.dc.gov

Resolution in Support of the Leaf Blower Regulation Amendment Act of 2017

Zachary Teutsch
Chairperson
4C05@anc.dc.gov
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SMD 4C05

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Timothy A. Jones
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SMD 4C08

Whereas, the operation of gas-powered leaf blowers has been shown to contribute to serious environmental and public-health problems, including emission of pollutants into the environment that greatly exceed levels produced by automobiles; and

Whereas, among the risks to health and the environment from the operation of gas-powered leaf blowers are the disturbance of topsoil and the dispersal into the atmosphere of fine-particulate matter, including herbicides and pesticides, spores, fungi, pollen, microbes, allergens, animal feces, and microparticles that pass through the lungs and into the bloodstream; and

Whereas, it has been demonstrated that noise levels generated by gas-powered leaf blowers substantially exceed levels deemed to be at the upper limits of safe human exposure; and

Whereas, studies document that among the populations most seriously threatened by the operation of gas-powered leaf blowers are those individuals operating the equipment themselves, as well as those in near proximity to such operation, especially children, the elderly, and those with respiratory conditions; and

Whereas, workers employed by lawn maintenance companies are frequently powerless to raise concerns regarding the danger to their health from their daily operation of equipment that contributes to hypertension, cancer, heart disease, strokes, neurological impairment, and hearing loss; and

Whereas, the operation of gas-powered leaf blowers can create undue noise pollution for residents (especially those who are homebound, retired, disabled, engaged in child-care, working at home, or telecommuting), and a degradation of the peaceful enjoyment of urban life; and

Whereas, existing laws in our city that are designed to limit the noise levels and hours of operation of leaf blowers have proven to be difficult to enforce and/or ineffective in addressing the aforementioned problems; and

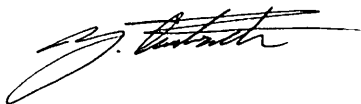
Whereas, alternatives exist for safe and effective leaf control and management (such as battery-powered or electric leaf blowers) that do not generate the same harms to public health and the environment as gas-powered leaf blowers; and

Whereas, a number of cities in the United States have now moved to prohibit the operation of gas-powered leaf blowers, in order to protect their citizens and to advance their quality of life and attractiveness; and

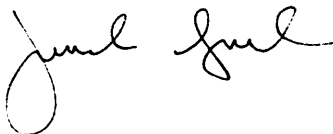
Whereas, a bill (B22-0234) has been introduced in the D.C. City Council by Council Member Mary Cheh, co-sponsored by Council Members Anita Bonds, David Grosso, Kenyan McDuffie, and Charles Allen, to phase out the sale and operation of gas-powered leaf blowers in the District of Columbia after an adequate period for current owners and retailers of such equipment to amortize their inventories and transition to healthier and more environmentally-sustainable alternatives;

Now, therefore, be it resolved, that Advisory Neighborhood Commission 4C hereby:

- o endorses the enactment of B22-0234;
- o urges Council Member Brandon Todd, our representative on the City Council, to support enactment of B22-0234; and
- o requests the City Council to enact B22-0234, and Mayor Muriel Bowser to sign the legislation as enacted, at the earliest practicable time.



Zach Teutsch
Chairperson, ANC 4C



Jonah Goodman
Secretary, ANC 4C



Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 5B
1920 Irving Street, NE, Washington, DC 20018
202-321-5289 ■ website: anc5b.org

March 6, 2018

5B Commissioners

Gayle Hall Carley,
ANC 5B01

Ursula Higgins,
ANC 5B02

Henri Makembe,
ANC 5B03

Rayseen Woodland
ANC 5B04

John J. Feeley, Jr.
ANC 5B05

5B Officers

Ursula Higgins
Chairperson

Gayle Hall Carley
Vice Chairperson

Henri Makembe
Treasurer

John J. Feeley, Jr.
Secretary

Council of the District of Columbia
1350 Pennsylvania Avenue, NW
Washington, DC 20004

ANC 5B Resolution on Leaf Blowers

Whereas, the operation of gas-fueled leaf blowers has been shown to contribute to serious environmental and public-health problems, including emission of pollutants into the environment that greatly exceed levels produced by automobiles; and

Whereas, among the risks to health and the environment from the operation of gas-powered leaf blowers are the disturbance of topsoil and the dispersal into the atmosphere by excessive wind force of herbicides, pesticides, spores, fungi, pollen, microbes, allergens, animal feces, and microparticles that pass through the lungs and into the bloodstream; and

