



## **LANDSCAPE INDUSTRY COUNCIL OF HAWAI'I**

February 15, 2013

TESTIMONY FOR HOUSE BILL 1041

HOUSE COMMITTEE ON JUDICIARY

Landscape Industry Council of Hawai'i (LICH) opposes House Bill 1041 and we offer the following comments.

The proper jurisdiction for Leaf Blower laws is at the county level not statewide. Leaf blowers are an urban Oahu issue not a rural neighbor island issue. This legislation clearly burdens the neighbor islands with Oahu-centric policy making. In addition, enforcement at the state level is difficult at best.

LICH acknowledges the public's concerns regarding the use of gasoline-powered leaf blowers generating noise, dust, and air emissions. Most professionals use leaf blowers responsibly. Just ten years ago, leaf blowers averaged about 78 decibels, equivalent to a motorcycle. Most leaf blowers now produce less than 65 decibels. For every six decibels reduction, sound intensity is actually reduced by 50 percent. That means many of today's leaf blowers are four times quieter than ten years ago. Leaf blower manufacturers continue to make improvements making them even quieter.

While leaf blowers occasionally stir up dust, so does sweeping with a broom. We often see the alternative to sweeping or leaf blowing which is using our precious drinking water in substantial amounts to wash away cuttings and debris into our storm drains ultimately ending up on ocean reefs. Leaf blowers are clearly more sustainable.

Most green industry experts agree that it takes at least five times as long to clean a landscape site with a broom and rake as it does with a leaf blower. It is estimated that landscape costs and therefore charges to the consumer would increase from 20 to 40 percent if operators must perform the same functions without a leaf blower. LICH believes many clients will not be able to afford or will not pay for the additional costs of performing lawn and landscape maintenance without leaf blowers and resort to less than desirable methods like drinking water. Leaf blowers are clearly an extremely valuable tool, saving an enormous amount of time and money.

Lastly, the current statutes was the result of carefully balanced negotiations with the various stakeholders and is fair as it stands.

Thank you for the opportunity to testify.

If you have questions, please contact me at me at 799-3101 or email address [chris.dacus@gmail.com](mailto:chris.dacus@gmail.com).

Chris Dacus  
President  
Landscape Industry Council of Hawai'i  
P. O. Box 22938, Honolulu, Hawai'i 96823-2938

Landscape Industry Council of Hawai'i  
Hawaii's landscape industry has an economic impact of over \$520 million annually and full time employment of over 11,000 landscape professionals. Formed in 1986, LICH is a statewide alliance representing Hawaii's landscape trade associations. LICH can be found online at [www.landscapenhawaii.org](http://www.landscapenhawaii.org)

**HB1041**

Submitted on: 2/18/2013

Testimony for JUD on Feb 19, 2013 15:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Abby Santos	No Ka Oi Landscape Services	Oppose	No

Comments: Aloha, Our company provides professional landscape maintenance services to businesses and commercial properties throughout Kauai. We are extremely mindful of the community requests for quiet times. This bill would severely impact our ability to bid competitively on maintenance contracts, since blowers do save time on many of the daily tasks. Low bid companies may not be as cognizant of the communities need for quiet and they may compromise on the quality of equipment that can reduce noise. It is imperative that this bill not pass

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Allan & Pamela Schildknecht  
45-203 Puali Koa Place  
Kaneohe, Hawaii 96744  
Telephone: (808) 235-7959  
Facsimile: (808) 247-0118

Testimony **Opposing** HB 1041

February 18, 2013

We are writing you in Opposition to House Bill 1041 for several reasons;

