

DAVID Y. IGE
GOVERNOR



LATE

TESTIMONY BY:

JADE T. BUTAY
DIRECTOR

Deputy Directors
ROSS M. HIGASHI
EDUARDO P. MANGLALLAN
PATRICK H. MCCAIN
EDWIN H. SNIFFEN

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

February 28, 2022
10:30 A.M.
State Capitol, Teleconference

**S.B. 2159, S.D. 1
RELATING TO LEAF BLOWERS**

Senate Committee on Judiciary

The Department of Transportation (DOT) **opposes** this bill that removes the government exemption on leaf blower restrictions in residential zones.

Under our normal operating conditions, the DOT conducts leaf blowing operations in the time frame provided in the proposed legislation. However, when safety situations are reported, we must act quickly. In doing so, maintenance schedules can be disrupted. With a more flexible schedule, the DOT can assure a quicker recovery, whether it's during daytime hours or not. We recommend that government agencies be given the freedom to determine when these unforeseen situations need immediate action.

Thank you for the opportunity to provide testimony.

SB-2159-SD-1

Submitted on: 2/25/2022 12:12:58 PM

Testimony for JDC on 2/28/2022 10:30:00 AM

| Submitted By | Organization | Testifier Position | Remote Testimony Requested |
|--------------|---|--------------------|----------------------------|
| Ted Bohlen | Testifying for Climate Protectors Hawai'i | Support | Yes |

Comments:

To: The Honorable Karl Rhoads, Chair,

The Honorable Jarrett Keohokalole, Vice Chair, and Members of the

Senate Committee on Judiciary

From: Climate Protectors Hawai'i (by Ted Bohlen)

Re: Hearing **SB2159 SD1– RELATING TO LEAF BLOWERS**

Monday February 28, 2022, 10:30 a.m., by videoconference

Position: **SUPPORT SD1, AND STRONG SUPPORT for PROPOSED SD2!**

Aloha Chair Rhoads, Vice Chair Keohokalole, and Members of the Senate Committee on Judiciary:

Noise pollution is a prevalent and increasing problem in the State. Exposure to excessively loud and unabated noises can result in physiological, psychological, and economic damage. There is a continuous and increasing bombardment of noise in the urban, suburban, and rural areas. **Excessively loud combustion leaf blowers are a significant source of noise pollution in the State**, impair the peace and tranquility that is part of the beauty of the Hawaiian islands, and can constitute a public nuisance.

Citizens of Hawai'i are entitled to a healthy and peaceful environment. They have the right to be free from noise pollution that may be hazardous to their health or welfare. Efforts to protect this right have been codified under chapter 342F, Hawaii Revised Statutes, and administrative rules. In addition, section 46-17, Hawaii Revised Statutes, authorizes any county to adopt ordinances regulating noise, among other things. However, existing regulatory measures are not effectively enforced and do not adequately address noise pollution emitted by excessively loud leaf blowers.

The purpose of this Act is to:

(1) Clarify that the residential zone restriction on the use of leaf blowers at certain hours includes residential districts, apartment districts, and business mixed use districts, and remove the exemption on leaf blower restrictions for government agencies.

(2) **Require the department of health to adopt rules for the control, prevention, and abatement of noise pollution emitted by excessively loud leaf blowers in the State; and**

(3) **Prohibit the operation or sale of leaf blowers that emit excessive noise.**

Accordingly, the Climate Protectors Hawai'i suggest the following **PROPOSED SD2**.

PROPOSED SD2:

RELATING TO LEAF BLOWERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Section 342F-30.8, Hawaii Revised Statutes, is amended to read as follows:

"~~[§342F-30.8]~~ **Leaf blowers; restrictions.** (a) In any urban land use district, as designated pursuant to section 205-2, it shall be unlawful for any person to operate a leaf blower within a residential zone or within one hundred feet of a residential zone in the State, except between the hours of 8:00 a.m. and 6:00 p.m. on any day except Sunday or a state or federal holiday, and between the hours of 9:00 a.m. and 6:00 p.m. on Sunday or any state or federal holiday.

(b) Violators shall be fined \$50 for the first violation, \$100 for the second violation, \$200 for the third violation, and \$500 for each subsequent violation.

~~[(c) Government entities, and agents acting on behalf of government entities, shall not be subject to this section.~~

~~(c)~~ (c) Any county may adopt a rule or ordinance that places stricter limitations on the use of leaf blowers than are in this section. In case of a conflict between the requirements or limitations of this section and any county rule or ordinance regarding the use of leaf blowers, the more restrictive requirements shall apply.

~~(d)~~ (d) For the purposes of this section:

"Leaf blower" means any machine used to blow leaves, dirt, or other debris off sidewalks, driveways, lawns, and other surfaces.

"Residential zone" includes residential districts, apartment districts, and business mixed use districts, as those terms may be used in state law or county ordinance.

"State holiday" means any day established as a state holiday in section 8-1."

SECTION 2. Chapter 342F, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§342F- **Noise control; excessively loud leaf blowers.** (a) By June 30, 2023, the department shall adopt rules in accordance with chapter 91 that shall use the dBC and dBA sound level measurement systems for the control, prevention, and abatement of excessive noise pollution emitted by leaf blowers within a residential zone or within one hundred feet of a residential zone in the State.

(b) It shall be unlawful for any:

(1) Person to operate a leaf blower in a residential zone or within one hundred feet of a residential zone in the State that emits a noise in excess of the decibel limitations adopted pursuant to this section;

(2) Owner of a leaf blower to allow a leaf blower to emit noise in a residential zone or within one hundred feet of a residential zone in the State in excess of the decibel limitations adopted pursuant to this section; and

(3) Person to sell or offer for sale a leaf blower that emits noise in excess of the decibel limitations adopted by the department by rule pursuant to this section.