Whereas, it has been demonstrated that noise levels generated by gas-burning leaf blowers substantially exceed the upper limits of safe human exposure, as determined by federal health and workplace safety authorities; and

Whereas, studies document that among the populations most seriously harmed by the operation of gas-powered leaf blowers are persons operating such equipment, as well as those nearby, especially children, the elderly, and those with respiratory or cardiovascular health risks; and

Whereas, the District of Columbia has one of the highest rates of childhood asthma in the United States, and gas-burning leaf blowers contribute to asthma; and

Whereas, studies show that African-Americans tend to suffer from high blood pressure (hypertension) to a greater extent than other racial groups in our country, and gas-fueled leaf blowers contribute to hypertension; and

Whereas, workers employed by lawn maintenance companies are frequently first-generation Americans facing language

to enable them to raise concerns regarding the danger to them from daily operating equipment that contributes to hypertension, cancer, heart disease, strokes, neurological impairment, and hearing loss; and

Whereas, the operation of gas-powered leaf blowers can create undue noise pollution for residents (especially those who are home-bound, retired, disabled, engaged in child-care, working at home, or telecommuting), as well as students in classroom settings, and contributes to a degradation of the peaceful enjoyment of urban life; and

Whereas, existing laws in our city that are designed to limit the noise levels and hours of operation of leaf blowers have proven to be difficult to enforce and ineffective in addressing the aforementioned problems; and

Whereas, alternatives exist for safe and effective leaf management (such as battery-powered or electric leaf blowers) that don't generate the same harms to public health and the environment as gas-fueled leaf blowers; and

Whereas, over 35 municipalities in the United States now prohibit the operation of gas-burning leaf blowers, in order to protect their citizens and to advance their quality of life and attractiveness; and

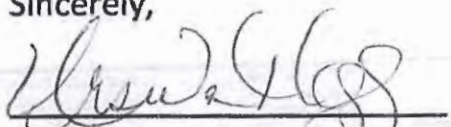
Whereas, a bill (B22-0234) has been introduced in the D.C. City Council by Council Member Mary Cheh, co-sponsored by Council Members Anita Bonds, David Grosso, Kenyan McDuffie, and Charles Allen, to phase out the sale and operation of gas-powered leaf blowers in the District of Columbia by the end of 2021, allowing an adequate period for current owners and retailers of such equipment to amortize their inventories and transition to healthier and more environmentally-sustainable alternatives;

Now, therefore, be it resolved, that Advisory Neighborhood Commission 5B hereby:

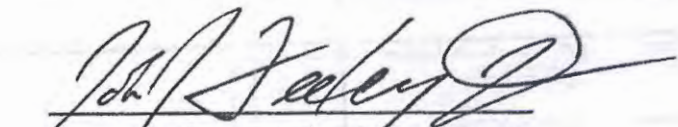
γ Urges Council Chair Phil Mendelson, in his capacity as Chair of the Council's Committee of the Whole, to which B22-0234 has been referred, to schedule a hearing on the bill at the earliest practicable date; and

γ Requests the City Council to enact B22-0234 promptly, and Mayor Muriel Bowser to sign the legislation, as so enacted.

Sincerely,



Commissioner Ursula Higgins
Chairperson



Commissioner John J. Feeley, Jr.
Correspondence Secretary

Advisory Neighborhood Commission 5E

www.anc5edc.org

ANC 5E RESOLUTION NO. 2018-002

IN SUPPORT OF THE LEAF BLOWER REGULATION AMENDMENT ACT OF 2017

WHEREAS, there is a wide consensus in the scientific community that human activity is a significant factor in the dangerous increase in the concentration of greenhouse gases in our atmosphere; and

WHEREAS, there is overwhelming scientific evidence that the increase in the concentration of greenhouse gases in our atmosphere, chief among them carbon dioxide, methane and nitrous oxide, all of which are generated by the production and burning of fossil fuels like gasoline, are accelerating global climate change; and

WHEREAS, global climate change is a very serious threat to life on our planet and that therefore, it is incumbent on every global citizen to act responsibly, in ways large and small, to combat that threat; and

WHEREAS, the operation of gas-powered leaf blowers contributes to the emission of carbon dioxide and other greenhouse gases into the atmosphere at levels, which for their relatively small size, is disproportionate to that of more efficient motor vehicle engines; and

WHEREAS, the operation of gas-powered leaf blowers contributes to serious detrimental health effects by emitting other pollutants, such as the highly toxic carbon monoxide, into the atmosphere at levels that greatly exceed the levels produced by automobiles; and

