

LINDA LINGLE  
GOVERNOR OF HAWAII



CHIYOME LEINAALA FUKINO, M.D.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P.O. Box 3378  
HONOLULU, HAWAII 96801-3378

In reply, please refer to:  
File:

**Committee on Judiciary**

**SB 466, SD2, HD1 RELATING TO POLLUTION**

**Testimony of Chiyome Leinaala Fukino, M.D.  
Director of Health**

**February 11, 2010**

**2:00 p.m.**

1 **Department's Position:** The department respectfully opposes this measure. Given current fiscal  
2 difficulties, it would not be prudent to enact the measure now.

3 **Fiscal Implications:** As yet un-quantified resources would be needed to adopt and enforce rules.

4 **Purpose and Justification:** The bill proposes the following:

5 Amend Chapter 342F, Hawaii Revised Statutes, to prohibit the operation of leaf blowers except  
6 between 7:00 A.M. and 7:00 P.M. on any day except Sunday or a federal holiday, and between the hours  
7 of 9:00 a.m. and 6:00 p.m. on Sunday or a federal holiday. The bill specifies a fine of \$50 for the first  
8 violation, \$100 for a second violation, \$200 for a third violation, and \$500 for each subsequent violation.

9 Amend Chapter 342H, Hawaii Revised Statutes, to prohibit the operation of a leaf blower in such  
10 a manner that debris is blown beyond the boundaries of the parcel that is being cleaned.

11 We generally favor a quieter environment. We appreciate that some people dislike noisy leaf  
12 blowers/yard equipment. Noise can be a nuisance and disturb sleep, even if it does not reach the levels  
13 that cause hearing damage. There are also practical considerations in achieving a quieter environment.

1           The intent of Chapter 342F, Hawaii Revised statutes was to regulate stationary equipment,  
2 construction, agricultural and industrial activities. These types of sources are either fairly constant in  
3 nature, stationary or restricted to a certain location, and can be enforced more easily. Enforcement  
4 against leaf blowers would be extremely difficult due to their mobility and the times of the bans.

5           Currently there are no prohibitions on emission for hand-held equipment. The department  
6 currently regulates large sources of noise emission that have a wider impact on the environment. In  
7 addition, there are already laws that regulate dust and litter. This bill duplicates similar laws currently in  
8 existence.

9           Any new mandate will require additional resources for serious enforcement.

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

**FAX SHEET**

Date: February 10, 2010  
To: The Honorable Jon Riki Karamatsu, Chair  
and Members of the Committee on Judiciary  
From: Mark Tsuyemura  
Department of Parks and Recreation  
City and County of Honolulu  
Subject: WRITTEN TESTIMONY ON SENATE BILL NO. 466  
RELATING TO POLLUTION

The City & County of Honolulu Department of Parks and Recreation would like to submit written testimony for the February 11, 2010 hearing.

If you have any questions please call me at 768-3015 or email (mtsuyemura@honolulu.gov)

DEPARTMENT OF PARKS AND RECREATION  
**CITY AND COUNTY OF HONOLULU**

1000 ULUOHA STREET, SUITE 309 • KAPOLEI, HAWAII 96707  
Phone: (808) 768-3003 • FAX: 768-3053 • Internet: www.cc.honolulu.hi.us

MUFI HANNEMANN  
MAYOR



LESTER K. C. CHANG  
DIRECTOR

RICHARD HARU  
DEPUTY DIRECTOR

February 10, 2010

The Honorable Jon Riki Karamatsu, Chair  
and Members of the Committee on Judiciary  
State Senate  
State Capitol  
Honolulu, Hawaii 96813

Dear Chair Karamatsu and Members:

**Subject: Senate Bill 466 – Relating to Pollution**

The Department of Parks and Recreation (DPR) does not support Senate Bill 466. This bill would prevent DPR from performing its duty in an efficient and cost effective manner. In the current economic climate, operational efficiency is critical.

The prohibition of the use of leaf blowers on or near residential zones within one hundred feet will affect the majority of the City and County of Honolulu parks. The majority of parks are within one hundred feet of a residential zone. The limitation of a leaf blower due to a residential proximity of one hundred feet will adversely affect the maintenance of parks.

The prohibition of gas powered leaf blowers would be costly, time consuming, and a less effective use of our labor and limited resources. Sweeping is currently limited to small work areas and projects. It is not practical to sweep a large area such as a park and its parking lots. Utilizing electric leaf blowers would not be a practical alternative to gas powered machines because of its limitations in regards to the availability of power.

