



OFFICE OF THE
CITY MANAGER

CITY OF SACRAMENTO
CALIFORNIA

CITY HALL
ROOM 101
915 I STREET
SACRAMENTO, CA
95814-2684

September 9, 1991

916-449-5704
FAX 916-449-8618

Law and Legislation Committee
Sacramento, California

Honorable Members In Session:

**SUBJECT: REPORT BACK FROM THE SACRAMENTO ENVIRONMENTAL
COMMISSION RELATING TO REGULATION OF GASOLINE-POWERED
LEAF BLOWERS**

LOCATION AND COUNCIL DISTRICT

City.

SUMMARY

This report presents the recommendations of the Sacramento Environmental Commission relating to the use and regulation of gasoline-powered leaf blowers. The Commission recommends that the City Council impose time and maximum noise level restrictions on the use of portable gasoline-powered blowers on residential property and on commercial, industrial, and public property within 200 feet of residential property, and that the subject be reviewed again in approximately twelve (12) months.

STAFF RECOMMENDATION

It is recommended that the Law and Legislation Committee review the Environmental Commission's recommendations and take action as the Committee deems appropriate. In the event the Committee supports in concept, the Environmental Commission's suggested amendments to the Noise Control Ordinance, staff recommends against establishing a 65 dBA sound limit for leaf blowers to be effective November 15 1995.

TABLE OF CONTENTS

Page Number

2	Background
3 Comments from the Department of Parks & Community Services.
4	Financial Data
4	Policy Considerations
6	A List of Recommended Amendments to City of Sacramento Noise Ordinance -- Leaf Blowers Sacramento Environmental Commission, July 22, 1991.
7	The Committee's Report Back to the Full Commission, Describing Three Different Approaches Considered by the Committee:
9 Time and maximum noise restrictions (the approach selected)
10 Time and maximum noise restrictions, plus equipment certification and training requirements
11 Prohibit use of leaf blowers.
12	Report Back to the Commission on the Health Hazards Associated with Use of Leaf Blowers: Noise and Particulate Matter.
20	Excerpts from the Commission Meeting Minutes Relating to Leaf Blowers.

BACKGROUND

On February 21, 1991, the Law and Legislation Committee asked the Sacramento Environmental Commission to make recommendations concerning the use of leaf blowers within the City of Sacramento. The Commission appointed a committee to prepare and present recommendations to the full Commission and held public hearings to accept testimony from interested parties.

The amendments recommended by the Commission (page 6) are not limited to the regulation of leaf blowers. Items 2 and 4 relate to noises from maintenance activities other than use of leaf blowers. The ordinance prepared by the City Attorney's Office incorporates only those recommendations which address the use of leaf blowers specifically. The Environmental Commission will shortly do a review of the entire Noise Code and the more general recommendations about maintenance activities could be included in that review. If the Law and Legislation Committee desires, it can direct the City Attorney's Office to write those additional recommendations into the Noise Code now.

Those recommendations which have been incorporated into the proposed ordinance are:

1. Define portable gasoline-powered blower.
2. Permit use of portable gasoline-powered blowers on residential property and on commercial, industrial or public property within 200 feet of residential property only during the hours of 9:00 a.m. to 6:00 p.m., Monday through Saturday, and 9:00 a.m. to 4:00 p.m. on Sundays.
3. Prohibit use of portable gasoline-powered blowers on residential property and on commercial, industrial or public property within 200 feet of residential property which exceed the following noise levels measured 50 feet from the blower:
 - (a) Blowers placed in service between May 15, 1992, and November 15, 1995, may not exceed 70 dBA .
 - (b) Blowers placed in service after November 15, 1995, may not exceed 65 dBA.
 - (c) Blowers in use on or before the effective date of the ordinance or placed in service before May 15, 1992, shall not exceed 70 dBA after November 15, 1993.
4. Require the Department of Parks and Community Services to observe the time and noise level restrictions when its personnel are operating blowers within 200 feet of residential property.

Comments from the Department of Parks & Community Services

The Department of Parks and Community Services has provided the following information for inclusion in this report.

The Department uses portable gasoline-powered blowers for park maintenance, to clear leaves from grass areas, and perhaps more important, to clear debris from hard surfaces such as walkways, bikeways, basketball courts, tennis courts, parking lots, and the K Street Mall/Convention Center area. Using water to wash down these surfaces is not an alternative available to the Department. Nor is a return to hand sweeping feasible. The Department's park maintenance resources were reduced significantly in the 91-92 and 92-93 budget process. The Department lost full-time equivalent positions, assumed maintenance responsibility for an additional 60+ acres of street medians previously maintained by outside contractors, and has several additional new park developments to maintain. The limited number of employees available to maintain parks and other areas requires the use of up-to-date technology.

Parks and Community Services staff offered testimony at the hearings held by the Environmental Commission. The Department recognizes that blower noise can be a nuisance and is sensitive to the problems this causes for our citizens. The Department believes that with proper training of staff, appropriate use of blowers by the Department

can continue. At the Commission hearings, Department staff expressed support for education programs to encourage proper use of blowers, reducing the hours during which blowers may be used in residential areas, and noise limits for the blowers, based on available technology.

The Department believes that it can comply with the 70 dBA limit recommended for new equipment within six months and for existing equipment within two years. However, based on the Department's review of existing technology and expected industry improvements, the Department opposes the 65 dBA limit to be imposed after four years as infeasible. Because the Department will be cutting back on use of blowers, those blowers currently in use will last longer than anticipated, and will be replaced with newer equipment later than anticipated. This means that conversion of the Department's equipment to the latest available technology will occur over a longer period. In any event, the Department believes that the industry will not be able to meet the 65 dBA requirement within four years and opposes that portion of the Commission's recommendations. The Department supports the restricted hours of use proposed for residential areas.

FINANCIAL DATA

Financial considerations include impacts on City departments that use portable blowers and anticipated costs of enforcement.

The Department of Parks and Community Services believes that it can conform to restrictions on hours of use and a maximum noise level of 70 dBA in residential areas without substantial expense, although new blowers that meet the 70 dBA limit may cost several hundred dollars more than other versions. The Department does not believe that it can comply with a 65 dBA limit within four years. If that requirement were to be imposed, the Department believes that it would have to discontinue use of blowers near residential property, leading to either the need to fund additional staff or unacceptably low and hazardous maintenance levels.

The Environmental Health Division of the Sacramento County Environmental Management Department will attempt to enforce any blower regulations imposed by the City with current staff. The County would have to return to the City Council seeking enforcement resources if the level of enforcement activity required cannot be absorbed with current staffing levels.

POLICY CONSIDERATIONS

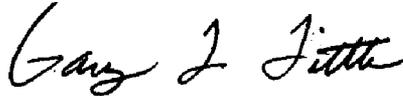
The City of Sacramento currently has a Noise Code (Chapter 66, Sacramento City Code). The Environmental Commission expects to make recommendations for updating the entire Noise Code within the next year. One policy issue for the Committee is a choice between singling out a particular source of noise for additional regulation now, or waiting for a comprehensive review of the Noise Code. If the Committee chooses to go forward, policy choices include:

1. Whether to regulate both gas and electric blowers or just those that are gasoline-powered.
2. The proposed hours of permitted use.
3. Permitted noise levels.
4. Whether to apply the time and noise restrictions only to blower use on residential property or locations within 200 feet of residential property versus broadening either or both of the restrictions to include blower use in other locations. Broadening the restrictions to include other locations would remove the enforcement difficulty which arises when trying to determine whether a particular use is in fact within 200 feet of residential property; however, doing so would have a significantly greater impact on blower users which may not be justified by a corresponding benefit to the public.
5. Whether to include the Commission's additional recommendations relating to non-blower maintenance activities.

