



STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
KA 'OIHANA HO'ONA'AUAO  
P.O. BOX 2360  
HONOLULU, HAWAII 96804

**Date:** 02/12/2024

**Time:** 01:31 PM

**Location:** CR 224 & Videoconference

**Committee:** Senate Agriculture and  
Environment

**Department:** Education

**Person Testifying:** Keith T. Hayashi, Superintendent of Education

**Title of Bill:** SB 2349 RELATING TO LEAF BLOWERS.

**Purpose of Bill:** Prohibits the sale, offer for sale, or operation of gasoline-powered leaf blowers. Increases the amounts of fines for offenses against leaf blower restrictions and provides for the forfeiture of gasoline-powered leaf blowers on a third violation. Removes the exemption on leaf blower restrictions for government agencies.

**Department's Position:**

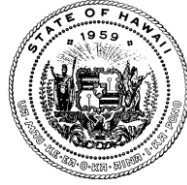
The Hawaii State Department of Education (Department) respectfully provides comments on SB 2349.

The Department recognizes that the sound emissions from gasoline-powered leaf blowers have a harmful impact on public health and welfare.

While the Department supports the overall concept of SB 2349, the Department is concerned about the cost to replace the existing inventory of gasoline-powered leaf blowers for the schools in urban land use districts.

The Department is also concerned about the increase in inefficiency since battery-operated handheld equipment does not have the power needed for school grounds such as James Campbell High School which is 38 acres and Kapolei High School which is 45 acres. Principals and custodial staff have found that battery-operated handheld equipment do not operate at the commercial-grade strength needed for larger school campuses. The batteries also need to be recharged frequently and have short life spans.

Thank you for the opportunity to provide testimony on SB 2349.



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
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In reply, please refer to:  
File:

**Testimony COMMENTING on SB2349  
RELATING TO LEAF BLOWERS**

SENATOR MIKE GABBARD, CHAIR  
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT  
Hearing Date: 2/12/2024 Room Number: 224

1 **Fiscal Implications:** This measure may impact the priorities identified in the Governor's  
2 Executive Budget Request for the Department of Health's (Department) appropriations and  
3 personnel priorities. Implementation of the proposed requirements may require additional  
4 resources including additional personnel.

5

6 **Department Testimony:**

7 The Department respectfully provides the following comments on this measure.

8 The intent of Hawaii Revised Statutes, Chapter 342F, is to regulate noise sources that are  
9 either fairly constant in nature, stationary, or restricted to a certain location, and can feasibly be  
10 enforced. The Department appreciates the intent of the proposed bill in addressing the exhaust  
11 and sound emissions from gasoline-powered leaf blowers and favors a quieter environment;  
12 however, enforcement against gasoline-powered leaf blowers would be extremely difficult due to  
13 their mobility and duration of use. Implementation of the proposed new requirements will  
14 necessitate additional resources for the amendment of rules and enforcement.

15 In addition, it's the understanding of the Department that this measure may conflict with  
16 federal law (Clean Air Act) which precludes States from establishing separate emission  
17 standards.

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

19

20 **Offered Amendments:** None



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-SECOND LEGISLATURE, 2024**

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 2349, RELATING TO LEAF BLOWERS..

**BEFORE THE:**

SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

**DATE:** Monday, February 12, 2024      **TIME:** 1:31 p.m.

**LOCATION:** State Capitol, Room 224 and Videoconference

**TESTIFIER(S):** Anne E. Lopez, Attorney General, or  
Lyle T. Leonard, Deputy Attorney General, or  
Wade H. Hargrove, III, Deputy Attorney General

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Chair Gabbard and Members of the Committee:

The Department of the Attorney General (Department) offers the following comments on the bill.

The purpose of this bill is to prohibit the sale, offer for sale, or operation of gasoline-powered leaf blowers. The bill increases fines for violations of leaf blower restrictions and provides for the forfeiture of gasoline-powered leaf blowers on a third violation. The bill also removes the exemption on leaf blower restrictions for government agencies.

In section 2 of the bill, on page 2, lines 17-18, the bill amends section 342F-30, Hawaii Revised Statutes, to ban the sale and operation of gasoline-powered leaf blowers at any time. The bill allows the sale of battery-powered leaf blowers and on page 2, line 11, allows the operation of battery-powered leaf blowers during particular hours. The sales prohibition and complete ban of gasoline-powered leaf blowers may be found to be preempted by the federal Clean Air Act (CAA) and be subject to challenge as violating the Supremacy Clause of the U.S. Constitution. See U.S. Const. art. VI, cl. 2.

The CAA provides that:

No State or any political subdivision thereof shall adopt or attempt to enforce any standard or other requirement relating to the control of emissions from either of the following new nonroad engines or nonroad vehicles . . . .