WHEREAS, the Lung Association has estimated that a gas-powered leaf blower produces as much air pollution as 17 cars; and

WHEREAS, studies document that among the populations most seriously threatened by the operation of gas-powered leaf blowers are those individuals operating the equipment themselves, as well as those in near proximity to such operation, especially children, the elderly and those with respiratory conditions; and

WHEREAS, workers employed by lawn maintenance companies are frequently powerless to raise concerns regarding the danger to their health from their daily operation of equipment that contributes to hypertension, cancer, heart disease, strokes, neurological impairment, and hearing loss; and

WHEREAS, the operation of gas-powered leaf blowers can create undue noise pollution for residents (especially those who are homebound, retired, disabled, engaged in child-care, working from home or telecommuting), and a degradation of the peaceful enjoyment of urban life; and

WHEREAS, it has been demonstrated that noise levels generated by the operation of gas-powered leaf blowers substantially exceed levels determined to be at the upper limits of safe human exposure; and

WHEREAS, prolonged exposure to excessive noise has not only been associated with hearing loss, it has also been shown to contribute to hypertension, heart disease, insomnia and sleep apnea, changes to the immune system and even birth defects; and

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SE05 Bradley Thomas, Chair
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SE02 Patricia Williams
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SE04 Sylvia M. Pirkney
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SE06 Katherine McClelland, Corresponding Secretary
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612-408-5828



SE07 Bertha Holliday
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SE08 Horacio Sierra
Recording Secretary
SE08@anc.dc.gov

SE09 Diane Barnes, Vice Chair
SE09@anc.dc.gov
202-409-7155

SE10 Nancy Jones
SE10@anc.dc.gov
202-594-7850



Advisory Neighborhood Commission 5E

www.anc5edc.org

WHEREAS, current District of Columbia laws intended to limit the noise levels and hours of operation of gas-powered leaf blowers have proven to be difficult to enforce and/or ineffective in curtailing the environmental and health hazards posed by the operation of those products; and

WHEREAS, there are alternatives, such as electric or battery powered blowers and vacuums, and traditional manual rakes and brooms, that offer effective leaf control without the environmental and health hazards posed by gas-powered leaf blowers; and

WHEREAS, a number of cities across the United States, including over 400 cities in the State of California alone, have moved to ban or restrict the use of gas-powered leaf blowers; and

WHEREAS, Councilmember Mary Cheh has introduced before the D.C. Council the Leaf Blower Regulation Amendment Act of 2017, enumerated as B22-0234, and co-sponsored by Councilmembers Bonds, Grosso, McDuffie and Allen, which would ban the sale and use of gas-powered leaf blowers in the District of Columbia by 2022, giving current owners and retailers of such equipment four years to amortize their inventories and transition to healthier and more environmentally sustainable alternatives.

NOW THEREFORE, BE IT RESOLVED, that ANC5E supports the passage of B22-0234, the Leaf Blower Regulation Amendment Act of 2017 ~~Leaf Blower Regulation Amendment Act of 2017~~, by the Council of the District of Columbia and urges the Mayor to sign the bill into law once it is so passed.

THIS RESOLUTION came before ANC5E as its duly noticed Public Meeting held at Friendship-Armstrong Public Charter School, on February 20, 2018. ANC 5E is comprised of ten (10) Commissioners the presence of six (6) of which constitutes a quorum. On December 19, 2017, with 8 Commissioners present, by a vote of 6 in favor, 2 opposed, and with 0 abstentions, ANC 5E voted to adopt this resolution.


BRADLEY THOMAS
ANC5E Chairperson


HORACIO SIERRA
ANC5E Recording Secretary

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Government of the District of Columbia

Advisory Neighborhood Commission 6C

P.O. Box 77876 Washington, D.C. 20013, (202) 547-7168

March 16, 2018

Chairman Phil Mendelson
Committee of the Whole
D.C. Council
John A. Wilson Building
1350 Pennsylvania Avenue NW, Suite 410
Washington, D.C. 20004

Re: B22-0234, the Leaf Blower Regulation Amendment Act of 2017

Dear Chairman Mendelson,

On March 14, 2018, at a regularly scheduled, duly noticed monthly meeting of Advisory Neighborhood Commission 6C, with a quorum of six out of six commissioners and the public present, the above-mentioned matter came before us. The commissioners voted unanimously, 6:0:0, to send you this letter of support.