MBE/WBE

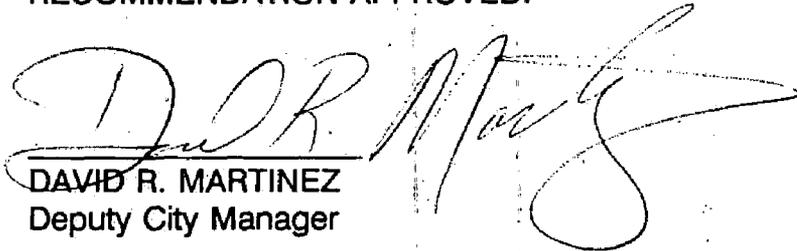
Not applicable.

Respectfully submitted,



GARY L. LITTLE
Citizens Assistance Officer

RECOMMENDATION APPROVED:



DAVID R. MARTINEZ
Deputy City Manager

FOR MORE INFORMATION CONTACT:

Kenneth Stuart, Chief
Environmental Health Division
386-6108

FOR LAW & LEGISLATION MEETING OF SEPTEMBER 19, 1991

**Recommended Amendments to City of Sacramento
Noise Ordinance -- Leaf Blowers
Sacramento Environmental Commission
July 22, 1991**

1. Section 66.105 - Include the definition of a powered leaf blower.
2. Section 66.203 (h) - Amend the hours of operation for noise sources associated with the maintenance of residential area property to the hours of 8 a.m. and 6 p.m. on any day except Sunday and 9 a.m. and 4 p.m. on Sunday.
3. Section 66.203 (i) - Amend the exemption for the city recreation and parks department to those areas more than 200 feet from a residential property.
4. Add a new section regulating the hours of operation for noise sources associated with the maintenance of commercial, industrial, or public property located within 200 feet of a residential property to 7 a.m. to 7 p.m. on any day.
- . Add a new section on powered leaf blowers, that includes the following provisions:
 - A. Restricts the hours of operation for leaf blowers associated with the residential property, or public, commercial or industrial property located within 200 feet of a residential area to 9 a.m. to 6 p.m. Monday through Saturday and 9 a.m. to 4 p.m. on Sunday.
 - B. Prohibits any person operating a powered leaf blower to create any noise exceeding the levels specified below when measured at a distance of fifty feet from the equipment on any residential property.
 1. New equipment purchased, leased, or rented on or after a date six months from the effective date of the chapter is not to exceed a noise level of 70 dBA.
 2. New equipment purchased, leased, or rented on or after a date forty-eight months from the effective date of the chapter is not to exceed a noise level of 65dBA.
 3. Present equipment shall not exceed a noise level of 70dBA on or after two years from the effective date of the chapter.

KCS:dan
72991
mend.cty)



COUNTY OF SACRAMENTO

ENVIRONMENTAL MANAGEMENT DEPARTMENT

NORMAN D. COVELL, DIRECTOR

ENVIRONMENTAL HEALTH DIVISION

Kenneth C. Stuart, Chief

To : Sacramento Environmental Commission

July 22, 1991

ITEM #2

From : Kenneth C. Stuart, Chief
Environmental Health Division

Subject: REPORT BACK - AMENDMENTS TO THE CITY AND COUNTY NOISE ORDINANCES -
LEAF BLOWERS

Requested Action:

As a result of Subcommittee meetings on the subject, the following is recommended:

The Sacramento Environmental Commission recommends to the Sacramento County Board of Supervisors, the Sacramento City Council, and the Galt City Council that they amend their respective noise ordinances in the following manner:

- A. Restrict the hours of operation for noise sources associated with the maintenance of residential area property to the hours of 8 a.m. to 6 p.m. on any day except Sunday, and 9 a.m. to 4 p.m. on Sunday.
- B. Establish a section in the noise ordinance relative to noise sources associated with the maintenance of commercial or industrial property within 200 feet of a residential area, and restrict the hours of operation for these noise sources to the hours of 7 a.m. to 7 p.m. on any day.
- C. Establish a section on leaf blowers and include the following standards:
 1. Restrict the hours of operation for leaf blowers associated with the maintenance of residential property, or commercial or industrial property located within 200 feet of a residential property to 9 a.m. to 6 p.m. Monday through Saturday and 9 a.m. to 4 p.m. on Sunday.
 2. Establish a maximum permissible level of noise, as delineated in Attachment A, that can be generated by leaf blowers.

- D. Direct Division staff to work with the Subcommittee and prepare a report back for September, 1992 that:
1. Reviews the status of compliance with the new and amended standards in the ordinance.
 2. Reviews the feasibility and need of establishing a monitoring and certification program for leaf blowers that includes:
 - a. Testing of equipment noise levels by industry;
 - b. Training of employees using leaf blowers by industry; and
 - c. Utilization of the business license system to verify the compliance with the program.
 3. Prepare recommendations on the need to further modify the standards relative to the use of leaf blowers or related property maintenance equipment.

Background:

At your June 3, 1991 meeting, staff presented a report to you on the actual health hazards associated with the use of leaf blowers. At the conclusion of the report, you requested the Subcommittee to report back to you on June 24, 1991 with a date that recommendations on amending the City and County noise ordinances could be prepared. On June 24, 1991, you accepted the Subcommittee request for a report back date of July 22, 1991, and scheduled a public hearing for that date.

The Subcommittee met on June 15, 1991 and July 2, 1991, discussed the options delineated in the attached staff report, and agreed on the above stated recommendations. It was also agreed that a date for a review of the ordinance amendments relative to leaf blowers should be established and that additional regulations or a total ban on leaf blowers, if justified, be reconsidered.

Alternatives Considered:

The Subcommittee discussed alternatives ranging from leaving the ordinances as they are written, to prohibiting the use of leaf blowers. It was agreed that a total ban was not justified at this time and the most appropriate option was to implement additional restrictions on the operation of leaf blowers and property maintenance equipment. Discussions then concentrated on the development of the standards and whether a monitoring and certification program should be included as part of the changes. The power equipment industry indicated their willingness to be responsible for a monitoring and certification program, but the Subcommittee agreed to recommend implementing the new standards now and evaluating their impact prior to recommending the implementation of a testing and certification program. These alternatives are more succinctly delineated in Attachments A (proposed changes), B (monitoring and certification), and C (prohibition).

CS:gb
071591
139kcs/540/91

Attachment A
Proposed Changes

1. Include the definition of a leaf blower
(Section 6.68.050 - County Noise Ordinance)
(Section 66.105 - Sacramento City Noise Ordinance)
(Section 8.40.040 - Galt City Noise Ordinance)
2. Amend the hours of operation for noise sources associated with the maintenance of residential area property to:

8 a.m. and 6 p.m. on any day except Sunday
9 a.m. and 4 p.m. on Sunday

(Section 6.68.080(h) - County Noise Ordinance
(Section 66.203(h) - Sacramento City Noise Ordinance
(Section 8.40.080(h) - Galt City Noise Ordinance)
3. Add new provision regulating the hours of operation for noise sources associated with the maintenance of commercial or industrial property located within 200 feet of a residential property to:

7 a.m. and 7 p.m. on any day
4. Add a section on leaf blowers, and include the following provisions:
 - A. Restrict the hours of operation for leaf blowers associated with the maintenance of residential property or commercial or industrial property located within 200 feet of a residential area to 9 a.m. to 6 p.m. Monday through Saturday and 9 a.m. to 4 p.m. on Sunday.
 - B. It shall be unlawful for any person operating a leaf blower to create any noise exceeding the following level when measured at a distance of fifty feet from the equipment or on any residential property.
 - (1) New equipment purchased, leased, or rented on or after a date six months from the effective date of this chapter shall not exceed a noise level of 70 dBA.
 - (2) New equipment purchased, leased, or rented on or after forty-eight months from the effective date of this chapter shall not exceed a noise level of 65 dBA.
 - (3) Present equipment shall not exceed a noise level of 70 dBA on or after two years from the effective date of this chapter.