In the course of the last ten years, the gas leaf blowers have made vast improvements in the reduction of noise pollution. Current machines on the market are available with operating levels as low as 65dB.



The Honorable Jon Riki Karamatsu, Chair  
and Members of the Committee on Judiciary

Page 2

Our staff is trained in the use of all equipment that they operate. Equipment manufacturers also provide manuals as to the proper use of their equipment. Our staff makes every effort to insure that the equipment being operated is being used in the correct fashion it was designed for. Providing further education on blower usage to our staff is far simpler than imposing a fine system that must be monitored and implemented by another government agency.

Thank you for the opportunity to comment.

Sincerely,

Lester K. C. Chang, Director  
Department of Parks and Recreation

**karamatsu1-Kenji**

---

**From:** Bishop's Landscaping [bishop@bishopslandscapemaintenance.com]  
**Sent:** Wednesday, February 10, 2010 7:36 PM  
**To:** JUDtestimony  
**Subject:** Bill 466 SD2, HD1

**Bishop's Landscaping Maintenance  
P.O. Box 623  
Kailua, Hawai'i 96734  
Phone: 343-1080**

**RE: Testimony in Support of Senate Bill 466 SD2, HD1 - Relating to Leaf Blowers**

February 11, 2010

Dear Chair Karamatsu, Vice Chair Ito, and Committee members,

I'm Bishop, the owner of Bishop's Landscaping Maintenance. I've used gas powered leaf blowers in my business for years.

I'm testifying in support of Senate Bill 466 SD2, HD1 with amendments. You'll be surprised to hear this, but I would like to see this bill amended to include the language from SB 2356 which would make the regulations stronger and ban gas powered leaf blowers.

Over the years, I've gotten some complaints from the neighbors of my clients. Usually, people have been most concerned about the noise pollution, and also the smells and fumes that our leaf blowers produce. It was when a neighbor of mine started using a leaf blower on a regular basis for extended periods of time that I started to understand better why some people complain. We had to schedule our home activities around when the leaf blower was going to be used and that just didn't seem right. So now I understand how gas leaf blowers can definitely affect the quality of life for people.

I think it would be a reasonable compromise to allow electric leaf blowers to remain legal. Electric leaf blowers are not as loud and don't produce the same air pollution that gas ones do.

Sincerely,

Bishop

**Bishop's Landscaping Maintenance  
P.O. Box 623  
Kailua, Hawai'i 96734  
Phone: 343-1080**

# PERFORMANCE LANDSCAPES



C - 24145

To: Rep. Jon Karamatsu and Rep. Ken Ito  
Judiciary Committee

From: Matt Lyum, CLP  
Owner/Performance Landscapes

Re: Opposition to SB 466  
February 11, 2pm Hearing  
16 copies

While Performance Landscapes is in favor of the intent of the law, we are opposed for the following reasons:

- The elimination of blowers will increase costs to clients dramatically.
- Some clients will ask us not to remove debris and will cause it to blow naturally off property.
- Some clients will turn to “cash” yardmen who will not comply with the law.
- Professional Landscapers are trained to use blowers; within certain hours, safely, minimizing debris and noise.
- There are lower decibel blowers on the market with mufflers, electric motors, etc...
- The Dept. of Health already has noise rules regulating noise of “industrial, construction, and ag. Equipment”. Landscape Equipment should/can be added to existing law rather than creating a new one.
- Mowers, weedwhackers, hedgetrimmers, chainsaws, and many other power tools are not covered by this ban.

I personally would not like to hear blowers, or any other loud noises waking me up Sunday mornings. I am willing to work on legislation with any interested party that will satisfy the intent of this bill without the adverse economic and environmental effects I believe this bill will cause.

**From:** Liu, Randy [Randy.Liu@starwoodhotels.com]  
**Sent:** Wednesday, February 10, 2010 3:14 PM  
**To:** JUDtestimony  
**Cc:** performancels@hotmail.com; Boyd Ready  
**Subject:** No to Ban on Blowers

COMMITTEE ON JUDICIARY

Rep. Jon Riki Karamatsu, Chair

Rep. Ken Ito, Vice Chair

Aloha Representative Karamatsu and Representative Ito, I hope my testimony is not too late, and my voice can be heard. My name is Randy Liu, and I am the Grounds and Landscaping Manager at the Starwood Hotels and Resorts, Waikiki (Sheraton Waikiki, Royal Hawaiian, a Luxury Collection, Moana Surfrider, a Westin Resort, and the Princess Kaiulani). I am **against SB466** to ban leaf blowers, or any of the other bills proposed in the Senate and House; SB466 SD2 HD 1, SB2356, HB 2047.