1. The way the Bill is worded, would prevent me as a homeowner to use a gas powered leaf blower on my residential property at any time. The way it's worded, only licensed contractors would be allowed to use these but would be limited to less than 2 hours at a time.
2. Are you saying now that residential yard service companies can only work two hours per day anywhere in the State on any given day?
3. Is this 2-hour restriction per house lot or anywhere within a residential zoned area within the State of Hawaii For example, if this bill was passed, I would have to hire a yard service to do this work, who pays for this cost? Would that yard service be able to do my yard , then go my neighbors and do his yard, if it exceeded two hours? Would he be able to go over to my mom's house in Makiki even, as it too would exceed two hours total anywhere in the State?
- 4 The wording "...unless that person is an owner, agent, or employee of an entity authorized to transact business in this state...." Does that mean anyone who works for State licensed business, regardless of what they do, is exempt?
5. The Bill deletes the word except Sunday or a State or Federal holiday.... But item "f" defines what a state holiday is....Why?
6. As written, we're not allowed to use it in our own yard, but the neighborhood shopping center or parking lot 100' away can use it for hours with no restrictions. Would 100' be enough distance to dampen the noise? Very Doubtful, but that shopping center across the street (100' away) will continue to be free to use their large gas blower at anytime of the day or night they choose. And they do.
7. Lastly, why limit it to leaf blowers? While they can be annoying, so are string trimmers, lawn mowers, air compressors, motor cycles, people working on their cars, mini-bikes and many more items. Some Electric leaf blowers have the same or higher decibel level as gas blowers, but they're not limited?

This is a poorly written bill which will only hurt the people and business of Hawaii and serve no good purpose. **We urge you to oppose this poorly written bill and not pass it out of committee.**

Respectfully,

Allan Schildknecht

**HB1041**

Submitted on: 2/16/2013

Testimony for JUD on Feb 19, 2013 15:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Boyd Ready	Individual	Oppose	No

Comments: Dear Representatives: Noise and dust nuisance in residential areas are the proper objects of County ordinances, not a State law. Some residential areas have very large lots and would take a longer time than 2 hours to clean up, houses are far apart, and noise and dust are not such a problem. One size fits all is not good lawmaking. And as for restricting blowers to employees of licensed businesses--what about my ability to clean up my own place? Wouldn't this present a sort of monopoly for licensed landscapers and prevent homeowners from doing their own work, or force them to use slow brooming & raking or wasteful water rinsing to get their work done? Let the issue alone or leave it to the County Councils to deal with, is my opinion.

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**HB1041**

Submitted on: 2/18/2013

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brian Vidinhar	Ultimate Innovations, Incl	Oppose	No

## Comments:

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**HB1041**

Submitted on: 2/15/2013

Testimony for JUD on Feb 19, 2013 15:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cathy Goeggel	Individual	Support	No

Comments: I have been a resident of downtown Honolulu for 10 years. My sleep has often been disturbed by leaf blowers as early as 6:00 am in winter and as early as 5:00 am in summer. This noise, added to the traffic on major intersections, the bus beeping at the stop below my window, the frequent yelling by drunks and the backup beeps of garbage trucks (as early as 4:15 am!) - contribute to making what should be quiet time quite uncomfortable. I urge you to pass this bill. The preamble of our Constitution provides for insuring "domestic tranquility" and tranquility is a simple request- it won't cost any taxpayer dollars and will make many many people happy.

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**HB1041**

Submitted on: 2/16/2013

Testimony for JUD on Feb 19, 2013 15:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cleon Bailey	Individual	Oppose	No

Comments: I can accept the suggested regulation on hours of operation, however, to attached a regulation that enforces a home owner must be a licensed proprietor to operate a gas powered leaf blower in a neighborhood is unreasonable on merit alone.

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**HB1041**

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Danny Green	Individual	Oppose	No

Comments: Many will use water as the alternative to blowing leaves, etc. Our water is a finite resource that must be protected. With new blowers on the market noise levels have been reduced by more than 50% in the last ten years.

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Submitted on: 2/18/2013

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Henry Curtis	Individual	Support	Yes

Comments: Amendment: gasoline-powered leaf blower --> fossil fuel powered leaf blower

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To Chair Rhoads, and Vice Chair Har,

Hello, My name is Jack Groom. I currently reside in House District 31, and I am 17 years old. I am writing this testimony in opposition to HB 1041.

I believe that HB 1041 is an unnecessary piece of legislation. This bill typifies the American government's continuing limitation of the rights of citizens. An American citizen should be able to run a leaf blower whenever they want and wherever they want, without fear of government interference.