Attachment B

Monitoring and Certification Program

1. Include the definition of a leaf blower
(Section 6.68.050 - County Noise Ordinance)
(Section 66.105 - Sacramento City Noise Ordinance)
(Section 8.40.040 - Galt City Noise Ordinance)
2. Amend the hours of operation for noise sources associated with the maintenance of residential area property to:

8 a.m. and 6 p.m. on any day except Sunday
9 a.m. and 4 p.m. on Sunday

(Section 6.68.080(h) - County Noise Ordinance
(Section 66.203(h) - Sacramento City Noise Ordinance
(Section 8.40.080(h) - Galt City Noise Ordinance)
3. Add new provision regulating the hours of operation for noise sources associated with the maintenance of commercial or industrial property located within 200 feet of a residential property to:
4. Add a section on leaf blowers, and include the following provisions:
 - A. Restrict the hours of operation for leaf blowers associated with the maintenance of residential property or commercial or industrial property located within 200 feet of a residential area to 9 a.m. to 6 p.m. Monday through Saturday and 9 a.m. to 4 p.m. on Sunday.
 - B. It shall be unlawful for any person operating a leaf blower to create any noise exceeding the following level when measured at a distance of fifty feet from the equipment or on any residential property.
 - (1) New equipment purchased, leased, or rented on or after a date six months from the effective date of this chapter shall not exceed a noise level of 70 dBA.
 - (2) New equipment purchased, leased, or rented on or after forty-eight months from the effective date of this chapter shall not exceed a noise level of 65 dBA.
 - (3) Present equipment shall not exceed a noise level of 70 dBA on or after two years from the effective date of this chapter.
5. Add a section that specifies:
 - A. Leaf blowers operated by commercial enterprises shall be tested and certified for compliance with the maximum noise levels specified above on an annual basis.
 - B. Employees of commercial enterprises who operate leaf blowers shall receive annual training on the proper use of leaf blowers.
 - C. Government entities utilizing leaf blowers shall comply on an annual basis with the testing and certification procedures defined above.

Attachment C
Prohibition of Leaf Blowers

1. Include the definition of a leaf blower

(Section 6.68.050 - County Noise Ordinance)
(Section 66.105 - Sacramento City Noise Ordinance)
(Section 8.40.040 - Galt City Noise Ordinance)

2. Add the following section:

Leaf blowers are prohibited from use in the maintenance of residential properties and from use in the maintenance of commercial or industrial properties located within 200 feet of a residential property.

KCS:gfb
071291
139kcs/540A/91



COUNTY OF SACRAMENTO

ENVIRONMENTAL MANAGEMENT DEPARTMENT

NORMAN D. COVELL, DIRECTOR

ENVIRONMENTAL HEALTH DIVISION
Kenneth C. Stuart, Chief

June 3, 1991
Agenda Item #2

To: Sacramento Environmental Commission
From: Ken Stuart, Chief
Environmental Health Division
Subject: REPORT BACK - LEAF BLOWERS

On April 22, 1991 you heard different recommendations on the issue of leaf blowers from the leaf blower subcommittee and the Environmental Health staff. After discussion, you requested a report back addressing the actual health hazards associated with the use of leaf blowers.

The two reports attached address your concerns relative to the health issues. The first report, prepared by the Environmental Health Division, is a general review of the effects of noise on people. Due to the lack of research on studies on leaf blower noise, the report doesn't focus on specifics, but the areas of discussion can be applied to leaf blower noise.

The response from the Air Quality Management District address the specific questions on statements received by you relative to the potential effect of particulate matter on human health.

A Brief Summary of the Effects of Noise
On Human Health

I. Nonauditory Physiological Response

Why is noise considered a health problem?

Noise is generally viewed as being one of a number of general biological stressors. It is felt that excessive exposure to noise might be considered a health risk in that noise may contribute to the development and aggravation of stress related conditions such as high blood pressure, coronary disease, ulcers, colitis, and migraine headaches.

What physiological changes occur in response to noise?

Loud sounds can cause an arousal response in which a series of reactions occur in the body. Adrenalin is released into the bloodstream; heart rate, blood pressure, and respiration tend to increase; gastrointestinal mobility is inhibited; peripheral blood vessels constrict; and muscles tense. Even though noise may have no relationship to danger, the body will respond automatically to noise as a warning signal.

Is short-term exposure to noise considered a health risk?

No. It is generally believed that there is no risk since the body has a chance to recover.

Is there credible scientific evidence which suggest that noise-induced stress is related to hypertension and cardiovascular disease?

Yes. It has long been known that noise is capable of producing short term systemic stress reactions in animals and humans. The major question concerns the extent to which these reactions, if repeatedly elicited, translate into health problems.

Is noise of special concern for those persons already suffering from circulatory and heart problems?

Noise may be potentially more dangerous to those people since it can aggravate an existing health problem.

II. Communication Interference

What are the effects of noise on speech interference?

The indirect effects of speech interference are the disturbance of normal domestic or educational activities, the creation of an undesirable living environment, the creation of safety hazards, and it serves as a source of annoyance.

What factors determine the extent to which noise affects speech communication?

The controlling factors are:

- Location (whether indoors or outdoors)
- The attenuation characteristics of the building and internal structures when indoors
- The vocal effort and skill of the talkers and listeners
- The background noise level and spectrum
- Hearing acuity

III. Sleep Disturbance

How does noise interfere with sleep?

Noise can make it difficult to fall asleep. Noise levels can create momentary disturbances of natural sleep patterns by causing shifts from deep to lighter stages. Noise may even cause awakening which the person may or may not be able to recall.

What are the indirect effects of sleep disturbances?

A person whose sleep has been disturbed severely may feel lethargic and nervous during his/her waking hours and may be unable to perform at their usual level of efficiency.

What noise levels can delay falling asleep?

At levels of 40 to 50dB (A-weighted) or above, some subjects have reported difficulty in falling asleep.

What noise levels can cause awakening?

Studies have shown that at levels of 70dB (A-weighted) or above, behavioral awakening will most likely occur.

Do noises lasting a long period of time awaken more people than shorter noises?

The temporal pattern of exposure (i.e., short or long duration) has a major effect on awakenings due to noise. Short signals have to be much higher in level to awaken as many people as a longer, steady noise.

Does the background noise environment in which people are accustomed to sleep affect the number of nightly awakenings due to noise?

People living in higher background noise neighborhoods tend to awaken less than people living in quieter noise neighborhoods.

How does sleep disturbance vary with noise level?

Generally, the higher the noise level the greater the probability of a response.

IV. Subjective Response

What kind of mental or psychological effects can occur with excessive noise exposure?

Excessive noise exposure can bring about a wide variety of psychological response or symptoms in the individual. A person may respond with anger, or experience symptoms such as anxiety, irritability, and/or general emotional stress.

What physical qualities of noise affect a person's subjective response?

The physical attributes of noise that can affect an individual's subjective response include: apparent loudness or intensity, spectral shape, presence of discrete frequency components, abruptness or impulsiveness, intermittency, duration, and temporal variations.