42 U.S.C. § 7543(e)(1).

The scope of this preemption is defined in title 40 Code of Federal Regulations section 1074.10(c), which provides in part that "[s]tates and localities are preempted from enforcing any standards or other requirements relating to control of emissions from nonroad engines or vehicles . . . ." Nonroad engines are defined in part as an internal combustion engine that "is (or will be) used in or on a piece of equipment that is intended to be propelled while performing its function (such as lawnmowers and string trimmers)." 40 CFR § 1068.30.

In this context, emissions "standards" are any requirement that:

[R]elate[s] to the emission characteristics of a vehicle or engine. To meet them the vehicle or engine must not emit more than a certain amount of a given pollutant, must be equipped with a certain type of pollution-control device, or must have some other design feature related to the control of emissions. This interpretation is consistent with the use of 'standards' throughout Title II of the CAA . . . .

Engine Mfrs. Ass'n v. S. Coast Air Quality Mgmt. Dist., 541 U.S. 246, 253 (2004).

A restriction banning all gasoline-powered engines in favor of electric engines may be subject to challenge as an emissions "standard" under the CAA. See Ass'n of Int'l Auto. Mfrs., Inc. v. Comm'r, Mass. Dep't. of Env'tl. Prot., 208 F.3d 1, 6-7 (1st Cir. 2000) (finding that a mandate requiring a specified percentage of vehicles manufactured in the state to be of "zero-emission vehicles" is a preempted "standard" under CAA § 209).

This bill bans the sale and operation of gasoline-powered leaf blowers. This relates to the emissions characteristics of an engine and requires the engine to have a design feature related to emissions. Therefore, it appears that this provision of the bill is subject to challenge on the grounds that it is preempted by the CAA.

We recommend that the Committee amend the bill to remove the complete ban on sales and operations of gasoline-powered leaf blowers. If the Committee seeks to impose further noise restrictions, we recommend setting a noise restriction based on a certain decibel level.

Thank you for the opportunity to provide comments.



**TESTIMONY OF TINA YAMAKI  
PRESIDENT  
RETAIL MERCHANTS OF HAWAII  
FEBRUARY 12, 2024  
SB 2349 RELATING TO LEAF BLOWERS**

Good afternoon, Chair Gabbard and members of the Senate Committee on Agriculture and the Environment. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii was founded in 1901 and is a statewide, not for profit trade organization committed to supporting the growth and development of the retail industry in Hawaii. Our membership includes small mom & pop stores, large box stores, resellers, luxury retail, department stores, shopping malls, on-line sellers, local, national, and international retailers, chains, and everyone in between.

While we understand the want for this type of measure, we are respectfully opposed to SB 2349 as written. This measure prohibits the sale, offer for sale, or operation of gasoline-powered leaf blowers; increases the amounts of fines for offenses against leaf blower restrictions and provides for the forfeiture of gasoline-powered leaf blowers on a third violation; removes the exemption on leaf blower restrictions for government agencies and takes effect upon approval.

Implementing a ban on gas-powered leaf blowers requires time and resources for enforcement, public education, and transitioning to alternative equipment. **This measure would mean that on or before July 10, 2024, retailers could no longer sell them and businesses and the community in urban areas who own a gas-powered leaf blower could no longer use them and therefore must get rid of it.** Most likely there will be a lot of gas-powered leaf blowers ending up in our landfills this summer as owners must get rid of their gas powered leaf blowers even if they are still in good working condition.

**Measures like this would impose especially hardship on our small locally owned businesses, especially if they are unable to meet the deadline.** Not all stores are able to send their gas leaf blowers outside of Hawaii to a sister store. This would mean that all their gas-powered leaf blowers in inventory either must be sold at deeply discounted prices or at a loss or become trashed. **This measure has the potential to kill many small locally owned businesses who are already struggling to keep their doors open with rising costs of goods, shipping, minimum wage, health insurance and other operating costs. They cannot afford another unexpected added expense or loss.**

Hawaii does NOT have the typical changing seasons like they do on the mainland, and we must take that into consideration. We live in a state that has lush greenery all year round. Because of this, we see many residents and businesses in residential areas hiring small locally owned landscaping businesses to ensure the maintenance of their property.

While there are choices for electric leaf blowers on the market for residential use, there are limited choices on heavy duty commercial leaf blowers on the market. These items are extremely expensive at almost double the price of a gas-powered leaf blower. This could be cost prohibitive for many landscape companies as well as the community who now has not budged for new equipment and must purchase an electric leaf blower to maintain their property. This could pose a financial burden for many locally owned landscape companies as well as those who take care of their own lawn operating on tight budgets.