I also believe that many businesses around the Hawaiian isles could suffer from this piece of legislation. I am currently an employee for MWR Hawaii as a lifeguard, and my coworkers and I often have to blow off the pool deck before 9 AM. The leaf blower keeps the pool decks clean for patrons who come to swim early in the morning.

**HB1041**

Submitted on: 2/17/2013

Testimony for JUD on Feb 19, 2013 15:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jay Deputy	Individual	Oppose	No

Comments: This is not a state-wide issue, only a very few ladies in a high end Honolulu neighborhood have introduced this bill year after year. This one seems to limit the use of gas blowers to licensed contractors, which would prohibit privet home owners from using them at all. This is ridiculous and impossible to enforce. The legislature has much more important issues to consider.

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**HB1041**

Submitted on: 2/18/2013

Testimony for JUD on Feb 19, 2013 15:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
jim kinney	Individual	Oppose	No

Comments: Blowers currently are best regulated, and should be regulated by the property owners. At minimal, they should not go further than county jurisdiction.

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Kat Brady  
[katbrady@hotmail.com](mailto:katbrady@hotmail.com)

**COMMITTEE ON JUDICIARY**

Rep. Karl Rhoads, Chair  
Rep. Sharon Har, Vice Chair  
Tuesday, February 19, 2013  
3:00 p.m.  
Room 325

**SUPPORT HB 1041 – LEAF BLOWERS**

Aloha Chair Rhoads, Vice Chair Har and Members of the Committee!

I am testifying today in support of HB 1041 that regulates the use of leaf blowers.

I live in a relatively quiet neighborhood except for the noise – almost daily – of leaf blowers.

Our community has many elderly people who have been bothered by the noise of leaf blowers while watching their television programs. Sadly, asking the person creating the nuisance has not been successful.

What is interesting is that the nuisance of the leaf blowers is even more than noise; it is the blowing of leaves onto the properties of others. Apparently the pleas of our neighbors to the person operating this nuisance have fallen on deaf ears.

Please pass this bill allowing only licensed businesses to operate leaf blowers and return our community to its once peaceful state.

Mahalo for this opportunity to testify.

Rep. Karl Rhoads, Chair  
Rep. Sharon E. Har, Vice Chair

Committee on Judiciary

RE: HB1041 RELATING TO LEAF BLOWERS - OPPOSE

DATE: Tuesday, February 19, 2013  
TIME: 3:00 p.m.  
PLACE: Conference Room 325  
State Capitol  
415 South Beretania Street

February 18, 2013

Honorable Chair and Members,

I oppose this bill.

I'd like to suggest when you propose legislation, you the government, lead by example and not exempt yourselves from using equipment that reduces costs and improves efficiency.

I'm concerned you're wasting the public's time and money by addressing the noise emitted by one piece of equipment. Don't we have existing laws we can apply to blowers, boom boxes and jackhammers alike?

As a landscape contractor, I depend on referrals and happy customers. It's seldom we'll use a blower for more than 2 hours at a home, or before 8 AM or after 5:00 PM. It also keeps the neighbors happy and creates the possibility of additional work.

Respectfully submitted,

Kevin J. Mulkern, President  
Kevin J. Mulkern, A L L C, Inc.  
808-396-6595  
susan@mulkernlandscaping.com

**HB1041**

Submitted on: 2/17/2013

Testimony for JUD on Feb 19, 2013 15:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kula Mossman	Individual	Oppose	No

Comments: I think every job that we face is unique & predicting the length of time needed to use a leaf blower should be made by a licensed company's discretion. If the law is implying 2 hrs per job site then that should be written in. That seems to be the most logistic approach. As it now stands it is misleading to the public & small business owners & staff. Mahalo nui loa, Kula Mossman, owner of Kula's Landscaping

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**HB1041**

Submitted on: 2/18/2013

Testimony for JUD on Feb 19, 2013 15:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Susan Govier	Individual	Support	No

