



CITY COUNCIL STAFF REPORT

DATE: June 23, 2016 STUDY SESSION

SUBJECT: DISCUSS REGULATIONS RELATED TO LEAF BLOWERS

FROM: David H. Ready, City Manager

BY: Office of Sustainability, Michele Mician, Sustainability Manager

SUMMARY:

In 2012, members of the public, sustainability commissioners and city council members requested that the Office of Sustainability initiate a study on the use of leaf blowers and a review of regulations by various local agencies limiting their use. The Sustainability Commission assigned a subcommittee on the issue, and in coordination with staff, prepared a draft ordinance limiting leaf flower operation for discussion and public review. At that time, the draft regulations considered prohibiting the use and operation of gasoline leaf blowers in residential areas of the City; however, the draft regulations were not supported and approved by the Sustainability Commission. The purpose of this study session item is to reconsider initiating efforts to draft new regulations limiting the use of leaf blowers within the City.

RECOMMENDATION:

Provide direction to staff as appropriate.

BACKGROUND:

In 2012 the Office of Sustainability facilitated the formation of a leaf blower subcommittee of the Sustainability Commission as a response to a City Council request to investigate leaf blower regulations. The subcommittee met throughout the year to analyze the subject and review leaf blower ordinances enacted by cities throughout the country.

Educational materials and a draft ordinance regulating leaf blower operation were prepared for presentation at a Sustainability Commission study session that was open to the public and held on February 27, 2013. A power point (included as Attachment 1) was presented that detailed the impacts of leaf blowers as well as the results of

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research on other city's leaf blower ordinances. Over 100 people attended the meeting. The session was conducted in English and Spanish, and due to overwhelming opposition from commercial landscape maintenance businesses, the Sustainability Commission at that time did not take action to approve the draft ordinance and regulations limiting leaf blower operation. The Sustainability Commission requested that staff continue to increase education regarding the potential health issues associated with leaf blower operation, the use of proper safety gear when using leaf blowers, and promoting the use of alternative options to leaf blowers such as rakes and brooms. The Sustainability Commission also increased outreach encouraging use of electric rather than gasoline powered leaf blowers, and promoted the Air Quality Management District (AQMD) rebate programs. In furtherance of this direction, the City of Palm Springs has converted several gasoline powered landscape maintenance equipment to electrically powered.

In 2015 the Sustainability Commission initiated a new review of regulations limited the use of leaf blowers. The Sustainability Commission assigned review of the issue to the Health and Wellness Subcommittee, and the Subcommittee researched the issue and surveyed the various City neighborhood organizations on their support for or opposition to implementing regulations on the use of leaf blowers. Discussion of leaf blower regulations was held at a ONE-PS meeting, however, at that time there was not definitive support from the various neighborhoods on implementing restrictions on leaf blower use.

Proceeding with further review and consideration regulations limiting leaf blower use is pending direction at this Study Session.

STAFF ANALYSIS:

The purpose of this study session item is to discuss and consider regulations limiting the use and operation of gasoline leaf blowers in the City. There are various alternative approaches to implementing regulations limiting leaf blower use, including (but not limited to):

1. Limiting the use of all leaf blowers (gasoline and electrically powered) within the City, or
2. Limiting the use of gasoline powered leaf blowers within the City, or
3. Limiting the use of gasoline powered leaf blowers within certain areas of the City (i.e. residential, school sites, public facilities, etc.), or
4. Implementing a phased approach over a certain period of time to eliminate the use of gasoline and/or electrically powered leaf blowers within the City.

The Sustainability Commission has appointed a "Leaf Blower and Health and Wellness Subcommittee" to review the issue. A summary of research completed on the issue, and examples of regulations adopted by other cities, is included as Attachment 1.