Here at the hotels, even though guests pay a premium for their tranquility, there is still a place for the use of blowers, if they are used consciously and considerately. Gas blowers are more efficient at moving leaves than raking or sweeping, and save valuable man hours that keep our costs down.

Furthermore, what is good for residents in Diamond Head or the resort living of Hualalai district, may not be what is good for a condo in Salt Lake or Waipahu who is trying to keep costs down with time saving machinery. If these communities require stricter noise level controls, why don't they take care of it at a community level. Why limit the whole State.

Are there not noise pollution laws already in place? Nothing before 8am and after 9pm, no work on Sundays, etc, etc. If Landscapers are excluded from this law, why not just amend the law to include them? Why make a whole other law singling out the blower? And who will regulate this law? Will we need to hire more state personnel to oversee this?

Also, small engine companies such as STIHL, Echo, Shindaiwa, and Honda are all aware of the emissions and noise levels two cycle engines produce and they are working hard to change the technology to reduce these outputs. In a short time, emissions and noise levels will be lower than ever before.

In a time when we are focusing on economy, and ways to drive revenue, limiting a landscaper, Gardener, or maintenance man from blower use is like taking away a pipe

wrench from a plumber, or a spray gun from a painter. The results will only drive prices up in our field of work as it will take a considerable amount more labor to do what a leaf blower can do.

I humbly ask for your consideration

Thank You,

Randy Liu  
Grounds Manager  
Starwood Hotels & Resorts in Waikiki  
2255 Kalakaua Avenue  
Honolulu, HI 96815-2579  
Phone (808) 931-8545  
Fax (808)931-8547  
Email: [randy.liu@starwoodhotels.com](mailto:randy.liu@starwoodhotels.com)

<http://www.sheratonhawaii.com/www.sheratonhawaii.com>

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## karamatsu1-Kenji

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**From:** Boyd Ready [boyd@akahisvc.com]  
**Sent:** Thursday, February 11, 2010 7:25 AM  
**To:** JUDtestimony  
**Cc:** Rep. Jon Karamatsu  
**Subject:** Landscape Council against blower ban, for regulation

COMMITTEE ON JUDICIARY

Re: HB 2733, referral sheet 7, referred Jan 27, "leaf blower ban"

Rep. Jon Riki Karamatsu, Chair

Rep. Ken Ito, Vice Chair

Dear Committee members:

It is not often realized that the Hawaii landscape industry provides well over 10,000 jobs, and does as much gross revenue as all diversified agriculture combined, around 3/4 billion dollars per year. We are responsible for the fine appearance of our resorts, parks, public places, golf courses, and our many private residences and condominiums. Compared to agriculture, where employment growth (except seed companies) has been flat, landscape industry jobs are increasing every year. Our Industry Council has teamed up with conservationists and helped lead on invasive species and water conservation and erosion control.

It may appear to be a luxury to some, and a frivolity, to use a blower when a broom would do, but it is in fact part of a livelihood, and an important one. It is the entry job for many a new immigrant. It is the sophisticated planning of a new resort. It is the careful selective pruning of a treasured tree. It is the adornment of a fine residence that makes all the difference, when that messy construction work is over. And it is our own backyards and neighborhood parks.

It is simply false that brooms and rakes work as fast as blowers. If that were true, why would so many business owners and small proprietors spend money on expensive equipment and equipment maintenance? The fact is my own company's time-motion studies have shown blowers are 5X faster than brooming, and industry studies cited by the California Landscape Contractors Association confirm that. Electric machines are cumbersome, require noisy generators, and introduce electrocution hazard into often wet outdoor conditions. They are not an obvious substitute, and are not much quieter.

The landscape industry is perfectly content to have blower use regulated. But we are against an outright ban. Noise laws already regulate construction, agricultural and similar noise on holidays and Sundays and during certain hours. The simplest fix would be to add landscape equipment to the noise laws.