The ANC 6C commissioners understand the need for this legislation due to the deleterious effects of gas-powered leaf blowers: the noise factor, particularly the negative health impact on the ears of people who use these gas-powered blowers; the wind speeds up to 150 mph, which can stir up pollution, spores, and debris, and this is particularly bad for small children and pets; and the potential for ozone damage.

Battery-powered blowers are less damaging to people and the environment. The initial, up-front cost of these blowers is higher, but over time they are cost-effective. Please approve this legislation.

Thank you for giving weight to this ANC 6C recommendation.

On behalf of ANC 6C,

Karen Wirt
ANC 6C chair



ANC 6D

Southwest, Navy Yard & Buzzard Point

Advisory Neighborhood Commission 6D

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202.554.1795
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Website: www.anc6d.org

OFFICERS

Chairman
Andy Litsky
Vice Chairman
Cara Shockley
Secretary
Gail Fast
Treasurer
Meredith Fascett

COMMISSIONERS

SMD 1 *Gail Fast*
SMD 2 *Cara Shockley*
SMD 3 *Ron Collins*
SMD 4 *Andy Litsky*
SMD 5 *Roger Moffatt*
SMD 6 *Rhonda Hamilton*
SMD 7 *Meredith Fascett*

Resolution in Support of the Leaf Blower Regulation Amendment Act of 2017

Whereas, the operation of gas-powered leaf blowers generates noise levels that far exceed health and safety standards and have been shown to contribute to serious environmental and public health problems, including emissions of pollutants into the environment that greatly exceed levels produced by automobiles; and

Whereas, studies document that among the populations most seriously threatened by the operation of gas-powered leaf blowers are those operating the equipment themselves, as well as those in near proximity to such operation, especially children, the elderly, and those with respiratory conditions and;

Whereas, the noise from leaf blowers can potentially damage a person's hearing, and produce health concerns such as heart disease, hypertension, and an increased risk of heart attack; and

Whereas, the wind force from the leaf blowers disturbs topsoil and other materials lying below the leaf layer dispersing spores, fungi, pollen, and chemical residue from insecticides, rodenticides, herbicides and fungicides as well as other potential allergens and particles of animal feces into the air; and

Whereas, cleaner and quieter cordless battery-powered leaf blowers are increasingly available and are being used already by some landscaping companies and homeowners with effective results and at a competitive price; and

Whereas, a bill (B22-0234) has been introduced in the D.C. City Council by Council Member Mary Cheh, co-sponsored by Council Members Anita Bonds, David Grasso, Kenyan McDuffie, and Charles Allen, to phase out the sale and operation of gas-powered leaf blowers in the District of Columbia after an adequate period for current owners and retailers of such equipment to amortize their inventories and transition to healthier and more environmentally-sustainable alternatives; and

Therefore, at a duly noticed meeting of ANC 6-D, held on December 11, 2017, at which a quorum was present (a quorum being four Commissioners), and by a vote of 5-0-1, ANC-6D adds its name to endorse the enactment of B22-0234; and urges the City Council to enact B22-0234, and Mayor Muriel Bowser to sign the legislation as enacted, at the earliest practicable time.

Andy Litsky
Chairman, ANC 6-D
December 11, 2017



ADVISORY NEIGHBORHOOD COMMISSION 7D
Government of the District of Columbia

**Resolution in Support of the Leaf Blower Regulation
Amendment Act of 2017**

Whereas, the operation of gas-powered leaf blowers has been shown to contribute to serious environmental and public-health problems, including emission of pollutants into the environment that greatly exceed levels produced by automobiles; and

Whereas, among the risks to health and the environment from the operation of gas-powered leaf blowers are the disturbance of topsoil and the dispersal into the atmosphere of fine-particulate matter, including herbicides and pesticides, spores, fungi, pollen, microbes, allergens, animal feces, and micro-particles that pass through the lungs and into the bloodstream; and

Whereas, it has been demonstrated that noise levels generated by gas-powered leaf blowers substantially exceed levels deemed to be at the upper limits of safe human exposure; and

Whereas, studies document that among the populations most seriously threatened by the operation of gas-powered leaf blowers are those individuals operating the equipment themselves, as well as those in near proximity to such operation, especially children, the elderly, and those with respiratory conditions; and

Whereas, workers employed by lawn maintenance companies are frequently powerless to raise concerns regarding the danger to their health from their daily operation of equipment that contributes to hypertension, cancer, heart disease, strokes, neurological impairment, and hearing loss; and