(c) Any county may adopt a rule or ordinance that places stricter limitations on noise pollution emitted by leaf blowers than are established by rule pursuant to this section. In case of a conflict between the limitations of this section and any county rule or ordinance regarding noise pollution emitted by leaf blowers, the more restrictive requirement shall apply."

SECTION 3. Section 342F-31, Hawaii Revised Statutes, is amended to read as follows:

"~~[§342F-31]~~ **Rules; specific.** The director may establish by rule~~[-~~

~~(1) The control of vehicular noise; and~~

~~(2) Other] other specific areas for control of excessive noise, thereby allowing for varying conditions."~~

SECTION 4. Statutory material to be repealed is bracketed and stricken.

SECTION 5. This Act shall take effect on July 1, 2022.

Report Title:

Leaf Blowers; Residential Zones; Restriction; Government Agencies; Exemption; Repeal; department of health rules limiting excessive noise

Description:

Clarifies that the residential zone restriction on the use of leaf blowers at certain hours includes residential districts, apartment districts, and business mixed use districts. Removes the exemption on leaf blower restrictions for government agencies. Requires the department of health to adopt rules restricting excessive noise from leaf blowers by July 1, 2023. Effective 7/1/2022. (PROPOSED SD2).

Please pass this bill with the amendments in this PROPOSED SD2!

Mahalo!

Climate Protectors Hawai'i (by Ted Bohlen)

LATE

SB-2159-SD-1

Submitted on: 2/27/2022 2:34:25 PM

Testimony for JDC on 2/28/2022 10:30:00 AM

| Submitted By | Organization | Testifier Position | Remote Testimony Requested |
|---------------------|---|---------------------------|-----------------------------------|
| Steve Lohse | Testifying for Chinatown Gateway Plaza Tenant Association (CGPTA) | Support | No |

Comments:

On behalf of the Chinatown Gateway Plaza Tenant Association (CGPTA), thank you for this opportunity to submit testimony In Support of sb2159 sd1.

Leafblowers are excessively loud tools, especially when private citizens or government workers run them in the pre-dawn hours in this small, densely-populated area. This bill does not prohibit leafblowing, merely confines it to daylight working hours when most of Chinatown's thousands of residents are up and about anyway.

Noise pollution is very real, very unhealthy, and getting worse in urban Honolulu, including Chinatown. Please pass sb2159, we need all the help we can get! Thank you.

SB-2159-SD-1

Submitted on: 2/26/2022 12:39:40 PM

Testimony for JDC on 2/28/2022 10:30:00 AM

| Submitted By | Organization | Testifier Position | Remote Testimony Requested |
|---------------------|---------------------|---------------------------|-----------------------------------|
| Denise Boisvert | Individual | Support | No |

Comments:

Aloha. While I FULLY SUPPORT SB2159 SD1 and hope you will pass it because the sound of leaf blowers is truly beyond obnoxious; what really needs to be addressed is why any worker will use a leaf blower (and I see them using them often in the wind...) to move several leaves when a push broom would do the job better, be better exercise, AND would produce much less noise! Mahalo.

SB-2159-SD-1

Submitted on: 2/26/2022 1:00:29 PM

Testimony for JDC on 2/28/2022 10:30:00 AM

| Submitted By | Organization | Testifier Position | Remote Testimony Requested |
|---------------------|---------------------|---------------------------|-----------------------------------|
| Kim Jorgensen | Individual | Support | No |

Comments:

Aloha - leaf blowers are an unnecessary evil that will never go away, but at least thanks to the introducers of this bill, the number of hours that those of us who are forced to listen to them may be shortened. I FULLY SUPPORT SB2159 SD1.

LATE

SB-2159-SD-1

Submitted on: 2/27/2022 3:03:31 PM

Testimony for JDC on 2/28/2022 10:30:00 AM

| Submitted By | Organization | Testifier Position | Remote Testimony Requested |
|---------------------|---------------------|---------------------------|-----------------------------------|
| michael ferdun | Individual | Support | No |

Comments:

I support this bill as a resident of downtown

LATE

SB-2159-SD-1

Submitted on: 2/28/2022 6:38:27 PM

Testimony for JDC on 2/28/2022 10:30:00 AM

| Submitted By | Organization | Testifier Position | Remote Testimony Requested |
|---------------------|---------------------|---------------------------|-----------------------------------|
| Maria White | Individual | Support | No |

Comments:

The feral rooster and chicken issue is way out of control in Waimalu, Aiea and in Pearl City!

Daily, I and others in our household are awakened in the early morning hours (330 AM) and the crowing and cackling of these feral fowls continues on throughout the day and night!

Simply driving around Waimalu, especially on Hekaha Street, Kanuku Street, Lokowai Street and on Lokowai Place, is a serious hazard as the feral chickens and roosters are all over the street and are a major safety issue.

Further, our whole yard and garden areas have been destroyed multiple times (we've tried to replant but without success as the feral fowl simply return to do more damage) and it's upsetting and very expensive to correct.

I support this bill! We need to eradicate the feral chickens and roosters so that we can get our community back and work on keeping our neighborhoods clean and attractive.

The feral fowl need to be removed or eradicated as otherwise, they will continue to do damage to native plants, shrubs, grass, yards, gardens, etc. Further, their waste is very foul smelling and a mess everywhere!

I strongly support this bill and seek your full support to pass the bill so that we can immediately get started on eradicating the feral fowl!