Unexpected side effects of a blower ban would be many. Thousands of blowers already out there would continue to be used. The landscape industry has a particularly large 'under the table' segment, weekend warriors and small proprietors serving the residential and small commercial market. These vendors would increase their business by underpricing while using blowers while licensed landscape contractors would be forced to raise their prices or cut services to switch to brooms and rakes. The 'cash' side of the landscape business would increase, further decreasing the general excise and income tax revenues for the State.

Instead of banning blowers, why not register all maintenance contractors and require certification in the tasks of the trade. Professional landscape contractors already limit blower use in many of the ways suggested in these banning bills, and have found acceptable solutions for limiting noise for their many residential customers. Scheduling predictable and limited time slots, use of the quietest available equipment, and refraining from unnecessary uses are all common practice taught in our volunteer administered, national standardized 'Certified Landscape Technician' program, and could be in wider use should a higher level of professionalism be expected of all landscapers by the State.

At a minimum, if a landscaper were registered, had a CLT on staff, and paid their taxes, they could proudly place a registered maintenance contractor 'RMC' # on their trucks. This would make enforcement of blower use rules much easier, with the un-numbered trucks evidently not in compliance, and the numbered ones easily tracked to the registration list!

The difficulties of a blower ban are many, not the least being enforcement. The benefits of an upgrade to landscape maintenance practices are many, not the least being more general excise and income tax revenues from what is now a large under the table workforce.

This blower fuss could end up being a good thing for everyone. Imagine professional courteous use of blowers and more tax revenues by registering and training maintenance contractors. Imagine the easier enforcement!

Let's not just proceed with a knee jerk ban and another of the long series of unenforceable State mandates.

Sincerely,

Boyd Ready, President  
Landscape Industry Council of Hawaii

and also  
VP, RME, Certified Arborist

Akahi Services, Inc.  
96-1367 Waiihona St.  
Pearl City HI 96782

Tel. 791-8803; Fax 791-8903; Cellular 306-9307

40th Year's Service to Landscapes in Hawaii

HOUSE OF REPRESENTATIVES  
THE TWENTY-FIFTH LEGISLATURE  
REGULAR SESSION OF 2010

DATE: Thursday, February 11, 2010

TIME: 2:00 P.M.

HOUSE COMMITTEE ON JUDICIARY

STATE CAPITOL, CONFERENCE ROOM 325

415 South Beretania Street

To: Rep. Jon Riki Karamatsu, Chair

Rep. Ken Ito, Vice Chair

Committee Members:

Rep. Della Au Belatti

Rep. Rida Cabanilla

Rep. Mele Carroll

Rep. Robert N. Herkes

Rep. Sylvia Luke

Rep. Angus L.K. McKelvey

Rep. John M. Mizuno

Rep. Hermina M. Morita

Rep. Blake K. Oshiro

Rep. Joseph M. Souki

Rep. Clift Tsuji

Rep. Glenn Wakai

Rep. Barbara C. Marumoto

Rep. Cynthia Thielen

**RE: Testimony re Senate Bill 466 SD1 HD1: Relating to Pollution.**

Dear Judiciary Committee:

My name is Linda Wong and I am a member of the Diamond Head, Kapahulu, St. Louis Heights Neighborhood Board.

I am testifying re SB 466 SD1 HD 1: Relating to Pollution, because I support this Bill in it's intent however there are problems I see in it's current form.

I recommend the following changes to this proposed Bill:

- Prohibit the use of Gas Leaf Blowers in 2011.
- Change the language on line 12 **from 10 feet to 50 feet** as 10 feet is not healthy and 50 feet is the language in most other Leaf Blower Laws. "No leaf blower shall be operated within a horizontal (line 11) distance of **ten feet** of any operable window, door, or (line 12) mechanical air intake opening or duct of a building.
- Prohibit the use of Leaf Blowers on Sunday, State and Federal Holidays.

I respectfully urge all legislators such as you to consider changing this Bill as noted.

Thank you for this opportunity to testify.