Besides the physical attributes of the noise itself, what other aspects of the exposure situation affect the individual's response?

Among the factors that affect an individual's response to noise are contextual factors such as: the time of day, the activity interfered with, the ability to control the source, and the information content of the noise. Response may also be affected by personal factors such as previous experience with noise exposure or socio-economic and educational status.

V. Community Response

How does noise annoy?

Noise by definition is unwanted sound. It is an intrusion on one's sense of privacy. Noise can be an emotional strain and a source of great frustration when the noise is beyond a person's control. Noise may interfere with a broad range of human activities, the overall effect of which is to cause annoyance. Such activities include:

1. Speech communication in conversation and teaching
2. Telephone communication
3. Listening to television and radio broadcasts
4. Listening to music
5. Concentration during mental activities
6. Relaxation
7. Sleep

What other factors may influence personal reaction to noise?

Social surveys have shown that the following factors may contribute to community noise annoyance:

1. Fear associated with activities of noise sources

2. Socio-economic status and education level
3. The extent to which a community's residents believe that they are being treated fairly
4. Attitude of the community's residents regarding the contribution of activities associated with the noise source to the general well-being
5. The extent to which the residents of the community believe that the noise source could be controlled

Sources:

1. Noise Effects Handbook -- A Desk Reference to Health and Welfare Effects of Noise; USEPA, July 1981
2. Protective Noise Levels - Condensed Version of the EPA Levels Document; USEPA, Nov, 1978

KCS:dan
060391
(effects.nos)

UPDATE

LEAF BLOWERS - AIR QUALITY IMPACTS

SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT

JUNE 10, 1991

Additional questions have been raised regarding the need to regulate leaf blowers, based upon air quality impacts, since the April 8, 1991, Environmental Commission meeting. According to Robert Gammariello of the ARB Mobile Source Division, there is no known public health impacts data available, specific to leaf blowers. The following is a summary of new issues and staff response:

1. According to a Lung Association fact sheet, a 1989 study of particulate material from a Fresno street indicates concentrations of lead in the respirable particle range.

Staff Response: This newer information further corroborates the finding of lead in street sweepings from the 1982 Fresno County Air Pollution Control District report. As stated in the staff report of April 8, the existence of toxic substances in the dust strengthens the case for ultimately controlling particulate matter entrained by leaf blowers. However, it is not possible to translate a concentration on the street into a human respirable dose because of such variables as particle size, deposition rate, wind direction, duration of exposure, and distance to human receptors. Therefore, the significance of the public health impacts remains unquantified.

2. According to the presentation of Leslie Krinsk before the Environmental Commission on April 8, the 1982 report of the Fresno County Air Pollution Control District identified leaf blowers as a major source of urban fugitive dust.

Staff Response: Staff is unable to find any such reference in the Fresno County APCD report.

3. The Lung Association fact sheet states that "a typical leaf blower causes as much smog as 17 cars." A letter from James Lerner to Randall Yim (attached) states that one leaf blower "emits as much ozone-forming reactive hydrocarbons in one hour as 20 brand new 1991 passenger cars" and "14 times the amount of particulate matter as a heavy-duty, on-road diesel truck".

Staff Response: These statistics are misleading. If there were as many leaf blowers as cars and trucks on the road and operating the same number of hours, then obviously there would be a severe air pollution problem associated with leaf blowers. The April 8, staff report indicated that the entire two-stroke engine inventory accounted for only 2% of total hydrocarbon emissions, 3% of total carbon monoxide emissions and 0.2% of total nitrogen oxide emissions for Sacramento County. Leaf blowers

account for only a small portion of these percentages. Regulatory priorities should be established on the basis of contribution to the overall inventory rather than by comparing one leaf blower to a number of automobiles.

4. Mr. Lerner's letter further suggests that the SMAQMD should consider control measures on leaf blower engines which are more stringent than those recently adopted by the ARB "because Sacramento is not in attainment for the health-based ozone standards".

Staff response: According to the December 13, 1990 Board Resolution which accompanied the ARB standards, the purpose of the standards is "to achieve the maximum degree of emissions reductions possible from vehicular and other mobile sources in order to accomplish the attainment of state standards at the earliest possible date". In other words, the ARB regulations were adopted specifically with non-attainment areas in mind. There is nothing particularly unique about Sacramento's non-attainment status, when compared to other non-attainment areas, which would suggest the need for developing a "Sacramento engine" or a specific prohibition against two-stroke engines.

5. Mr. Lerner's letter further suggests the need to implement controls on leaf blowers now, ahead of the PM10 planning process, because of Sacramento's non-attainment status for PM10.

Staff Response: The whole purpose of the PM10 planning process is to intelligently set priorities for control strategies in recognition of our non-attainment status. Again, there is nothing unique about Sacramento's non-attainment status which suggests the need for control measures to precede the planning process. If there are obviously significant sources of PM10 with readily identifiable control strategies, then early implementation makes sense. However, leaf blowers have yet to be so identified.

6. Mr. Lerner's letter further states that the SMAQMD should request ARB "analysis of the nature and extent of the particulate problem, the relative contribution of leaf blowers, and the health impacts of leaf blower-entrained particulate matter."

Staff Response: In response to Mr. Lerner's suggestion, the SMAQMD has requested information from the ARB. Attached is the letter of May 23, 1991 from Richard Johnson to James Boyd.

7. Mr. Lerner's letter further suggests regulation of leaf blowers under the nuisance provision of Health and Safety Code Section 41700.

Staff Response: Because of the problems previously stated in quantifying human exposure to toxic substances entrained by leaf blowers, it would be difficult to establish that leaf blowers as a class constitute a public

nuisance. It would also be difficult to establish a nuisance on a case-by-case basis because of the short term nature of their operation and because of the need to establish that a given leaf blower impacted "a considerable number of persons".

Conclusion: Staff draws the same conclusion as on April 8, that leaf blowers should be considered in the overall context of the PM10 attainment plan. The SMAQMD should not create "Sacramento Emission Standards" for 2-stroke engines and no evidence to date suggests the need to elevate leaf blowers above other PM10 sources in terms of regulatory priority.

Attachments

SACRAMENTO ENVIRONMENTAL COMMISSION
MINUTES
APRIL 8, 1991

Public Workshop Regarding Sacramento County Code Chapter 6.68 and City Code Chapter 68, Noise Control Standards, Relating to Leaf Blowers:

Ken Stuart, Chief of the Environmental Health Division, stated that currently the City and County Ordinances differ slightly relative to leaf blowers. Leaf blowers can be operated in residential areas in the City from 7:00 a.m. to 6:00 p.m., in the County from 6:00 a.m. to 8:00 p.m. on weekdays, and 7:00 a.m. to 8:00 p.m. on Saturday and Sunday. Leaf blowers on commercial properties are not exempt from the residential standards during the day time.

Mr. Stuart reported that this year the Environmental Health Division has received 43 complaints relative to various noise issues. Of this number, 30% were related to leaf blowers -- 12 commercial complaints and one residential.

Eric Skelton of the Air Quality Management District, reported on the air quality impacts of leaf blowers. Mr. Skelton reported that air quality impacts from leaf blowers should be viewed from the perspectives of criteria pollutant emissions from two-stroke engines, particulate matter from the dust, and toxic air contaminants associated with the engines and the dust.

Mr. Skelton stated that very little data is available which specifically addresses emissions from leaf blowers. The best known source of information regarding engine emissions is an ARB staff report dated October 22, 1990. However, this document is not specific to leaf blowers, but addresses 2-stroke and 4-stroke engines under 25 H.P. in the lawn and garden category and the general utility category. The document states that Sacramento County emission

estimates for the entire category of utility/lawn and garden engines represents only 2% of the total hydrocarbon emissions, 3% of the total carbon monoxide emissions, and 0.2% of the total nitrogen oxide emissions.