Whereas, the operation of gas-powered leaf blowers can create undue noise pollution for residents (especially those who are homebound, retired, disabled, engaged in child-care, working at home, or telecommuting), and a degradation of the peaceful enjoyment of urban life; and

Whereas, existing laws in our city that are designed to limit the noise levels and hours of operation of leaf blowers have proven to be difficult to enforce and/or ineffective in addressing the aforementioned problems; and

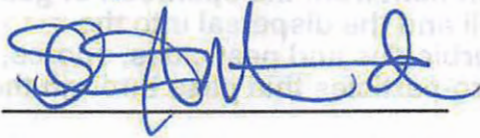
Whereas, alternatives exist for safe and effective leaf control and management (such as battery-powered or electric leaf blowers) that do not generate the same harms to public health and the environment as gas-powered leaf blowers; and

Whereas, a number of cities in the United States have now moved to prohibit the operation of gas-powered leaf blowers, in order to protect their citizens and to advance their quality of life and attractiveness; and

Whereas, a bill (B22-0234) has been introduced in the D.C. City Council by Council Member Mary Cheh, co-sponsored by Council Members Anita Bonds, David Grosso, Kenyan McDuffie, and Charles Allen, to phase out the sale and operation of gas-powered leaf blowers in the District of Columbia after an adequate period for current owners and retailers of such equipment to amortize their inventories and transition to healthier and more environmentally-sustainable alternatives;

Now, therefore, be it resolved, that Advisory Neighborhood Commission 7D hereby:

- o endorses the enactment of B22-0234;
- o urges Council Member Vince Gray, our representative on the City Council, to support enactment of B22-0234; and
- o requests the City Council to enact B22-0234, and Mayor Muriel Bowser to sign the legislation as enacted, at the earliest practicable time.



Sherice A. Muhammad, Chairperson



921 Pennsylvania Avenue SE
Washington, DC 20003-2141
6B@anc.dc.gov

July 10, 2018

OFFICERS

Chair

Daniel Ridge

Vice-Chair

Chander Jayaraman

Secretary

Kirsten Oldenburg

Treasurer

Nick Burger

Parliamentarian

James Loots

COMMISSIONERS

SMD 01 Jennifer Samolyk

SMD 02 Gerald Sroufe

SMD 03 James Loots

SMD 04 Kirsten Oldenburg

SMD 05 Steve Hagedorn

SMD 06 Nick Burger

SMD 07 Kelly Waud

SMD 08 Chander Jayaraman

SMD 09 Daniel Ridge

SMD 10 Denise Krepp

Committee of the Whole

Council of the District of Columbia, Suite 410

John A. Wilson Building

1350 Pennsylvania Ave NW

Washington, DC 20004

VIA EMAIL: cow@dccouncil.us

RE: ANC 6B support for Bill 22-234 / "Leaf Blower Regulation Amendment Act of 2017"

With a quorum present at a regularly scheduled and properly noticed meeting on 10 July 2018, ANC 6B voted to support Bill 22-234.

The ANC held a lengthy discussion on the issue at the 25 Jun 2018 meeting of our Outreach and Constituent Services Task Force.

Please contact Commissioner Daniel Ridge, Chair of ANC 6B, at 6b09@anc.dc.gov if you have any questions or would like further information.

Sincerely,

A handwritten signature in black ink, appearing to be "DR" or a stylized version of the name Daniel Ridge.

Daniel Ridge
Chair, ANC 6B



ADVISORY NEIGHBORHOOD COMMISSION 3C
GOVERNMENT OF THE DISTRICT OF COLUMBIA

CATHEDRAL HEIGHTS • CLEVELAND PARK
MASSACHUSETTS AVENUE HEIGHTS • MCLEAN GARDENS
WOODLAND-NORMANSTONE • WOODLEY PARK

Single Member District Commissioners

01-Lee Brian Reba; 02-Gwendolyn Bole; 03-Jessica Wasserman
04- Beau Finley; 05- Emma Hersh; 06-Angela Bradbery
07- Maureen Kinlan Boucher; 08-Malia N. Brink; 09-Nancy MacWood

P.O. Box 4966

Washington, DC 20008

Website <http://www.anc3c.org>

Email all@anc3c.org

ANC3C Resolution 2018-028
Regarding Support of the Leaf Blower Regulation Amendment
Act of 2017

Whereas, the operation of gas-powered leaf blowers generates noise levels that far exceed health and safety standards and have been shown to contribute to serious environmental and public health problems; and

Whereas, studies document that the population most seriously threatened by the operation of gas-powered leaf blowers is the operators themselves, as well as those in near proximity to such operation, especially children, the elderly, and those with respiratory conditions; and