Respectfully,

Linda Wong

[leiahi@hawaii.rr.com](mailto:leiahi@hawaii.rr.com)

923-7484

3071 Pualei Circle ]

Honolulu, HI



HOUSE OF REPRESENTATIVES  
THE TWENTY-FIFTH LEGISLATURE  
REGULAR SESSION OF 2010

DATE: Thursday, February 11, 2010  
TIME: 2:00 P.M.  
HOUSE COMMITTEE ON JUDICIARY  
STATE CAPITOL, CONFERENCE ROOM 325  
415 South Beretania Street

To: Rep. Jon Riki Karamatsu, Chair

Rep. Ken Ito, Vice Chair

Committee Members:

Rep. Della Au Belatti

Rep. Rida Cabanilla

Rep. Mele Carroll

Rep. Robert N. Herkes

Rep. Sylvia Luke

Rep. Angus L.K. McKelvey

Rep. John M. Mizuno

Rep. Hermina M. Morita

Rep. Blake K. Oshiro

Rep. Joseph M. Souki

Rep. Clift Tsuji

Rep. Glenn Wakai

Rep. Barbara C. Marumoto

Rep. Cynthia Thielen

**RE: Testimony re Senate Bill 466 SD1 HD1: Relating to Pollution.**

Dear Judiciary Committee:

My name is Judith Bowman. I am testifying re SB 466 SD1 HD 1: Relating to Pollution, because I support this Bill in its intent, however, there are problems I see in its current form.

I recommend the following changes to this proposed Bill:

- Prohibit the use of Leaf Blowers in 2011 in residential areas.
- Change the language on line 12 **from 10 feet to 50 feet** as 10 feet is not healthy and 50 feet is the language in most other Leaf Blower Laws. "No leaf blower shall be operated within a horizontal (line 11) distance of **ten feet** of any operable window, door, or (line 12) mechanical air intake opening or duct of a building.
- Prohibit the use of Leaf Blowers on Sunday, State and Federal Holidays.

I respectfully urge all legislators such as you to consider changing this Bill as noted.

Thank you for this opportunity to testify.

Respectfully,  
Judith Bowman  
3017 Pualei Circle  
96815

HOUSE OF REPRESENTATIVES  
THE TWENTY-FIFTH LEGISLATURE  
REGULAR SESSION OF 2010

DATE: Thursday, February 11, 2010  
TIME: 2:00 P.M.  
HOUSE COMMITTEE ON JUDICIARY  
STATE CAPITOL, CONFERENCE ROOM 325  
415 South Beretania Street

To: Rep. Jon Riki Karamatsu, Chair

Rep. Ken Ito, Vice Chair

Committee Members:

Rep. Della Au Belatti

Rep. Rida Cabanilla

Rep. Mele Carroll

Rep. Robert N. Herkes

Rep. Sylvia Luke

Rep. Angus L.K. McKelvey

Rep. John M. Mizuno

Rep. Hermina M. Morita

Rep. Blake K. Oshiro

Rep. Joseph M. Souki

Rep. Clift Tsuji

Rep. Glenn Wakai

Rep. Barbara C. Marumoto

Rep. Cynthia Thielen

**RE: Testimony re Senate Bill 466 SD1 HD1: Relating to Pollution.**

Dear Judiciary Committee:

My name is Mollie Mead. I am testifying re SB 466 SD1 HD 1: Relating to Pollution, because I support this Bill in its intent, however, there are problems I see in its current form.

I recommend the following changes to this proposed Bill:

- Prohibit the use of Leaf Blowers in 2011 in residential areas.
- Change the language on line 12 **from 10 feet to 50 feet** as 10 feet is not healthy and 50 feet is the language in most other Leaf Blower Laws. "No leaf blower shall be operated within a horizontal (line 11) distance of **ten feet** of any operable window, door, or (line 12) mechanical air intake opening or duct of a building.
- Prohibit the use of Leaf Blowers on Sunday, State and Federal Holidays.

I respectfully urge all legislators such as you to consider changing this Bill as noted.

Thank you for this opportunity to testify.

Respectfully,  
Mollie Meade  
3017 Pualei Circle  
96815

**karamatsu1-Kenji**

---

**From:** Mary Lou Sanelli [marylou@olympus.net]  
**Sent:** Thursday, February 11, 2010 8:48 AM  
**To:** JUDtestimony  
**Subject:** LATE TESTIMONY SB 466 SD2 HD1 JUD Testimony 2010 .doc

HOUSE OF REPRESENTATIVES  
THE TWENTY-FIFTH LEGISLATURE  
REGULAR SESSION OF 2010

DATE: Thursday, February 11, 2010  
TIME: 2:00 P.M.  
HOUSE COMMITTEE ON JUDICIARY  
STATE CAPITOL, CONFERENCE ROOM 325  
415 South Beretania Street

To: Rep. Jon Riki Karamatsu, Chair  
Rep. Ken Ito, Vice Chair  
Committee Members

**RE: Testimony re Senate Bill 466 SD2 HD1: Relating to Pollution.**

Dear Judiciary Committee:

Thank you for hearing this Bill. I am testifying re SB 466 SD2 HD 1: Relating to Pollution, because I support this Bill in it's intent however I do have some comments and suggested changes to it's current form.