The District does not recommend the creation of Sacramento Emission Standards for 2-stroke engines and believes that these standards are best left to the ARB. PM10 emissions should be investigated as part of the District's Attainment Plan.

The following public testimony was received:

John Deglow stated he was speaking from the viewpoint of a homeowner and he uses his Echo gas blower to clean his yard and the court he lives on as well. Mr. Deglow feels that the noise issue can be controlled by proper muffling. Mr. Deglow operates his leaf blower about 20 minutes per week in the early evening, and he wears ear muffs.

Robin Pendergrast representing Echo, Inc. from Lake Zurich, Illinois, stated that he has worked with more than 40 municipalities in California to help establish a format of not just legislating the use of leaf blowers, but in making an attempt to get the word out that the problems associated with leaf blowers are based upon inappropriate use, abuse and discourteousness. Mr. Pendergrast pointed out that from a technology standpoint, the noise levels have gone down dramatically in the last four years. Mr. Pendergrast anticipates that within five years we might have back pack units in the 66-67 dbA range. Some cities have rescinded their ban on leaf blowers because (1) the ban was unenforceable, (2) new technology came along, and (3) there was an aggressive attempt being made by state associations and manufacturers to get the equipment used correctly. In place of the ban, performance criteria was established and a maximum decibel level was created.

Yvette Robida spoke to the health effects that leaf blowers have on people, i.e. stress due to the noise and poor air quality. Ms. Robida suggested that lawns might be replaced with low maintenance ground covers. A ban on leaf blowers would encourage everyone to come up with healthier alternatives. Ms. Robida stated that electric leaf blowers might be a step in the right direction. Ms. Robida also spoke to the detrimental effect leaf blowers have on plants.

Peter Berghuis, Chairman of the Board of the California Landscape Contractors Association, presented the following guideline regarding the use of leaf blowers: (1) it is the responsibility and duty of CLCA members to educate and train employees on the proper use of leaf blowers, (2) the leaf blower was developed to respond to previous drought conditions and is still important in the conservation of water, (3) CLCA encourages manufacturers to research and produce new products, additional equipment and educational materials to protect the consumer, (4) regulations pertaining to leaf blowers should apply to private owners, business, industrial and governmental agencies. CLCA favors continued research to protect consumers and industry employees and does not favor any outright ban on leaf blowers. Mr. Berghuis also stated that CLCA requires that ear muffs be used and encourages their employees to wear masks, all of which are supplied by CLCA. CLCA would support a regulation that would provide for a phasing-in of a decibel level standard to a level which would be practical for manufacturers to live up to.

William Mueller, who works at home, stated that the noise problem is getting much worse and he suggests a throttle lock on the blower. Inside his home, he can hear leaf blowers up to 1 1/2 blocks away. His first choice is to have a total ban on leaf blowers, but would consider a vacuum unit as a second solution. His third choice would be to have the noise level set so that it would be no higher than an electric blower.

David Vaszko is a self-employed gardener who does not use a leaf blower. He finds them offensive and the noise intolerable. He would like to see a total ban enacted on leaf blowers. Mr. Vaszko stated that less than 1% of the independent gardeners don't use leaf blowers.

Ken DeYoung, President of the California Park and Recreation Society Park Operations Section, and Manager of Facilities for the Carmichael Park and Recreation District, represents park maintenance workers across the state. Mr. DeYoung stated that the labor savings brought about by the leaf blower is incredible. A public agency employee does not have the time to use a broom or a vacuum, and private contractors must use leaf blowers to be competitive in bidding on public contracts. Mr. DeYoung feels the public will not accept lower maintenance standards in public parks. An official position has been taken by the California Park and Recreation Society that Boards of Supervisors and City Councils across the state should look at this issue not as a total ban, but as a very realistic approach to a labor saving device that must be used as an alternative to raising taxes. Industry should be given time to develop lower noise emission equipment and to educate people.

Kurt Heppler spoke in opposition to the noise created by leaf blowers. He does not advocate a total ban, but suggests a standard be set on appropriate use. Mr. Heppler stated that leaf blowers should not be used before 7:00 a.m. or after 10:00 p.m., and that both the City and the County should adopt regulations for their own grounds maintenance employees.

Robert Thomas, Director of Parks and Community Services for the City, recommended to the City's Law and Legislative Committee that they refer this item to the Environmental Commission. Mr. Thomas directed his comments to five issues: (1) emissions, (2) cost effectiveness, (3) alternatives, (4) air/dust, and (5) noise. Regarding emissions, Mr. Thomas pointed out that staff of the Air District had stated that two stroke engines are basically small problems compared to the other air issues this area faces, and he feels this issue can be taken off the table and dealt with on a statewide basis by legislation. Relative to dust, there aren't substantial studies to suggest that there is an impact, however, common courtesy should be applied when leaf blowers are used around people. Staff had stated that thirty percent of the noise complaints received are related to leaf blowers. Mr. Thomas stated there should be more stringent control over the hours of operation and the most modern equipment available should be brought into the system. Cost effectiveness is a concern. There are 1,192 acres of park land. There has been a 22% increase in park land over the last five years and park maintenance personnel have been increased by five. Cost effective equipment is needed to take care of the increased work load. Mr. Thomas stated that one hour of use with back pack leaf blowers replaces four hours of hand use, and one hour of low blowers use replaces ten hours of hand use. If there is a total ban on leaf blowers, the City does not have the money to replace that type of labor.

Mr. Thomas stated that use of water is not practical in times of drought, electric leaf blowers cannot be used in large parks, and an increase in manual labor is not affordable. A 30% increase in labor for City parks would be required if leaf blowers are banned. Therefore, the issues are hours and days of use and requiring industry to meet certain standards by a certain date. He stated that the Commission should consider a task force made up of industry, citizens, government employees, and staff to come up with incremental steps and not polarize the industry.

Louis Hayden, homeowner, spoke to the hours of use and excessive noise. He supports a total ban and suggested as an alternative, to do what was done in years prior to the leaf blower. He also feels that this issue should be put to a vote of the people.

Roy Gros, MHT Distributing (one of the larger producers of leaf blowers), stated that this is an emotional issue. Industry has been faced with the challenge of lowering the decibel level and have addressed the issue of older units with a throttle lock which maintains a decibel level of 70. Mr. Gros stated that tough standards should be set and if people don't comply, they won't be allowed to use them. He suggested using the standard set by the City of Irvine.

Leslie Krinsk, Senior Staff Counsel to the ARB, tonight speaking as a breather, has worked toward controls on leaf blowers for several years because of their adverse health effects. Regarding air pollution, two categories of concern are ozone and particulate matter. By far the largest contributor of direct particulate matter is airborne dust which accounts for about 85% of direct emissions in Sacramento. Leaf blower activity is one of the major sources of localized fugitive dust. In Sacramento, a 70% reduction in particulate emissions is needed to meet the health based standard. Ms. Krinsk urges a ban on leaf blowers, particularly in residential areas where people are likely to come into contact with emissions. Toxic elements found in street sweeping samplings are blasted into the air, mouth, nose, eyes, lungs, of passersby and residents by leaf blowers. Ms. Krinsk stated that the Air District and the City and County are authorized by the Health and Safety Code (Section 41700) to impose a ban on leaf blowers based on air pollution effects. Ms. Krinsk pointed out that lawns were clean before leaf blowers were used and lawns are still clean in the cities that have banned them. She urges an immediate and total ban on leaf blowers.