The use of leaf blowers has been associated with potentially negative impacts associated with noise, air quality, and public health (particularly with those operating the leaf blowers). A 1999 California Air Resources Board report on Potential Health and Environmental Impacts of Leaf Blowers suggests that leaf blowers may be associated with potentially adverse effects, and the public perception of these adverse effects associated with leaf blower use has resulted in restrictions on their use in certain jurisdictions. The 1999 report is available at the following website:

<http://www.arb.ca.gov/msprog/leafblow/leafblow.htm>

The Sustainability Commission's Subcommittee's recommendation for a regulation limiting gasoline powered leaf blowers in residential areas is justified in part by the air quality impacts due to emissions caused by their use. A February 2000 report prepared by the California Environmental Protection Agency Air Resources Board estimated at that time that there were more than 400,000 gasoline-powered leaf blowers, plus approximately 600,000 electric leaf blowers, that were operating at an estimated 114,000 hours per day in California. The 2000 report is available at the following website:

<http://www.noiseoff.org/document/cepa.report.pdf>

The 2000 report provides an example of how to visualize the potential adverse effects of leaf blower operation by comparing their operation to miles traveled by car. The Air Resources Board calculated that hydrocarbon emissions from one-half hour of leaf blower operation equals about 7,700 miles of driving, at 30 miles per hour average speed.

Leaf blowers may also create excessive and unusual amounts of noise, operating at anywhere from 70 to up to 90 decibels. Depending on the distance from a dwelling area the noise level may be considered a disturbance. The U.S. Department of Labor Occupational Safety & Health Administration (OSHA) requires a hearing protection program for employees when sound exposures equal or exceed an eight-hour, time-weighted average sound level of 85 decibels. Most of the newer leaf blower machines are rated at, or less than, 70 decibels at 50 feet at full throttle.¹

The Sustainability Commission Subcommittee conducted research and found evidence of various ordinances throughout the state of California. These ordinances varied in that some implemented limitations on gasoline powered leaf blowers in both residential and commercial areas, while others ordinances limited the use of gasoline powered leaf blowers in only residential areas. Several cities have implemented further restrictions and banned the use of all leaf blowers entirely (gasoline or electrically powered).

¹ California Landscape Contractors Association website: <http://www.clca.org/leaf-blowers/index.php>

After its review of the issue, the Sustainability Commission Subcommittee is recommending that the City consider implementing regulations that limit the use of gasoline powered leaf blowers within residential areas of the City.

Proceeding with further review and consideration of regulations limiting the use of leaf blowers within the City will require additional coordination with the City's various neighborhood organizations via ONE-PS, as well as public outreach with the commercial landscape maintenance industry.

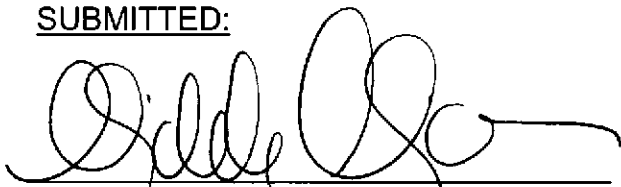
FISCAL AND STAFF IMPACTS:

Staff time and associated fiscal impacts are yet to be determined.

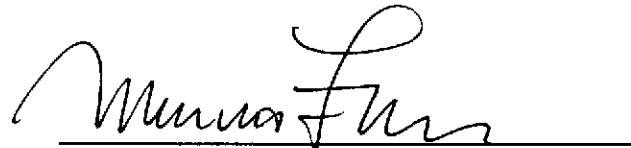
ENVIRONMENTAL IMPACT:

Staff finds that discussion of leaf blower regulations is not a "project" under the California Environmental Quality Act, because it does not involve any commitment to a specific project which may result in a potentially significant physical impact on the environment, as contemplated by Title 14, California Code of Regulations, Section 15378(b)(4). Therefore no negative environmental impact is noted and there is a negative declaration.

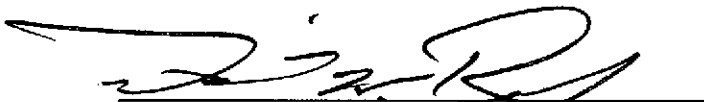
SUBMITTED:



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Attachments:

1. Research Materials – Power Point

ATTACHMENT 1

Other City Actions



Current Leaf Blower Bans – Laguna Beach

- Garden/debris blowers prohibited.

The use of electrical or gasoline powered **blowers, such as commonly used by gardeners and other persons for cleaning lawns, yards, driveways, gutters, and other property is prohibited at any time within the city limits.** (Ord. 1259 § 1, 1993: Ord. 535 § 1 (part), 1964).