Whereas, the noise from leaf blowers can potentially damage a person's hearing; and

Whereas, the wind force from the leaf blowers disturbs topsoil and other materials lying below the leaf layer dispersing spores, fungi, pollen, and chemical residue from insecticides, rodenticides, herbicides and fungicides as well as other potential allergens and particles of animal feces into the air; and

Whereas, cleaner and quieter cordless battery-powered leaf blowers are increasingly available and are being used already by some landscaping companies and homeowners with effective results and at a competitive price; and

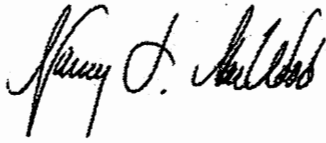
Whereas, a bill (B22-0234) has been introduced in the D.C. Council by Council Member Mary Cheh, co-sponsored by Council Members Anita Bonds, David Grasso, Kenyan McDuffie, and Charles Allen, to phase out the lawful operation of gas-powered leaf blowers in the District of Columbia after an adequate period for current owners and retailers of such equipment to amortize their inventories and transition to healthier and more environmentally-sustainable alternatives; and

Whereas, the legislation would require any D.C. retailer who continues to sell gas-powered mowers after January 1, 2020 to provide conspicuous notice to D.C. residents that it is not lawful to operate the equipment in the District:

Therefore, Be It Resolved that ANC 3C supports B22-0234 and urges the DC Council to enact it.

Be It Resolved that the Chair or her designee is authorized to represent the commission on this matter.

Attested by

A handwritten signature in black ink, appearing to read "Nancy J. MacWood". The signature is written in a cursive, flowing style.

Nancy J. MacWood
Chair, on July 16, 2018

This resolution was approved by a voice vote on July 16, 2018 at a scheduled and noticed public meeting of ANC 3C at which a quorum (a minimum of 5 of 9 commissioners) was present.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Consumer and Regulatory Affairs



Public Hearing on B22-234, “Leaf Blower Regulation Amendment Act of 2017”

Testimony of

Melinda Bolling
Director

Before the

Committee of the Whole
Chairman Phil Mendelson
Council of the District of Columbia

July 2, 2018
Room 412
2:00 pm
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Good afternoon, Chairman Mendelson, Councilmembers, and staff. My name is Melinda Bolling, and it's my honor to serve as the Director of Department of Consumer and Regulatory Affairs for the District of Columbia.

I'm here to present the Executive's testimony on Bill 22-234, the "Leaf Blower Regulation Amendment Act of 2017." While noise complaints are an issue that DCRA takes seriously, as drafted the "Leaf Blower Regulation Amendment Act of 2017" poses several implementation challenges.

We believe there are significant barriers to successful enforcement and that the proposal may create unintended consequences based on the enforcement mechanisms in the Bill as drafted. Regulating the use of gas-powered leaf blowers poses a real challenge due to the brief length of time that leaf blowers are generally used. DCRA inspectors would not be able to consistently arrive quickly enough to inspect a noise complaint about a leaf blower while the leaf blower is still in use.

Under the enforcement regime proposed by this bill, a resident may hear the noise of a leaf blower, and call 311, DCRA, or the Metropolitan Police Department (MPD) to complain. To address this complaint, DCRA would need to send an inspector right away to the location of the complaint. As you are aware, traveling across the District can take anywhere from 15 to 60 minutes. Given the average yard sizes in the District of Columbia and the tool's efficiency to complete the task, the inspector would likely not arrive at the property in time to witness any violation.

Newton, Massachusetts—with a population of just over 89,000—implemented a much less restrictive leaf blower ordinance in 2017. In the period from April to October, the Newton

Police Department responded to 320 leaf blower complaints. According to local media, the leaf blower ordinance was not being violated 75 percent of the times police responded to the 320 leaf blower complaints. Newton Police Lt. Bruce Apotheker explained to reporters that the Department did not “want to sacrifice public safety” and “didn’t think that was the best use of public resources.”

While the Council’s bill envisions DCRA, not MPD, as the enforcement authority, Newton’s experience points to the potential for the bill to drive an increase in call volume to MPD and 311. This would place a strain on the District’s resources, all due to a law that DCRA would not even be able to effectively enforce.