Suzanne Phinney requested that staff follow up on Ms. Krinsk's information on leaf blowers being a major source of PM10 in residential areas. Ms. Krinsk received her information from the Executive Director of the California Air Pollution Control Officers Association.

Mark Merin, Ad Hoc Committee to Ban Leaf Blowers, urged a total ban on leaf blowers. He stated there is no differentiation between use and misuse, only abusive use. If the City and County don't adopt a ban, his committee will collect the necessary signatures to put this issue on the ballot. He stated there is no way to enforce a restriction or a lower decibel level.

Drew Hertzig, Ad Hoc Committee to Ban Leaf Blowers. Mr. Hertzig pointed out that as one of the organizers of the petition to ban leaf blowers, they collected 1600 signatures without any operating funds and very little

organization. The banning of leaf blowers is a very popular sentiment. He suggests that leaf blowers be used for cleaning up leaves 5-6 weeks of the year, but not on a regular basis for maintenance purposes. He feels there is not a correct use for the leaf blowers, and the cost effectiveness issue is raised only by those people who have an interest in keeping the leaf blowers. Mr. Hertzig would be willing to pay \$52/year in increased taxes to ban leaf blowers until new technology comes along. He also stated that leaf blowers are not good for the environment due to the fact that when you blow something, the dirt is still there and has to be dealt with.

Jack McGurk stated that the sub-committee will report their recommendations to the Environmental Commission at their April 22 meeting.

SACRAMENTO ENVIRONMENTAL COMMISSION
MINUTES
APRIL 25, 1991

Revisions to Sacramento County Code Chapter 6.68 and Sacramento City Code Chapter 66, Relating to Noise Control Standards:

Art Seipel presented the staff report on this item. He indicated that 31 other cities have adopted regulations to deal with leaf blowers, not primarily through noise ordinances but through ordinances that claim leaf blowers are a nuisance. Eight cities have banned leaf blowers to some degree and two of these cities have rescinded their bans. It is the conclusion of staff that banning leaf blowers at this time should not be considered for the following reasons: (1) before considering a ban on leaf blowers, the commercial operators and parks departments should be given an opportunity to change their operational practices, as well as their equipment and maintenance procedures; (2) a ban on leaf blowers may be considered too restrictive and may be rescinded. Proposing a ban after lesser actions fail appears to be more reasonable; (3) a ban would require participation by the Police and Sheriff's Departments. Environmental Health cannot respond to leaf blower complaints without additional staff.

Mr. Seipel also pointed out that the Commission is considering revisions to the Noise Ordinance and he does not feel it is appropriate to deal with issues regarding airborne material from the use of leaf blowers in this ordinance.

Jack McGurk presented the subcommittee report, which did not agree with the staff report. The subcommittee feels that if action is not taken, people may move forward with an initiative. Therefore, the subcommittee wanted to come up with a compromise for the people who want to totally ban leaf blowers and the manufacturers and gardeners who want to continue to use them. The subcommittee suggests restricting their use to the six to eight week period when the leaves are falling, work toward a 65 dBA standard by 1994, and to limit their use to appropriate hours when they are used.

Muriel Strand pointed out that just having the ordinance on the books changes the atmosphere and makes it easier for people to get help. She stressed that a number of users do not comply with the existing ordinance and she also feels there would be an initiative effort if significant action is not taken. She agreed with Department staff that it is difficult to include air quality concerns into a Noise Ordinance, but the air quality issues do exist and must be dealt with. It has not been made clear to the subcommittee that the people who want to continue using the leaf blowers have explored other options, i.e. the use of vacuums, hiring the homeless, etc. She agreed that there would be enforcement problems with a total ban, but there are also enforcement problems with other regulations that might be adopted. She does not want the Commission to limit itself to the actions of the subcommittee or of staff.

Norm Covell stated that manufacturers are working toward a better design criteria for two cycle engines in the future. The District will attempt to capture the use of leaf blowers as a small fugitive dust source in their PM10 Plan efforts. However, at this time he does not feel that a case has been made for the significance of fugitive emissions associated with the use of leaf blowers.

J.R. Nelson expressed a concern for the person who uses a leaf blower to clean off his own sidewalk and he does not feel the Commission should be telling people what they can do on their private property.

Other topics of discussion were the setting of specific dates and times of use, a consistent evening time in both the City and the County, and the blowing of material back on the lawn rather than into the street.

Chairman McCray requested that staff follow-up (1) with dates of statutory requirements for improvement of the direct air quality impacts of leaf blowers and (2) regarding the health risks associated with the use of leaf blowers as indicated in the letter from the Lung Association. Randall Yim requested that staff try to get more accurate data from the parks people regarding cost impacts if leaf blower use was limited or banned. Staff will report back on these requests within the next month or two.

SACRAMENTO ENVIRONMENTAL COMMISSION
MINUTES

6-10-91

Report Back from Staff Regarding Sacramento County Code Chapter 6.68 and City Code Chapter 66, Noise Control Standards, Relating to the Health Impacts of Leaf Blowers:

Ken Stuart presented a general review of the effects of noise on people, and stated that due to the lack of data on this issue, his report doesn't focus on specifics but can be applied to leaf blowers. Although noise is considered a health problem due to the development and aggravation of stress related conditions such as high blood pressure, it is generally short lived -- once the noise goes away, the body rejuvenates.

Brigette Barnes reported on the need to regulate leaf blowers based upon air quality impacts. Again, the lack of data impairs the District's ability to establish that leaf blowers do pose a risk. Emissions from leaf blowers are only a small part of the emissions inventory. Air District staff has requested assistance from the Air Resources Board in areas where there is a lack of data; however, it is the conclusion of Air District staff that leaf blowers should be dealt with in the PM10 planning process and there is no evidence to date to elevate leaf blowers above other PM10 sources in terms of regulatory priority.

Dr. Cothran, speaking as an allergist, stated that he has many patients who suffer with hay fever and asthma because of the dust which leaf blowers create.

The following public testimony was received:

Richard Ferrett, Superintendent of Parks for the Sunrise Recreation and Park District, stated that they use leaf blowers every day to maintain their parks and facilities. Mr. Ferrett has performed tests with a sound meter at various distances involving leaf blowers, hand mowers, vacuums, tractor mowers, etc. which indicate that much of this equipment is nearly as noisy as the leaf blower. Mr. Ferrett stated there are no valid alternatives and the answer is in controlling how and when the leaf blowers are used. He suggested giving manufacturers two to three years to comply with reduced sound levels. Mr. Ferrett stated that the Park District has not received one complaint in 18 years.

Dru Hertzog, Ad Hoc Committee to Ban Leaf Blowers, stated he had received 1600 signatures on his petition to ban leaf blowers, which amounts to 1600 complaints. He suggested that the Park Districts needs to examine alternative technology since the necessary data will not come as rapidly as action is needed. He also suggested separating the Park Districts from the residential issue. Mr. Hertzog feels that people would tolerate the noise from vacuums because a vacuum would clean the area rather than just blowing the dirt around. Mr. Hertzog also suffers with allergy problems, and feels that there are viable alternatives.

Ken DeYoung, President of the California Park and Recreation Society and Manager of Facilities for the Carmichael Park and Recreation District, stated that the Park Districts are charged with maintaining public facilities with minimal budgets. The Park Operations Section of the California Park and Recreation Society exists to educate the people it represents. Comprehensive training programs are being developed to show people how to use their equipment properly. Mr. DeYoung urged the Commission to not ban leaf blowers totally but allow the Society the opportunity to develop alternative means of using the blowers, i.e. different hours of use and lower noise and volume levels.