Current Leaf Blower Bans – Berkeley

- 14. Notwithstanding Subsection B.11 of this section, it shall be **unlawful for any person, including any City employee, to operate any portable machine powered with a gasoline engine used to blow leaves, dirt, and other debris off sidewalks, driveways, lawns or other surfaces within the City limits**



Leaf Blower Use: Other Cities

- ❑ **Indian Wells (1990):** “Leaf blowers shall be prohibited in all zones within the City except: (i) individual property occupants may operate a single **electrically powered** leaf blower with use confined to his/her property; (ii) golf course operators may operate gasoline powered leaf blowers during the month of September 15th through December 1st of each year.
- ❑ **Hermosa Beach:** It is unlawful to use within the city limits or cause to be used **electrical or gasoline** powered backpack/leaf blower. Such as commonly used by gardeners, landscapers and other persons
- ❑ **Beverly Hills (1976):** It shall be unlawful for any person within the City to use or operate any portable machine powered with a **gasoline engine** used to blow leaves, dirt, and other debris off sidewalks, driveways, lawns, and other surfaces.



Other Cities (cont'd)

- **West Hollywood (1986):** The purpose of this Ordinance is to prohibit the use and operation of **gasoline blowers** in the City of West Hollywood. These devices, used to blow leaves, dirt and debris, create an excessive and unusual amount of noise, often operating at up to ninety decibels. The sustained operation of leaf blowers at this decibel level is literally deafening to persons who reside and work within earshot of many gardeners not only causes disturbance of those in the vicinity of users of leaf blowers but has the potential to cause hear damage. In additional, leaf blower tends to blow dirt, dust and other particulate matter in the air, thereby reducing the air quality in West Hollywood, aggravating persons with allergies and asthmatic conditions and depositing such debris on other public and private property. There are many alternate methods of methods disposing of leaves available to gardeners and property owners, including electrical blowers, rakes, brooms, vacuums and water. The use of gasoline powered blowers is hereby declared to constitute a public nuisance by virtue of the detrimental effect such blowers have on the community and residents of West Hollywood.

Leaf Blower Ban in California Cities

Summary of California Cities that have Leafblower Ban Ordinances

Ban Provisions	Ban on all Leaf blowers (Gas & Electric)	Ban on Gas- Powered Leaf blowers	Ban during Time Restrictions
Percentage	11%	47%	40%

Source: 2011 Consumer Report; Based on 55 California cities

Leaf blowers have an impact on Greenhouse Gas Emissions; currently contribute to emissions (statewide) in the following ways:

Hydrocarbons (reactive): 4.2 tons per day

Carbon Monoxide (CO): 9.8 tons per day

Fine Particulate Matter: 0.02 tons per day

(Source: California Environmental Protection Agency/Air Resources Board)

What are the Alternatives ?



- Rakes
- Brooms
- Outdoor Vacuum
- Electric powered leafblowers

Strategy: Leaf blower Alternatives and Impact

- Educate residents and contractors (and their workers) regarding the hazards and impact of leafblower utilization
 - a. Impact on environment
 - b. Impact on Leaf blower workers and compliance with OSHA requirements
 - c. Impact on health and well being of the workers, residents and surrounding community
 - d. Possibly create a “buy-back” or a “discount coupon” program to offer residents and others encouraging the trade in gasoline leaf blowers for a commercial grade push brooms and dust pans and electric powered leafblowers.

Key Elements of Leaf blower Ordinance

1. Propose ban on all gasoline powered leaf blowers; encourage the conversion to electric powered leaf blowers
2. The Office of Sustainability and the Sustainability Commission would be responsible for education and increasing public awareness and educational outreach campaign of residents and businesses
3. Investigate the feasibility of proposing and implementing a buy-back and/or discount coupon program to facilitate use of alternative method of debris clean up supported by the Sustainability funds.
4. Enforcement of the ordinance through infraction citation and subsequent fines for ordinance violations. Fines could vary from \$25 to \$250 per infraction.
5. Develop a phase-in “roll-out” ban approach during a one year period. Phase 1 could restrict use of leaf blowers during specified hours of the day; Phase 2 to restrict specified days of the week and final Phase 3 complete ban.