Finally, it is important to point out that Newton media reported frustrated landscaping companies viewed the city’s leaf blower ordinance as a deterrent to working in the city. The landscaping and yard maintenance industry is a thriving sector in the District with few barriers to entry. Frequent interactions with the DCRA inspectors could pose a perceived threat to many of the workers in the industry. In addition, under the bill, District residents would have to purchase new, expensive equipment to properly maintain their yards. DCRA urges Council to take into account the potential impacts on the landscaping industry and homeowners that could arise as a result of this bill.

For all of these reasons, the Executive believes the legislation requires significant reworking to be successfully implemented and enforced. Thank you for providing me with the opportunity to testify today. I am happy to answer any questions you may have.

7 A BILL
8
9
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12

13 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
14
15
16

17 To amend the District of Columbia ~~Municipal Regulations~~ Noise Control Act of 1977 to prohibit
18 the sale and use of gasoline-powered leaf blowers in the District of Columbia ~~by~~ on or
19 after January 1, 2022.
20

21 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
22 act may be cited as the “Leaf Blower Regulation Amendment Act of 2017”.

23 Sec. 2. Section 5(d)(6) of the District of Columbia Noise Control Act of 1977, effective
24 March 16, 1978 (D.C. Law 2-53; 20 DCMR § 2808), is amended as follows:

25 (a) Subparagraph (A) (20 DCMR § 2808.1) is amended as follows:

26 (1) The existing text is redesignated as sub-subparagraph (i)

27 (2) A new sub-subparagraph (ii) is added to read as follows:

28 “(ii) Except as provided under ~~2808.02~~ subparagraph (B) of this paragraph,
29 effective January 1, 2022, no person shall sell, offer for sale, or use, ~~at any time, a~~ gasoline-
30 powered leaf ~~blowers~~ blower in the District of Columbia.”.

31 (b) Subparagraph (B) (20 DCMR § 2808.2) is amended as follows:

32 (1) The existing text is redesignated as sub-subparagraph (i).

33 (2) A new sub-subparagraph (ii) is added to read as follows:

34 “(ii) A person who sells, at retail, a gasoline-powered leaf blower
35 in the District of Columbia on or after January 1, 2022, must provide conspicuous notice to the
36 consumer that the leaf blower may not be used in the District of Columbia.”.

37 (c) Subparagraph (D) (20 DCMR § 2808.4) is amended by striking the phrase “In
38 addition to any other enforcement measure authorized under this act, the Mayor” and inserting
39 the phrase “The Mayor” in its place

40 (d) A new subparagraph (F) is added to read as follows:

41 “(F)(i) Section 13 shall not apply to this paragraph.

42 “(ii) ~~Any person who violates a provision of this paragraph shall be~~
43 ~~subject to a~~ A civil fine not to exceed five hundred dollars (\$500).

44 ~~“(iii) The Mayor may enforce the provisions of this paragraph by~~
45 ~~issuing a notice of civil infraction pursuant to the Department of Consumer and Regulatory~~
46 ~~Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42, D.C. Code §6-~~
47 ~~2701 et seq.) (“Civil Infractions Act”).~~

48 ~~“(iv) Civil fines,) penalties, and fees may be~~
49 imposed as alternative sanctions for any infraction of this paragraph pursuant to titles I-III of the
50 Department of Consumer and Regulatory Affairs Civil Infractions Act. Adjudication of any
51 infraction of this paragraph shall be pursuant to titles I-III of the Civil Infractions Act.”.1985,
52 effective October 5, 1985 (D.C. Law 6-42; D.C. Code § -2-1801.01 et seq.).

53 _____
54 (e) A new subparagraph (G) is added to read as follows:

55 “(G)(i) Any person may file a complaint alleging usage of a gas-powered leaf
56 blower in violation of this paragraph with the Mayor.

57 “(ii) A complaint under sub-subparagraph (i) of this subparagraph shall be
58 submitted in written form prescribed by the Mayor and made available on the District of
59 Columbia website. The complaint shall be submitted no later than one week following the
60 occurrence of the alleged violation and shall be signed by an original complainant who shall
61 attest to its accuracy, under penalty of perjury. The complaint shall include:

62 “(1) The name of the individual or company alleged to have used a
63 gas-powered leaf blower in violation of this paragraph;

64 “(2) The location of the alleged violation;

65 “(3) The date and time of the alleged violation; and

66 “(4) Any additional identifying information regarding the user of
67 the gas-powered leaf blower.

68 “(iii) A District inspector need not witness a violation for a complaint to
69 be valid.

70 “(iv) A complainant under sub-subparagraph (i) of this subparagraph may
71 appear and give testimony at any administrative hearing or administrative review of the
72 complaint, or any other judicial or quasi-judicial action that may result from the complaint.

