

ENVIRONMENTAL ADVISORY COMMISSION MEMORANDUM

To: Pasadena City Councilmembers
Pasadena Mayor Terry Tornek

CC: Pasadena City Manager Steve Mermell
Pasadena City Clerk Mark Jomsky

From: Environmental Advisory Commission

Date: March 13, 2019

Subject: Regulation of Lawn and Garden Equipment

As set forth in the Pasadena Municipal Code, the primary function of the Environmental Advisory Commission (EAC) is to provide policy advice to the City Council regarding environmental stewardship and urban sustainability in accordance with the City's adopted Environmental Charter, the City's adopted Climate Action Plan, and other related environmental policies adopted by the City Council. It is under this charge that EAC is writing to recommend that the City initiate a process to consider the merits of further regulation of lawn and garden equipment.

Recommendation

The EAC recommends that the City initiate a formal process to evaluate the full range of issues, and consider policy actions, related to lawn and garden equipment, including a focus on, but not limited to, leaf blowers.

Thank you for your consideration of this matter.

Respectfully submitted,

The Environmental Advisory Commission

Attachments

1. Timeline of events
2. Summary of City's Responses to Public Records Act

Attachment 1

Timeline of events related to City and EAC actions regarding leaf blowers.

- In 1987, the Pasadena leaf blower regulation ordinance was adopted, for stated reasons, including: "leaf blowers result in the creation of dust, noxious hydrocarbons and intrusive noise" affecting the "quiet character" of Pasadena's residential neighborhoods.
- In 2002, amendments were adopted to the City ordinance that required a lower decibel level and to require gardeners to display a noise test sticker obtainable from the City's Public Health Department (the Department). The staff report for this amendment noted that, at that time, 20 California cities had some level of ban on leaf blowers.
- In 2002, the "Noise Element" of the City's General Plan states that the City shall, at least every 5 years, "review and update the Noise Restriction ordinance to ensure effectiveness in controlling noise sources" including from leaf blowers, and shall consider amending the Municipal Code "if problems arise in the future."
- In 2009, the City Council considered a staff report concerning a proposal to offer financial incentives to gardeners to use low-emissions, "low noise" blowers. The staff report said there were about 100 licensed gardeners operating in the City, and that most public complaints about blowers were traced to unlicensed operators using uncertified equipment that had not been noise-tested by the Department. The Department's inspection program was reported to cost approximately \$6,000 per year to license 100 gardeners, and the cost of a license was \$191.
- In January 2012, the City's General Plan Update's "Open Space and Conservation Element" called for the creation of a Greenhouse Gas (GHG) Inventory and a Climate Action Plan (CAP), and called for consolidation of responsibility "within one commission" to promote the conservation and "environmental health policies of this document."
- In December 2013, the City's Public Safety Committee agendaized the topic of "leaf blower ordinance follow-up" when public comments were received. However, the City Manager informed City Council that staff was not going to address the topic.
- In the fall of 2015, the City embarked on a process to develop a CAP to reduce community-wide greenhouse gases (GHG) emissions and combat climate change.
- On Oct. 29, 2016, staff presented to the EAC a summary and status update on the progress of the creation of the City's CAP to reduce GHG emissions in the City in accord with State law.
- In March 2018, the City Council adopted a 101-page CAP to serve as a "roadmap to reduce Pasadena's carbon footprint."
- In October 2018, the EAC adopted its annual Work Plan for the period July 1, 2018 to June 30, 2019. The Work Plan provides that the EAC shall "review and provide input" on the implementation of the CAP.