Comments: I SUPPORT this bill. I support any measure to limit the use of leaf blowers in any way by anyone in residential areas even though this bill falls far short of protecting our environment from pollution and noise. Week ends are terrible in Aiea Heights as the "gardeners" arrive in their trucks and start the leaf blowers all day. The STORM DRAINS are filled with the yard trash POLLUTION which may include chemicals used on the yards and the AIR is POLLUTED and the pollution is blown into my yard and onto my home. My family, animals, home are unable to escape the NOISE POLLUTION which is constant as these workers go from yard to yard. The damage to hearing effects both the residents--I wear ear plugs all week end--and the workers who do not wear ear protection that can be observed. Other areas have banned blowers; there is no reason for them to be used and every reason for them to be banned. The yard businesses are not going to loose business. My yard man does not use the leaf blower and has more work than he can handle. Nevertheless, I SUPPORT any and all measures to restrict the use of leaf blowers. Please do all you possibly can to protect residents and their children, animals and our environment.

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Rep. Karl Rhoads, Chair  
Rep. Sharon E. Har, Vice Chair

Committee on Judiciary

RE: HB1041 RELATING TO LEAF BLOWERS - OPPOSE

DATE: Tuesday, February 19, 2013  
TIME: 3:00 p.m.  
PLACE: Conference Room 325  
State Capitol  
415 South Beretania Street

February 18, 2013

Honorable Chair and Members,

I oppose this bill because it will create a hardship for my business by imposing impossible restrictions on my company's use of leaf blowers. I have been in the residential landscaping and maintenance business since 1975 and depend on the use of gas powered equipment to be more efficient and save my customers money.

This bill is discriminatory, as it exempts government entities. Shouldn't any regulation apply to everyone?

With all the technological improvements in our equipment in the last 20 years, our industry has been in the forefront of improving gas powered equipment to make it quieter and safer.

Respectfully submitted,

Susan Shaheen Mulkern, Vice President  
Kevin J. Mulkern, A L L C, Inc.  
808-396-6595  
susan@mulkernlandscaping.com

TO THE HOUSE COMMITTEE ON JUDICIARY  
Representative Karl Rhoads, Chair  
Representative Sharon E. Har, Vice Chair

TWENTY-SEVENTH LEGISLATURE  
Regular Session of 2013

Tuesday, February 19, 2013  
3:00 p.m.

**TESTIMONY ON HOUSE BILL NO. 1041 – RELATING TO LEAF BLOWERS**

Chair Rhoads, Vice Chair Har and Members of the Committee:

I am Carolyn T. Onaga strongly testifying in **support** of HB 1041. This bill restricts the use of leaf blowers to two hours between 9 a.m. and 5 p.m. on any day, especially in a residential zone. It also makes it illegal to operate a gasoline-powered leaf blower within a residential zone unless the operator is personnel of a licensed business.

My neighbor is out every day from 4 p.m. to 6 p.m. during the week days and between 1 p.m. to 3 p.m. on weekends with her gasoline-powered leaf blower seven days a week, rain or shine, blowing away the debris in front, side and back of her home onto our property and those of our neighbors. The noise is so deafening that you cannot hear and enjoy any TV program without raising the volume up or have a decent conversation amongst family members or with friends. The gas-powered leaf blower is so loud that when my in-laws were alive, they too needed to turn the volume of the TV or radio up loud in order to be heard. Mediation with the neighbor is out of the question since they are against any form of intervention, even from the police.

I respectfully request that the Committee pass this Bill to amend the time and restrict the use of gas-powered blowers except by licensed operators in a residential zone. Maybe then we can win the right to enjoy our TV and family time again. Thank you for this opportunity to provide testimony on this matter.

Sincerely,

Carolyn T. Onaga  
2707 Liliha Street  
Honolulu, HI 96817  
Phone: 595-8588

**LATE**

**HB1041**

Submitted on: 2/19/2013

Testimony for JUD on Feb 19, 2013 15:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cory Harden	Individual	Support	No

Comments: Please DO restrict leaf blowers! Or maybe require mufflers? They shatter our peace, and drown out the voices of our 'aina... birds,waves, rustling palm fronds. Mahalo!