73 “(v) If the Mayor deems that the complaint has merit, the Mayor shall file
74 a Notice of Infraction and proceed pursuant to the Department of Consumer and Regulatory
75 Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official
76 Code § 2-1801.01 *et seq.*).

77 The Mayor shall provide a copy of the Notice of Infraction to the Office of Administrative
78 Hearings.

79 (f) A new subparagraph (H) is added to read as follows:

80 “(H) Section 13(A) shall not apply to the use of leaf blowers on federal
81 lands and at federal facilities.

82 Sec. 3. Fiscal impact statement.

83 The Council adopts the fiscal impact statement in the committee report as the fiscal
84 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
85 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

86 Sec. 4. Effective date.

87 This act shall take effect following approval by the Mayor (or in the event of veto by the
88 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
89 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
90 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
91 Columbia Register.

1 **COMMITTEE PRINT DRAFT**

2 Committee of the Whole

3 October 15, 2018

10 A BILL

15 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

19
20 To amend the District of Columbia Noise Control Act of 1977 to prohibit the sale and use of
21 gasoline-powered leaf blowers in the District of Columbia on or after January 1, 2022.

22
23 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
24 act may be cited as the “Leaf Blower Regulation Amendment Act of 2017”.

25 Sec. 2. Section 5(d)(6) of the District of Columbia Noise Control Act of 1977, effective
26 March 16, 1978 (D.C. Law 2-53; 20 DCMR § 2808), is amended as follows:

27 (a) Subparagraph (A) (20 DCMR § 2808.1) is amended as follows:

28 (1) The existing text is redesignated as sub-subparagraph (i)

29 (2) A new sub-subparagraph (ii) is added to read as follows:

30 “(ii) Except as provided under subparagraph (B) of this paragraph,
31 effective January 1, 2022, no person shall sell, offer for sale, or use a gasoline-powered leaf
32 blower in the District of Columbia.”.

33 (b) Subparagraph (B) (20 DCMR § 2808.2) is amended as follows:

34 (1) The existing text is redesignated as sub-subparagraph (i).

35 (2) A new sub-subparagraph (ii) is added to read as follows:

36 “(ii) A person who sells, at retail, a gasoline-powered leaf blower
37 in the District of Columbia on or after January 1, 2022, must provide conspicuous notice to the
38 consumer that the leaf blower may not be used in the District of Columbia.”.

39 (c) Subparagraph (D) (20 DCMR § 2808.4) is amended by striking the phrase “In
40 addition to any other enforcement measure authorized under this act, the Mayor” and inserting
41 the phrase “The Mayor” in its place

42 (d) A new subparagraph (F) is added to read as follows:

43 “(F)(i) Section 13 shall not apply to this paragraph.

44 “(ii) A civil fine not to exceed five hundred dollars (\$500),
45 penalties, and fees may be imposed as alternative sanctions for any infraction of this paragraph
46 pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions
47 Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Code § -2-1801.01 *et seq.*).

48 (e) A new subparagraph (G) is added to read as follows:

49 “(G)(i) Any person may file a complaint alleging usage of a gas-powered leaf
50 blower in violation of this paragraph with the Mayor.

51 “(ii) A complaint under sub-subparagraph (i) of this subparagraph shall be
52 submitted in written form prescribed by the Mayor and made available on the District of
53 Columbia website. The complaint shall be submitted no later than one week following the
54 occurrence of the alleged violation and shall be signed by an original complainant who shall
55 attest to its accuracy, under penalty of perjury. The complaint shall include:

56 “(1) The name of the individual or company alleged to have used a
57 gas-powered leaf blower in violation of this paragraph;

58 “(2) The location of the alleged violation;

59 “(3) The date and time of the alleged violation; and

“(4) Any additional identifying information regarding the user of the gas-powered leaf blower.

“(iii) A District inspector need not witness a violation for a complaint to be valid.

“(iv) A complainant under sub-subparagraph (i) of this subparagraph may appear and give testimony at any administrative hearing or administrative review of the complaint, or any other judicial or quasi-judicial action that may result from the complaint.

“(v) If the Mayor deems that the complaint has merit, the Mayor shall file a Notice of Infraction and proceed pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*).

The Mayor shall provide a copy of the Notice of Infraction to the Office of Administrative Hearings.

(f) A new subparagraph (H) is added to read as follows:

“(H) Section 13(A) shall not apply to the use of leaf blowers on federal lands and at federal facilities.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

84 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
85 Columbia Register.