

STAND. COM. REP. NO.

557

Honolulu, Hawaii

FEB 16

, 2023

RE: H.B. No. 575

H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Energy & Environmental Protection, to which was referred H.B. No. 575 entitled:

"A BILL FOR AN ACT RELATING TO GASOLINE-POWERED LEAF BLOWERS,"

begs leave to report as follows:

The purpose of this measure is to, beginning January 1, 2025:

- (1) Prohibit the sale, offer for sale, or operation of gasoline-powered leaf blowers;
- (2) Apply existing time-of-use restrictions on leaf blowers to non-gasoline-powered leaf blowers;
- (3) Increase the fines for offenses of leaf blower restrictions and provide for the forfeiture of gasoline-powered leaf blowers upon a third violation; and
- (4) Remove the exemption from leaf blower restrictions for government agencies.

Your Committee received testimony in support of this measure from the Department of Transportation, Hawai'i Climate Change Mitigation and Adaptation Commission, and seven individuals. Your Committee received testimony in opposition to this measure from

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the Honolulu Police Department, Outdoor Power Equipment Institute, Retail Merchants of Hawaii, and two individuals. Your Committee received comments on this measure from the Department of the Attorney General and Department of Health.

Your Committee finds that many cities in the United States and the District of Columbia and State of California have banned gasoline-powered leaf blowers due to their harmful impacts on health and the environment. Gasoline-powered leaf blowers emit relatively high levels of air pollution and produce significant noise that can cause hearing damage to landscaping workers. This measure ensures a healthy environment and restricts noise pollution by promoting viable alternatives to gasoline-powered leaf blowers.

Your Committee heard concerns regarding preemption, through the federal Clean Air Act, of the regulation of gasoline-powered leaf blower emissions as proposed by this measure. The Department of the Attorney General notes in testimony the permissibility of restricting time and location of usage of gasoline-powered leaf blowers due to noise concerns, rather than air pollution concerns.

Your Committee has amended this measure accordingly by:

- (1) Inserting findings related to the effects of noise pollution;
- (2) Prohibiting the use of a gasoline-powered leaf blower at any time in any urban land use district, rather than prohibiting the sale, offer for sale, or operation of a gasoline-powered leaf blower at any time;
- (3) Inserting a savings clause;
- (4) Inserting a severability clause;
- (5) Changing the effective date to June 30, 3000, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Energy & Environmental Protection that is attached to



this report, your Committee is in accord with the intent and purpose of H.B. No. 575, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 575, H.D. 1, and be referred to your Committee on Consumer Protection & Commerce.

Respectfully submitted on
behalf of the members of the
Committee on Energy &
Environmental Protection,

Nicole E. Lowen

NICOLE E. LOWEN, Chair



State of Hawaii
House of Representatives
The Thirty-second Legislature

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Record of Votes of the Committee on Energy & Environmental Protection

Bill/Resolution No.: HB 575	Committee Referral: EEP, CPC	Date: 02 / 14 / 2023		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
EEP Members	Ayes	Ayes (WR)	Nays	Excused
1. LOWEN, Nicole E. (C)	✓			
2. COCHRAN, Elle (VC)	✓			
3. GATES, Cedric Asuega				✓
4. KAHALOA, Kirstin	✓			
5. PERRUSO, Amy A.	✓			
6. WOODSON, Justin H.				✓
7. WARD, Gene				✓
TOTAL (7)	4	0	0	3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature: <u>Elle Cochran</u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				