Judy Mikalowsky stated that noise pollution is one of the biggest and least addressed problems in this community. She stated that her desire for quiet is compromised to the point of being intolerable and feels that there must be some sort of compromise related to alternative methods and different hours of use.

Vic Edmisten
Dick Edmondson, Park and Recreation Manager for the City of Sacramento, supports the training program of the California Park and Recreation Society. In addition to maintaining hundreds of acres of parks, the City is responsible for maintaining the K Street Mall. The K Street Mall cannot be washed down and therefore the City relies on leaf blowers to clean it. Mr. Edmondson believes that by working with the manufacturers and through the training program of the California Park and Recreation Society, the problems can be mitigated. The City is considering laying off 24 maintenance people and they will be relying on automation more than ever. Mr. Edmondson realizes there is a problem and is willing to work with people to mitigate it.

David Way stated that parks and recreation are the least of the problem compared to private residences where the noise can be so intrusive you have to shout inside of your own home. Mr. Way suggested restrictions on the hours of operation, maximum limits on the noise levels, and a sliding scale for tightening of the standards. He stated it is very difficult for people to complain because they don't know where to call or who to complain to.

Kurt Heppler stated that the leaf blower in his neighborhood in the City starts as early as 6:00 a.m. and feels that the residential issue needs to be separated from the parks issue. Mr. Heppler would like restricted hours within 400 feet of any residence.

Michael West stated that the leaf blowers start at his apartment complex at 8:00 a.m. and cover his car and apartment windows with dust.

John Hewlett, volunteer for the Smog Squad, asked how the park and landscaping companies got by before leaf blowers. He feels that leaf blowers are a device we cannot afford and they just blow the same dust around in a circle rather than actually cleaning anything. Although the air pollution impacts are fairly insignificant, all unnecessary sources of air pollution need to be eliminated. Mr. Hewlett stated that pollution from leaf blowers is pollution we can do something about and suggested a ban on all leaf blowers.

Commissioner Strand stated she would like the subcommittee on leaf blowers to meet again to discuss the ARB comments when they come in, and she would like Dr. Cothran to be included in their meeting. Hopefully, the subcommittee can report back at the next Commission meeting on a firm date to bring the item back to the Commission.

Dr. Cothran would like three issues addressed regarding leaf blowers: (1) an absolute limit of 70 dBA at 50 feet, (2) the park districts willingness to be amenable to time limitations, and (3) a time period over which restrictions could be phased in, allowing for new equipment that can meet lower dBA standards. Dr. Cothran agreed to participate on the subcommittee.

Rob McCray had eight points he felt should be addressed: (1) by December of 1993 no commercial or government blowers could be put into use that exceeded a reasonable dBA at maximum throttle (70 dBA at 50 feet), (2) an immediate prohibition of the use of any blower at a level that exceeds that same noise standard, (3) require commercial and government users to modify their additional equipment to comply with the above standard, (4) no commercial or government blowing within 50 feet of an occupied residence without the resident's permission, (5) no blowing in residential neighborhoods any day before 9:00 a.m. or after 6:00 p.m., (6) provide a general exemption from all requirements if you are greater than 300 feet from the nearest residence, (7) allow not more than one blower at a time to be operated within 100 feet of a residence (avoid teams), and (8) use water if permission can be obtained.

Norm Covell stated that at this time there is not enough data available to make a decision regarding the public health problems related to leaf blowers. He reminded the Commission that manufacturers are faced with a statewide mandate to reduce emissions of all pollutants to an acceptable level. Norm's recommendations to the subcommittee are: (1) investigate strengthening both the City and County ordinances relative to the use of power equipment that will require reduced noise levels, (2) restrict usage to time of day, (3) hold for the present on any recommendations related to air emissions until the report is in from the ARB, (4) if fugitive emissions are a problem, investigate a phase-out period for a future date, (5) investigate prohibiting their use in parking lots; restrict them to being vacuumed rather than cleaned with leaf blowers, (6) investigate the possibility of a surcharge on the sale and repair of small utility equipment, with the money going toward the enforcement of the

ordinance, and (7) staff should be called upon to identify the resources necessary to effectively enforce the ordinance since the General Fund will not support it.

Chairman Yim referred the matter to the subcommittee with directions to address the issues of (1) time and hour limitations, (2) technological throttle controls, (3) residential/commercial issues, (4) phase-in issues, and (5) air quality impacts. He asked that the subcommittee work with Department staff regarding enforcement and staffing needs, and to report back at the next Commission meeting with an indication when another hearing can be scheduled.

SACRAMENTO ENVIRONMENTAL COMMISSION
MINUTES
JULY 22, 1991

Public Hearing Regarding Revisions to Sacramento County Code Chapter 6.68 and City Code Chapter 66, Noise Control Standards, Relating to Leaf Blowers:

Ken Stuart presented the staff recommendation which was a result of several subcommittee meetings. Staff recommends that the noise ordinances for the County of Sacramento, City Council and Galt City Council be amended to include restriction of the hours of operation of noise sources associated with the maintenance of residential areas to the hours of 8:00 a.m. to 6:00 p.m. daily except Sundays, and 9:00 a.m. to 4:00 p.m. on Sundays. Commercial hours would be restricted to the hours of 7:00 a.m. to 7:00 p.m. daily on property within 200 feet of a residential area. Staff further recommends that a section on leaf blowers be included in the ordinances which would restrict the hours of operation for residential property, or commercial property within 200 feet of residential property, from 9:00 a.m. to 6:00 p.m. daily except for Sundays, and 9:00 a.m. to 4:00 p.m. on Sundays. New equipment purchased after six months from the effective date of the ordinance would be required not to exceed 70 dBA. New equipment purchased after forty-eight months from the effective date of the ordinance would be required not to exceed 65 dBA. Existing equipment would be required not to exceed 70 dBA after two years from the effective date of the ordinance. Environmental Health Division staff would be required to report back to the Commission in September of 1992 on the status of compliance with the above recommendations and determine if there is a need for establishing a certification program or other control measures.

Eric Skelton, District staff, explained a letter which was received from the Air Resources Board (ARB) relating to leaf blower emissions. Two stroke engines, which includes leaf blowers, are sources of criteria toxic emissions and the entrained dust is a source of PM10 and heavy metals. However, the ARB letter does not address how to determine what the public health impacts are. Eric stated that leaf blowers will be one of the categories addressed in the PM10 plan, and he does not see the need for a Sacramento two-stroke engine that would be different from the ARB certified engine for the entire state of California.

Chairman Yim turned the public hearing portion of the meeting over to Vice Chairman McGurk, who with Muriel Strand, constituted the Commission

subcommittee on the Noise Ordinance issue. The following public testimony was received.

Earl Withecombe, an air quality consulting engineer specializing in fugitive dust and particulate matter, urged the Commission to refer the air quality aspect of leaf blowers to staff for further study. Mr. Withecombe stated that new studies indicate that PM10 is of increasing concern to human health. Ambient PM10 shows a causal relationship attributable to 60,000 early deaths per year in the country, or 240 per year in Sacramento County. A significant amount of study is expected to be generated by these early analyses. Mr. Withecombe feels an ideal solution eliminating the air quality problem is the use of vacuums.

Drew Herzig, Ad-Hoc Committee to Ban Leaf Blowers, stressed that leaf blowers are not just a nuisance or a noise issue, but they are a health hazard. He feels the Commission is being side-tracked with a certification process and licenses, etc. when a total ban is the easiest and most effective method.