- The CAP specifically includes references to the City's current leaf blower ordinance of 2009, at page 56. Under the section "T-7: Lawn and Garden Equipment," the CAP includes a Long-term Implementation Strategy: "Provide incentive payments for residents and local gardeners who replace lawn and garden equipment (e.g., lawn mowers, leaf-blowers) with low-emissions alternatives, including but not limited to battery or electric-operated," with primary responsibility for this to be given to the Public Works and Water & Power Departments. Replacement of City-owned gardening equipment with low-emissions alternatives is a second proposed Implementation Action. Both Implementation Actions are paired with the following Performance Indicators: by 2020 & by 2035, measures to "reduce emissions from lawn and garden equipment." We note that, in contrast to transportation, buildings, solid waste, and water- the CAP did not quantify GHG emissions from lawn and garden equipment.
- In December 2018, the EAC began receiving unsolicited public comments (and observed an uptick of posts on local social media) concerning gas-powered (including "two-stroke" and "four-stroke") leaf blowers. The concerns included noise, dust and airborne particulates/air quality-related health effects, and GHG emissions. This expression of public comment and social media posts continued in January and February 2019.
- Highlights of public comments received by EAC include:
 - In 2011, Edmunds, a major car reviewer, compared the 2-stroke-engine leaf blower with a Ford F-150 Raptor pickup truck, finding that a half-hour of yard work produced the same amount of hydrocarbon emissions as a 3,887-mile truck drive.
 - Numerous complaints with respect to the noise throughout the day, but particularly in the early morning.
 - A 2-stroke leaf blower generates in 1 hour of use as much carbon pollution as a sedan driven for 7,000 miles, according to the California Air Quality Management District study of leaf blowers commissioned by the Legislature in 2000. The same study found that there were over 600,000 2-stroke leaf blowers in use in the state.
 - Approximately 70 towns/cities in California currently have some level of controls up to a full ban on gas leaf blowers, including Los Angeles, South Pasadena, Santa Barbara, Malibu, Beverly Hills, and West Hollywood. The effectiveness and enforcement of these restrictions has not been researched by the EAC.
 - It has been reported that, including the recent Los Angeles ban on use within 500 feet of residences, about 13% of Californians live in cities that have some level of restriction, including bans, on the use of gas leaf blowers.
- In February 2019, an EAC Commissioner sent a Public Record Act (PRA) request to the City, seeking information pertaining to gas leaf blowers and the City's current licensing, code enforcement, and rebate programs. Written responses were received from the following departments: City Manager, Public Health, Public Works, and Code Enforcement.

- Highlights of information received in response to the PRA request include:
 - The City does not keep records reflecting how many applications were submitted in the past 3 years for rebates/incentives for replacing gas leaf blowers with low-emissions leaf blowers.
 - The City does not maintain records showing the number of licenses issued in any of the past 3 years to landscaping businesses seeking to operate within City limits.
 - No records are available that would show the number of warnings or citations issued in any of the past 3 years to non-licensed operators of landscape equipment.
 - The City owns or leases 17 gas-powered leaf blowers and 12 electric leaf blowers. The Public Health Department has 82 full-time employees, 2 of whom are assigned to tasks related to leaf blowers.
 - The Department's leaf blower inspection program (licensing/inspection of equipment) uses approximately 60 hours of City staff time per year; revenue collected annually (\$10,000) is sufficient to cover the entire cost of the program.
 - Last year, 2018, the city received 103 noise complaints of which 79 (77%) were leaf blower related.

Attachment 2

Summary of City's Responses to Public Records Act Request to City of Pasadena regarding Gas Powered Landscaping Equipment

Date of Summary: 3-11-2019

Date of Public Records Act Request: 1-29-2019

Dates of Responses Received:

- Dept. of Public Works 2-6-2019
- Dept. of Public Health: 2-8-2019
- Office of City Manager: 1-29-2019

Requestor: Deborah Dentler

Background

In February 2019, Environmental Advisory Commission Vice-Chair Deborah Dentler sent a Public Record Act (PRA) request to the City, a request she sent as a private individual not a city commissioner, seeking information pertaining to gas leaf blowers and the City's current licensing, code enforcement, and rebate programs. Written responses were received from the following departments: City Manager, Public Health, and Public Works. This memo summarizes the City's responses.