I recommend the following changes to SB 466 SD2 HD 1:

1. Recommend the Prohibition of Gas Leaf Blowers in 2011 for the better health of people living in residential neighborhoods.
2. Recommend that you **insert: "No leaf blower shall be operated within a horizontal distance of fifty feet of any operable window, door, or mechanical air intake opening or duct of a building.** This is included in most Leaf Blower Laws and would help insure that environmental and noise pollution does not reach our neighbors and compromise their health and safety.
3. Recommend the Prohibition of the use of Leaf Blowers on Sunday, State, and Federal Holidays, as a respite for residents is needed for their health and stress levels. For this reason and others I also recommend you change the hours of allowed use to 8:00 am and 6:00 pm for daily workers.
4. Documents to support the above reasoning can be provided upon request, as many Bills through out our Country have been passed with ample scientific supported documentation.

I respectfully urge you to consider changing this Bill as recommended.

Thank you for this opportunity to testify.

Respectfully,

Name Mary Lou Sanelli  
Email address [Marylou@olympus.net](mailto:Marylou@olympus.net)  
Address 2895 Kalakaua , Honolulu, HI

HOUSE OF REPRESENTATIVES  
THE TWENTY-FIFTH LEGISLATURE  
REGULAR SESSION OF 2010

DATE: Thursday, February 11, 2010

TIME: 2:00 P.M.

HOUSE COMMITTEE ON JUDICIARY

STATE CAPITOL, CONFERENCE ROOM 325

415 South Beretania Street

To: Rep. Jon Riki Karamatsu, Chair  
Rep. Ken Ito, Vice Chair  
Committee Members

**RE: Testimony re Senate Bill 466 SD2 HD1: Relating to Pollution.**

Dear Judiciary Committee:

Thank you for hearing this Bill. I am testifying re SB 466 SD2 HD 1: Relating to Pollution, because I support this Bill in it's intent however I do have some comments and suggested changes to it's current form.

I recommend the following changes to SB 466 SD2 HD 1:

1. Recommend the Prohibition of Gas Leaf Blowers in 2011 for the better health of people living in residential neighborhoods.
2. Recommend that you **insert: "No leaf blower shall be operated within a horizontal distance of fifty feet of any operable window, door, or mechanical air intake opening or duct of a building.** This is included in most Leaf Blower Laws and would help insure that environmental and noise pollution does not reach our neighbors and compromise their health and safety.
3. Recommend the Prohibition of the use of Leaf Blowers on Sunday, State, and Federal Holidays, as a respite for residents is needed for their health and stress levels. For this reason and others I also recommend you change the hours of allowed use to 8:00 am and 6:00 pm for daily workers.
4. Documents to support the above reasoning can be provided upon request, as many Bills through out our Country have been passed with ample scientific supported documentation.

I respectfully urge you to consider changing this Bill as recommended.

Thank you for this opportunity to testify.

Respectfully,

Tim Apicella  
500 Lunalilo Home Road  
Honolulu, HI 96825

HOUSE OF REPRESENTATIVES  
THE TWENTY-FIFTH LEGISLATURE  
REGULAR SESSION OF 2010

DATE: Thursday, February 11, 2010  
TIME: 2:00 P.M.  
HOUSE COMMITTEE ON JUDICIARY  
STATE CAPITOL, CONFERENCE ROOM 325  
415 South Beretania Street

To: Rep. Jon Riki Karamatsu, Chair  
Rep. Ken Ito, Vice Chair  
Committee Members

**RE: Testimony re Senate Bill 466 SD2 HD1: Relating to Pollution.**

Dear Judiciary Committee:

I am a member of the Kaimuki Neighborhood Board and several residents have brought this issue to my attention voicing their concern of the impact leaf blowers have on neighborhoods and the environment. Many residents in our neighborhood have home offices. Although I became involved in this issue as a board member, I am testifying as a concerned citizen and I strongly support SB 466 SD2 HD 1: Relating to Pollution, for environmental and health reasons.

As Hawaii is a leader in protecting our environment and has shown great concern for the health of residents the following recommendations should be given serious consideration.