Retailers listen to what their customers want. Technology still needs to be worked on. The batteries need constant charging, and some leaf blowers are not as powerful to truly be useful. Most cordless electric or battery-powered leaf blowers have about a 20–45-minute run time per charge. Upgrading to a larger battery will make the blower heavier. Corded electric leaf blowers can only reach as far as the length of their power cords, limiting the range of movement and potentially hindering access to certain areas of a property. This can result in reduced efficiency and increased time needed to complete tasks, particularly for larger properties or heavy-duty cleaning jobs.

With the push to change to electric powered goods, we wonder in a few years what is going to happen to all those lithium batteries that can no longer hold a charge and are discarded. It is our understanding that Hawaii does NOT currently have a recycling program or location for Lithium Batteries. These types of batteries can be prone to overheating and catching fire, especially if damaged or exposed to extreme conditions. This can lead to safety hazards, such as fires or explosions. In addition, we do not want to see them discarded in our landfills as improper disposal of lithium-ion batteries can lead to environmental pollution. If not recycled properly, the chemicals within the batteries can leach into the soil and water, causing harm to ecosystems.

We respectfully ask that you hold this measure. Mahalo again for this opportunity to testify.

**SB-2349**

Submitted on: 2/9/2024 3:27:20 PM

Testimony for AEN on 2/12/2024 1:31:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Boyd Ready	Individual	Oppose	Written Testimony Only

Comments:

Dear Senators,

Switching from gas-powered to electric blowers doesn't reduce noise that much, and imposes larger costs on the hundreds of small businesses, homeowner associations, and others who use these tools. It is especially unfair to outlaw the use of equipment already in service - that amounts to a 'taking' without compensation. In my experience of 25 years in landscape operations, most noise problems were solvable with appropriate time of day restrictions, negotiated with the customer and/or nearby residents. Electric power tools rely on battery technology and manufactured parts from China, a nation whose manufacturing prowess is fueled by coal-burning power plants, and the batteries' materials are mined, in substantial part, by slave and/or child labor in Asia and Africa. It is not humane to increase the use of those batteries until they can be reliably and honorably produced in nations that respect human rights.

Boyd Ready

Haleiwa



**SB-2349**

Submitted on: 2/9/2024 4:36:34 PM

Testimony for AEN on 2/12/2024 1:31:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
B.A. McClintock	Individual	Support	Written Testimony Only

Comments:

As a person who sleeps during the day, please pass this bill! Mahalo.

**SB-2349**

Submitted on: 2/10/2024 9:49:33 AM

Testimony for AEN on 2/12/2024 1:31:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jacqueline S. Ambrose	Individual	Support	Written Testimony Only

Comments:

RELATING TO LEAF BLOWERS.

Prohibits the sale, offer for sale, or operation of gasoline-powered leaf blowers. Increases the amounts of fines for offenses against leaf blower restrictions and provides for the forfeiture of gasoline-powered leaf blowers on a third violation.

Removes the exemption on leaf blower restrictions for government agencies.

**SB-2349**

Submitted on: 2/11/2024 8:26:51 AM

Testimony for AEN on 2/12/2024 1:31:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Carolyn Lewis	Individual	Support	Written Testimony Only

Comments:

Dear Chair Gabbard, Vice Chair Richards and Members of the Committee

Thank you for working on this Senate Bill in regards to gas leaf blowers. I am a resident of Oahu and am in favor of this bill. Very excited to see us follow the other states that have banned them.

These leaf blowers are very loud, blow huge amounts of dirt and dust into the air as well as the emissions they put off. As a citizen weather at work or at home you can hear these blowers humming in the neighborhoods most times than not.

The noise is so loud that most neighbors or yard employees put headphones on because of the noise. Your next-door neighbor can hear that same noise.

I am in huge favor of having the city comply as well. After living for time off the Ala Wai and having to close my windows and then clean and sweep my entrance dust to all the dirt and dust that gets blown into my area. Just the noise alone is hard to take sometimes. Forget the right to have quiet enjoyment.

This will also help the workers that use these tremendously. I can't imagine the fumes and hearing damage they give out.

Bring back the rake! 😊

Mahalo for your time,

Carolyn Lewis

**SB-2349**

Submitted on: 2/11/2024 8:36:25 AM

Testimony for AEN on 2/12/2024 1:31:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kevin Kelly	Individual	Support	Written Testimony Only

Comments:

Senator Gabbard, Coach Richards, and members of the committee,

Thank you for the opportunity to testify and support of Senate Bill 2349 relating to leaf blowers. These machines are noisy and cause pollution. This is an old technology that needs to be retired. There are other ways to do leaf trimming and cleaning now that are much less impactful on our communities and environment. Thank you in advance for your support of this bill

Aloha

Kevin Kelly