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**LATE**

Testimony in support of HB 1041

By Creighton W. Goldsmith  
Resident of 1600 Sherman Park Place, Honolulu, HI 96817

Mr. Chairman:

I am in support of Representative Ohno's bill to limit the operation of gasoline leaf blower by employees of licensed operators.

A basic tenant of real estate law is that land owners are entitled to "the quiet enjoyment of their property". Too many Hawaii residents living close to each other are subject to listening to these excessively loud gasoline leaf blowers for hours on end. The leaf blowers do not remove leaves and grass but only move it to streams and to other neighbor's yards. They must be controlled.

In my otherwise quiet neighborhood, my fellow land owners are terrorized by one woman who operates a noisy gasoline driven leaf blower for 1 to 2 hours a day, rain or shine. This must stop. I ask that you preserve the tranquility of Hawaii's neighborhoods by passing this bill.

Creighton W. Goldsmith

**LATE**

**HB1041**

Submitted on: 2/18/2013

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jennifer Lucien	Individual	Oppose	No

Comments: Dear Chair & Members of the Committee; Please hold HB1041. Proper jurisdiction for this is each individual county, since it's often that neighbor islands are burdened with Oahu-centric policy. The current statute is the result of carefully balanced input of stakeholders and is fair & reasonable as it stands. Mahalo Nui Loa, Jennifer Lucien

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**LATE**

To: House Judiciary Committee

From: Willis Sanchez, Landscape Professional, President/Professional Landscape Mgmt Inc.

RE: Opposition to HB 1041

Dear Committee Members,

As a citizen and business owner. I adamantly oppose bill HB1041 because the current law provides ample protection and safety to all homeowners throughout this State. The Green Industry continues to innovate on these pieces of equipment and currently has reduced the noise level dramatically from just a few years ago. This shows a concerted effort on the part of manufactures to further enhance the quality of life and environment to all communities around the nation. Many professional companies throughout this nation have expressed better designed equipment for the very purpose of protecting the environment and people from harm. We are pleased to witness these positive results not only through efficiencies in production but most importantly by dramatic reductions in noise levels. Those companies that still employ outdated equipment and improper use should by all means be cited for a lack of concern for people and the environment and but be given the opportunity to replace them with reduced a decibel one. Also, I believe proper training through a certified organization should be encouraged so all companies that use these pieces of equipment use it properly and professionally. Laws should cite the careless users but, "don't throw the baby out with the bath water"! I do empathize with those that have to put up with careless and inconsiderate users but, I would like to say that the true professional be not lumped into the same category as these folks. I believe this can be a win win for both sides! We humbly ask that you would not past this bill but to work out the differences through proper discourse and reasonable solutions

Thank You for taking the time to read this my testimony.

Mahalo,

Willis Sanchez

President- Professional Landscape Mgmt Inc.

To: House Judiciary Committee

From: Matt Lyum, Certified Landscape Professional, Owner/Performance Landscapes

RE: Opposition to HB 1041

Dear Committee Members,

Once again I oppose another unsubstantiated modification to the existing law on blower use. Several of us in the landscaping industry met with both legislators and the original authors of the bill to come up with a collaborative law several years ago, yet bills keep appearing without notifying us prior to introduction.

Again, further restrictions are a hardship to Performance Landscapes' 80 employees by impeding their ability to efficiently service our 200+ clients. Blowers currently are best regulated, and should be regulated by the property owners. At minimal, they should not go further than county jurisdiction. It is another difficult burden to put this kind of detailed restriction on the county police departments to enforce.

Please do not allow this bill to go any further.

Mahalo,

Matt Lyum, CLP

Owner – Performance Landscapes



**LATE**

**HB1041**

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ronald DeSilva	LandScape Hawaii Inc.	Oppose	No

Comments: We use blowers in our bussiness to help clean up the trash / debris genegrated during our work. The use of blowers represent a large scale labor savings to the customer. We respect the current noise statue and observe the time and distance as stated by law. We use blowers only when and where needed and keep in mind the respect towards residents, bussineses,and tennants for thier right to a quiet environment. Please do not approve this bill as it would mandate a undue hardship on our industry by increasing the labor burden required to do our jobs. Thank you, Ron.

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