1. Recommend the Prohibition of Gas Leaf Blowers in 2011 for the protection of the environment and the better health of people living in residential neighborhoods.
2. Recommend that you **insert: "No leaf blower shall be operated within a horizontal distance of fifty feet of any operable window, door, or mechanical air intake opening or duct of a building.** This is included in most Leaf Blower Laws and would help insure that environmental and noise pollution does not reach our neighbors and compromise their health and safety.
3. Recommend the Prohibition of the use of Leaf Blowers on Sunday, State, and Federal Holidays, as a respite for residents is needed for their health and stress levels. For this reason and others I also recommend you change the hours of allowed use to 8:00 am and 6:00 pm for daily workers.
4. Documents to support the above reasoning can be provided upon request, as many Bills through out our Country have been passed with ample scientific supported documentation.

I respectfully urge you to consider changing this Bill as recommended.

Respectfully,

Sharon Schneider  
stys@hawaiiintel.net  
5042 Maunalaní Circle, 96816

Committee: House Committee on Judiciary  
Measure: SB 466, SD 2, HD 1, Relating to Leaf Blowers.  
Date: Thursday, February 11, 2010  
Time: 2:00 p.m.  
Place: Conference Room 325  
Testifier: Daniel D. Palmer, M.D.

---

Chair Karamatsu and Committee Members:

I am a retired physician. As a matter of public health, I strongly support the intent of this bill to reduce the use of leaf blowers.

It is easy to see that leaf blowers move leaves and twigs with great force. But leaf blowers move smaller particles with even greater vigor. The smallest particles may be nearly invisible, but the combined volume of small particles may approach the volume of larger material. In contrast, rakes barely disturb these smaller particles. Thus, before leaf blowers become prevalent, the smaller particles largely remained on the ground and were gradually absorbed or incorporated into the soil.

The small particles are composed of decaying organic matter, bacteria from the decomposition of decaying organic matter, fungi (molds from decomposition of organic matter), fungus spores and hyphae, pollen, fertilizer particles, herbicides and insecticides used on lawns, animal feces including cysts and eggs of various disease causing organisms, rubber particles from tires, metal particles from brake linings, cigarette butts in various stages of disintegration, organic chemicals from automobile emissions, fine carbon particles (Buckey balls, carbon nano-tubules, from diesel and gasoline combustion), coal dust, mineral materials (cadmium, feldspar, mercury, mica, silica, and others), and other materials.

All of the above are now present in the air we breathe in greater volume than they were before the introduction of leaf blowers. In the past, this particulate matter was allowed to percolate into the soil or become chemically or physically attached to it. It is now wafted into the air, again and again, before it can be assimilated. And because the windows of Hawaii homes are almost always open, the particulate matter floating in the air ends up inside our homes as dust.

It seems clear that all of this fine particulate material in the air must affect the lungs and the general health of all age groups, especially children. Recent publications have established an increase in the incidence of asthma over the past several years. It is probable that the inhalation of the increasing volumes of fine particulate material is one cause for the increase in the incidence of asthma and other respiratory disease problems. Certainly, this aggravates such problems. Additionally, it has recently been found that the incidence of heart disease and strokes in women is correlated with breathing fine particles in polluted air.

House Committee on Judiciary  
SB 466, SD 2, HD 1, Relating to Pollution.  
February 11, 2010

The rise in the incidence of these disorders corresponds in time with the replacement of rakes and brooms by leaf blowers, and with the increase in both the number of leaf blowers used and their power.

Moreover, the noise produced by weed blowers used in residential areas is louder than noise that would be tolerated in an industrial area. The damage that this does to our hearing ability and collective well-being must be significant.

For these reasons, I urge the Committee to pass legislation to reduce the use of leaf-blowers.

## karamatsu1-Kenji

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 10, 2010 1:24 PM  
**To:** JUDtestimony  
**Cc:** jillf2184@yahoo.com  
**Subject:** Testimony for SB466 on 2/11/2010 2:00:00 PM

Testimony for JUD 2/11/2010 2:00:00 PM SB466

Conference room: 325  
Testifier position: support  
Testifier will be present: No  
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Submitted on: 2/10/2010

**Comments:**

I support SB466, prohibiting or restricting the use of leafblowers.

