

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2015

Bill Number: H.137 Name of Bill: Regulating leaf blowers and leaf vacuums

Agency/ Dept: Environmental Conservation Author of Bill Review: Heidi Hales/Doug Elliott

Date of Bill Review: 2/11/2015 Related Bills and Key Players: _____

Status of Bill: (check one): ☒ Upon Introduction _____ As passed by 1st body _____ As passed by both

Recommended Position:

☐ Support ☐ Oppose ☒ Remain Neutral ☐ Support with modifications identified in #8 below

Analysis of Bill

1. Summary of bill and issue it addresses. *Describe what the bill is intended to accomplish and why.*

Adopt Rules regulating the use of leaf blowers and leaf vacuums to minimize noise pollution and to prevent air pollution from particulate matter due to the operation of leaf blowers and leaf vacuums.

2. Is there a need for this bill? *Please explain why or why not.*

It is not clear if there is a need for this bill. Leaf blowers and vacuums have the potential to produce exhaust emissions, resuspend dust, and generate high noise levels. However, these emissions are difficult to quantify. The Air Quality & Climate Division does not currently have the data to determine the impact of leaf blower and vacuum emissions, both combustion and fugitive dust, on our ability to meet national ambient air quality standards, particularly for particulate matter (PM2.5) and ozone. While we are currently in compliance with the standards, leaf blowers and vacuums are a potential source of PM2.5, and contributor to ozone formation. Without the data to determine how significant a contributor this emission source is to PM2.5 and ozone pollution, we do not know how high of a priority regulation of leaf blowers would be. While these units are likely a source of nuisance dust to those in immediate proximity, they are not likely a significant contributor to overall air pollution. However, simple restrictions on the use of these devices would potentially reduce emissions with little negative impact. The combustion (i.e., exhaust) emissions are currently regulated by the EPA with standards for small portable gasoline engines.

3. What are likely to be the fiscal and programmatic implications of this bill for this Department?

Simple restrictions on the use of these devices, including partial bans, is unlikely to have significant fiscal consequences, although detailed justification would need to be developed. The programmatic implications would be the need to focus resources on addressing this emission source at the expense of other demands on our resources. The programmatic implications would be more significant if we needed to address noise pollution, whether it is occupational or environmental exposures, for which we currently have no expertise or experience. The air pollution control regulations do not regulate any other source of noise pollution, and we do not have adequate resources to promulgate a regulation that would effectively reduce noise from this source. Control of noise from these types of sources is typically achieved at the town or municipal level.

4. What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?

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There are unlikely to be significant fiscal or programmatic implications on other departments even if we were to adopt restrictions or bans on these units. FPR and State Buildings are both likely users of these devices.

5. **What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?** *(for example, public, municipalities, organizations, business, regulated entities, etc)*
The fiscal and programmatic implications are not likely to be significant. The devices appear to be more a convenience than a necessity. Any entity that conducts landscaping work or lawn mowing likely uses these devices and would be expected to oppose any ban but would not necessarily be opposed to common sense restrictions.

6. **Other Stakeholders:**

6.1 **Who else is likely to support the proposal and why?**

Homeowners that do not currently utilize these devices would likely be neutral unless they are directly impacted with noise, exhaust emissions or fugitive dust from their use. Environmentalists that consider these devices more a convenience than a necessity would likely support restrictions.

6.2 **Who else is likely to oppose the proposal and why?**

- Landscape Contractors. Alternatives to these devices would be less convenient and likely require more time and cost.
- Homeowners that currently own these devices and like using them - Alternatives to these devices would be less convenient and likely require more time.
- Construction companies that use these devices for site clean-up - Alternatives to these devices would be less convenient and likely require more time and cost.
- Property management contractors- Alternatives to these devices would be less convenient and likely require more time and cost.
- Power equipment vendors -A ban or partial ban would reduce sales.

7. **Rationale for recommendation:** *Justify recommendation stated above.*

Without the data to determine how significant a contributor this emission source is to air pollution in Vermont we do not know how high of a priority regulation of leaf blowers and vacuums would be. Other than the impact on our limited resources, from an air quality standpoint, there would be air quality benefits and no negatives to imposing simple restrictions or partial bans on these devices. With respect to noise, the Vermont Air Pollution Control Regulations do not regulate any other source of noise pollution, and we do not have adequate expertise, experience or resources to promulgate such a regulation.

8. **Specific modifications that would be needed to recommend support of this bill:** *Not meant to rewrite bill, but rather, an opportunity to identify simple modifications that would change recommended position.*

9. **Gubernatorial appointments to board or commission?**

Commissioner has reviewed this document:

Date:

2/19/15

Secretary has reviewed this document:

Date:

2-23-15

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