Missing Information

The responses were notable as much for what was *not* disclosed as for what *was* disclosed. The City apparently does not keep records reflecting how many applications were submitted in the past 3 years for rebates/incentives for replacing gas leaf blowers with lower-emission leaf blowers. There seems to be no record maintained showing how many, if any, such rebates were given out by the City in the past 3 years.

Also unknown is the number of licenses issued in any of the past 3 years to landscaping businesses seeking to operate within City limits.

No records are available that would show the number of warnings or citations issued in any of the past 3 years to non-licensed operators of landscape equipment.

No records exist showing that any investigations were opened in each of the years 2018, 2017, 2016, pursuant to the City of Pasadena Noise Regulations (Chapter 9.36 of the Municipal Code), and apparently no records exist showing any enforcement actions (warnings, citations, criminal cases filed).

Particularly problematic is that data is not maintained by the City showing how many noise-related complaints are made about leaf-blowers as differentiated from other sources of noise.

The City's Department of Public Works stated it has no records indicating the approximate or estimated number of individuals who currently work as landscape maintenance or gardeners within City limits and use gas-powered leaf-blowers when performing maintenance work on public lands. There are approximately 40 city employees using leaf blowers to maintain city-owned land, but the City does not know how many workers using leaf blowers are employed by the City's three private landscape maintenance contractors.

No response was received to the question, "does the City maintain documents reflecting estimates done by City staff and/or consultants, to calculate or attempt to calculate the number of hours per week/month/and/or year that City staff use gas-powered leaf blowers?"

Nor was any response received to the question, "does the City have a current written estimate of the increase in City staff time and/or the increase in maintenance costs, the City would experience if gas-powered leaf blowers were eliminated?"

Response to PRA Request from the Office of City Manager

On January 29, 2019, the following response to the PRA request was received:

"Please be advised that the City Manager's Office does not have any records responsive to the PRA request. We will defer to the appropriate departments to respond.

Regards, Laarni Daza"

Response to the PRA Request from Public Works Dept.

The Department of Public Works responded to the RPA request on 2-6-2019.

Public Works stated it had no records showing how many City of Pasadena licenses were issued in each of the years 2018, 2017, 2016 to landscaping companies or individuals operating as licensed landscapers or gardeners in City limits.

In response to a question asking how many acres of City - owned property are there where the City conducts (either directly or by contracting-out to vendors) landscaping maintenance using gas-powered leaf-blowers and gas-powered edgers, the Department responded: 922.7 acres.

Asked how many public employees and contract workers perform landscape maintenance work on City-owned property, the response was "40 city employees (FTEs) & 3 landscape maintenance contracts w/contractors who employ unknown # of workers."

The City currently owns or leases 17 gas-powered leaf blowers and 12 low-emissions (electric or battery) leaf blowers. No vacuum-type equipment is used to gather leaves.

In the past three years, Public Works received the following numbers of complaints/citizen reports about possible violations of the City's leaf-blower ordinance: 80 complaints in 2018; 23

complaints in 2017; 8 complaints in 2016. This response shows there was a significant increase in complaints over the past two years.

Public Works responded that it does not have any documents reflecting any estimates done by City staff and/or consultants, to calculate or attempt to calculate the number of hours per week/month/and/or year that City staff use gas-powered leaf blowers.

Public Health Dept.

The Public Health Dept. responded to the PRA request on 2-8-2019.

The response stated there are 82 employees (full-time equivalent) in the City's Health Department. Two of them, Matthew Fraser; Ying-Ying Goh, spent time in the course of their employment investigating, researching, attending conferences/meetings, or addressing public health impacts of gas-powered leaf blowers in 2016-2018.

Asked how many staff work hours were spent, approximately, in each of the years 2018, 2017, 2016, on inspecting gas-powered lawn equipment, Public Health responded that in 2018 the inspection program took 64 hours of staff time. In 2017, it was 60 hours, and in 2016, 50 hours. The revenue collected each year covered the cost of running the inspection program; in fiscal years 2017 & 2018, revenue was approximately \$10,000 per year; in fiscal year 2016, revenue was approximately \$20,000. This covered the cost of the program.

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