Leafblowers are a nuisance. They create extreme noise pollution which is unhealthy, distracting, causes stress and interferes with enjoyment of life and property. Many homeowners and neighborhood associations have outlawed them for this reason. Leafblowers do not have perform a useful service sufficient to justify the problems they create. Most jobs done by a leafblowers could be done much faster with a rake or broom, without the noise, and without blowing leaves and dust around and onto other properties.



Testimony Presented Before the  
House Committee on Judiciary (JUD)

February 11, 2010, 2:00 p.m., 325

by

Valere McFarland

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**SB 466, SD2, HD1: Relating to Leaf Blowers**

Chair Karamatsu, Vice Chair Ito, and Members of the Committee

Thank you for hearing this important bill today. My name is Valere McFarland and I live at 3055 Pualei Circle. I am testifying as a private citizen. I support the intent SB 466 SD1; however, I have some specific comments and suggested amendments to the following sections:

**On page 1, Section 1 line 5:** I recommend that you add information that considers the needs of day-sleepers, such as medical professionals and airline employees who work night shifts. Our neighborhood includes these folks, as well as elderly and infants who sleep during the day time hours. The World Health Organization (WHO) recommends 45 dBA to meet sleep criteria (World Health Organization, 1980, Environmental Health Criteria 12: Noise). According to the WHO, noise can impair sleep even when the sleeper is not awakened. Thus, I recommend you prohibit the use of gas leaf blowers, and add the words "gas powered" in front of "leaf blower." Gas powered leaf blowers are much noisier than electric powered leaf blowers. Still more quiet are 'battery powered leaf blowers' as these are very quiet, putting forth dBA's in the range of a hair dryer. They are powerful enough to clean off sidewalks, patios and do all of the kinds of weed blowing activities normally done in close proximity to residences, including condominium projects. While these machines are not built to withstand use in an eight or ten hour work-day, they are optimal for residences and condo projects, who can supply them for landscapers to use once or twice per week for half an hour.

**On page 1, Section 1 line 9** We are in a working class neighborhood. Our neighbors leave for work early in the morning and return around 6:00 p.m. The last thing they need is to hear weed blowers during dinner hours. They also deserve at least one day without these machines interrupting their every meal or moment of quiet conversation with their families. Thus, I suggest that you change the times that leaf blower use be restricted to between the hours of 8:00 a.m. and 6:00 p.m. on Monday through Saturday, and prohibit the use of leaf blowers on federal and Hawai'i state holidays and Sundays.

**On page 1, Section 1, (a) line 8:** Recommend the words 'Hawai'i state' be inserted following 'federal.' The state of Hawaii observes fourteen state holidays, which include several federal holidays. Hawaii is unique among the states in the large number of 'state' holidays observed, because it observes days with meaning only to Hawaii. These days should be honored with the same kind of noise reduction that we intend for Sunday and the federal holidays. Thus, to avoid possible confusion, recommend the words 'Hawai'i state' be added.

**On page 1, Section 1 (a) (1) line 12:** Recommend the distance be increased from 'ten feet' to 'fifty feet.' The average blower measures 70-75 dBA at 50 feet according to the EPA (EPA, Noise: A Health Problem, United States Environmental Protection Agency, Office of Noise Abatement and Control, August, 1978). I suggest the distance of ten feet be expanded to not less than 50 feet. A lot more than noise is blowing into our units. For example, we are subjected to dust containing rodent droppings (yes); harmful CO<sub>2</sub>, CO or carbon monoxide; NO<sub>x</sub> or nitrogen oxides, and hydrocarbons, HC from the motors. The sound of three of these operating expands exponentially. This harms the residents and the user. Deafness is a social problem because it causes isolation. But in the case of Hawaii, it is also a civil rights issue because the individuals taking these low-paying jobs are most often those with the least education and the least ability to confront their employer should they have concerns. They are likely to be immigrants with limited English written or spoken abilities and lack the ability to read English language newspapers (the most common source of notice of harmful impacts or legislative initiatives).

**On page 2, Section 1 (a) (4), line 5:** Recommend this be changed to "The maximum decibel level of 65 dba shall not be exceeded." A review of decibel levels for the five top rated electric weed blowers indicates they operated between 58 and 65 dBA.

**On page 2, Section 1 (b), line 11:** Recommend this be changed to: "Leaf blower" means any machine, electric powered, used to blow leaves, dirt or other debris off sidewalks, driveways, lawns, and other surfaces.

Thank you for this opportunity to testify.

Respectfully,

Valere McFarland, Ph.D.