Mark Merin, Ad-Hoc Committee to Ban Leaf Blowers, circulated a proposed ordinance that would place a total ban on all portable machines powered by gasoline or electric engines for the purpose of blowing leaves, dirt or other debris. Mr. Merin stated that this issue has nearly unanimous support for a total ban. The manufacturers and users are the only people who support leaf blowers, and this is an insignificant minority. Mr. Merin feels that the funds involved in a special election are more than would be required to enforce any form of ordinance or to enforce a total ban. Every alternative to the ban will have forms of enforcement to deal with, but a ban is very easy to enforce.

Kurt Heppler suggested amending Attachment A, No. 4A, to include the word "public" and change "200 feet" to "300 feet".

Leslie Krinsk stated that there is more data available which indicates there are air pollution impacts related to leaf blowers, and there is no safe threshold below which a carcinogen will not have the possibility of causing cancer. Ms. Krinsk quoted from the ARB report on the control of utility emissions which indicates that based on the number of blowers used in Sacramento, the number of hours of operation, and that fact that a single blower re-entrains 5lbs of particulate matter in an hour, the calculations indicate that this amounts to two tons per day in Sacramento, one ton of which is breathable dust. Ms. Krinsk suggested alternatives of (1) a ban on leaf blowers nine months of the year, and (2) temporarily delaying implementation for the Parks Department until they work out their economic problems.

Eric Skelton requested that Leslie Krinsk and Earl Withecombe send him the information they have developed on the air quality impacts of leaf blowers.

Dave Randall, Golden Eagle Distribution Corporation in West Sacramento (a distributor of Echo power equipment), stated that it is feasible for industry to meet some of the noise regulations. 70 dBA at 50 feet at full throttle will be available at the end of this month. Mr. Randall stated that all equipment used for lawn maintenance, including lawn mowers and edgers, have a 70 to 80 dBA.

No other public testimony was presented and the public portion of the meeting was closed.

Muriel Strand made the motion for a year long test period, and at the end of the year the issue would be revisited with the assumption that leaf blowers would be banned unless convincing arguments otherwise were presented by proponents of leaf blower use. Rob McCray and J.R. Nelson were not in favor of this motion due to the lack of evidence regarding the health effects of leaf blowers and the fact that the Air Resources Board and the Environmental Management Department do not see leaf blowers as a significant source of pollution. The motion was defeated.

Randall Yim concurred with Rob and J.R. and stated that if there is a firm basis to ban leaf blowers as a health issue, they could be banned now. However, without such a current regulatory basis, he does not agree with an automatic ban since government bears the burden of proof to justify regulation; this burden should not be shifted to the regulated.

Eric Skelton reported that the proposed PM10 attainment plan, which will address the health effects of leaf blowers, will be ready to come before the Commission by September of 1992, and the Commission will have the opportunity to speak to the priorities of the plan.

Mr. McCray moved to support the staff recommendations with expansion to include public property within 200 feet of residential property except during the months of September through December, and to prohibit the use of leaf blowers on hard surfaces (public streets, sidewalks, driveways). The alternative would be to use water on the hard surfaces. This motion was defeated.

Dr. Cothran moved for a total ban on leaf blowers. This motion was also defeated.

The Commission voted unanimously to approve the staff recommendation with additional direction to include the word "public" in Attachment A No. 4A to the staff report, and that the matter be specifically addressed in the PM10 plan to include available data on the health effects of leaf blowers.

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

**AN ORDINANCE AMENDING SECTION 66.203(i) AND
ADDING SECTIONS 66.105(o) AND 66.210 TO
CHAPTER 66 OF THE SACRAMENTO CITY CODE
RELATING TO THE USE AND REGULATION OF
PORTABLE GASOLINE-POWERED BLOWERS**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1

Sections 66.203(i) of the Sacramento City Code is hereby amended to read as follows:

§ 66.203 Exemptions.

- (i) Tree and park maintenance activities conducted by the City Department of Parks and Community Services; provided, however, that use of portable gasoline-powered blowers within 200 feet of residential property shall comply with the requirements of Section 66.210.

SECTION 2

Sections 66.105(o) and 66.210 are hereby added to the Sacramento City Code to read as follows:

§ 66.105 Definitions.

- (o) "Portable gasoline-powered blower" means any portable power equipment that is powered by a gasoline engine and commonly used in landscape or property maintenance to blow, disperse, or redistribute dust, dirt, leaves, grass clippings, cuttings, and trimmings from trees and shrubs or other debris on sidewalks, driveways, lawns, or other surfaces.

§ 66.210 Portable Gasoline-Powered Blowers.

- (a) It shall be unlawful for any person to operate any portable gasoline-powered blower on residential property or within 200 feet of residential property, except between the hours of 9:00 a.m. and 6:00 p.m. Monday through Saturday and between the hours of 9:00 a.m. and 4:00 p.m. on Sunday.

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

(b) It shall be unlawful for any person to operate any portable gasoline-powered blower on residential property or within 200 feet of residential property during the hours permitted by subsection (a) if the blower creates noise exceeding the following specified levels measured at a distance of fifty feet from the blower:

- (i) Blowers purchased or otherwise acquired between May 15, 1992, and November 15, 1995, shall not exceed 70 dBA.
- (ii) Blowers purchased or otherwise acquired after November 15, 1995, shall not exceed 65 dBA.
- (iii) Blowers in use on or before the effective date of this ordinance or purchased or otherwise acquired before May 15, 1992, shall not exceed 70 dBA after November 15, 1993.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

**AN ORDINANCE AMENDING SECTION 66.203(i) AND
ADDING SECTIONS 66.105(o) AND 66.210 TO
CHAPTER 66 OF THE SACRAMENTO CITY CODE
RELATING TO THE USE AND REGULATION OF
PORTABLE GASOLINE-POWERED BLOWERS**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1

Sections 66.203(i) of the Sacramento City Code is hereby amended to read as follows:

§ 66.203 Exemptions.

- (i) Tree and park maintenance activities conducted by the City ~~recreation and parks department~~ Department of Parks and Community Services; provided, however, that use of portable gasoline-powered blowers within 200 feet of residential property shall comply with the requirements of Section 66.210.

SECTION 2

Sections 66.105(o) and 66.210 are hereby added to the Sacramento City Code to read as follows:

§ 66.105 Definitions.

- (o) "Portable gasoline-powered blower" means any portable power equipment that is powered by a gasoline engine and commonly used in landscape or property maintenance to blow, disperse, or redistribute dust, dirt, leaves, grass clippings, cuttings, and trimmings from trees and shrubs or other debris on sidewalks, driveways, lawns, or other surfaces.

§ 66.210 Portable Gasoline-Powered Blowers.

- (a) It shall be unlawful for any person to operate any portable gasoline-powered blower on residential property or within 200 feet of residential property, except between the hours of 9:00 a.m. and 6:00 p.m. Monday through Saturday and between the hours of 9:00 a.m. and 4:00 p.m. on Sunday.

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

(b) It shall be unlawful for any person to operate any portable gasoline-powered blower on residential property or within 200 feet of residential property during the hours permitted by subsection (a) if the blower creates noise exceeding the following specified levels measured at a distance of fifty feet from the blower:

(i) Blowers purchased or otherwise acquired between May 15, 1992, and November 15, 1995, shall not exceed 70 dBA.

(ii) Blowers purchased or otherwise acquired after November 15, 1995, shall not exceed 65 dBA.

(iii) Blowers in use on or before the effective date of this ordinance or purchased or otherwise acquired before May 15, 1992, shall not exceed 70 dBA after November 15, 1993.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____