

## Oregon HB 3023

### **A bill to prohibit the sale or use of gas-powered leaf blowers**

Sponsored by Representative Barbara Smith Warner at the request of [Quiet Clean PDX](#)

#### **Introduction**

**Gas-Powered Leaf Blowers are Dangerous.** The loud roar of gas-powered leaf blowers has become a familiar sound in our communities. The noise from these devices is not just a nuisance - it is dangerous to both the operator and bystanders. Often those operating these devices are low-wage workers who may not be aware of the dangers they present (or the proper protection they should be wearing), and may have no choice in their use, but who bear the brunt of the impact.

**Extreme levels of noise.** Nearly all gas-powered blowers emit levels of noise that are considered dangerous, and most are loud enough to cause hearing damage after just minutes of exposure. This level of noise creates physiological stress that can cause adverse effects on human cardiovascular health, immune systems and cognitive development. In addition, the low frequency noise gas blowers produce can travel longer distances than other noises at the same decibel level and can penetrate windows and walls, which makes these machines particularly disruptive to our neighborhoods.

In recognition of these dangers, cities in Oregon have established decibel limits on leaf blowers in their noise ordinances; but nearly all commercial gas-powered blowers far exceed these limits, and such ordinances are difficult to enforce.

**Toxic emissions.** Gas blowers also emit large quantities of hazardous air pollutants, including fine particulates, smog-forming criteria pollutants, benzene and other known carcinogens that adversely impact the health of workers and the public. Gas blowers are far more polluting than automobiles, and an hour of use produces a similar amount of air pollution as driving a modern car for hundreds of miles.

**Better alternatives exist.** Safer, quieter, and healthier alternatives are readily available. Leaf blower manufacturers now produce battery-powered electric blowers which are economical to operate, and equally effective. They are much quieter and emit a higher frequency sound that neither travels as far nor penetrates walls and windows the way gas blower noise does. Battery-powered blowers are now commonly used by homeowners as well as commercial landscape operators. They emit none of the dangerous air pollutants that gas blowers produce and need none of the disposable air and fuel filters and fuel oil additives gas blowers require, all of which add tons of toxic solid waste to landfills each year. In addition to being more economical to operate, battery blowers do not require the costly routine maintenance that gas blowers do.

**It is time to act.** We can eliminate the harmful impact of these dangerous and unnecessary gas-powered devices on our workers, the public and the environment. It is time to complete the transition to safer, quieter, more economical and equally effective battery-powered electric alternatives. This bill will accomplish these goals by prohibiting the sale or use of gas powered leaf blowers within the most urbanized areas of the state.

#### **Draft Summary of [HB 3023](#)**

The noise from gas-powered leaf blowers is detrimental to the health and well-being of workers and the public. This measure prohibits the sale or use of gas-powered leaf blowers inside any Oregon Urban Growth Boundary encompassing a population of 300,000 or more. Imposes a civil penalty of \$500 for each violation. The measure takes effect on October 1, 2022.

**Bill Related To:**

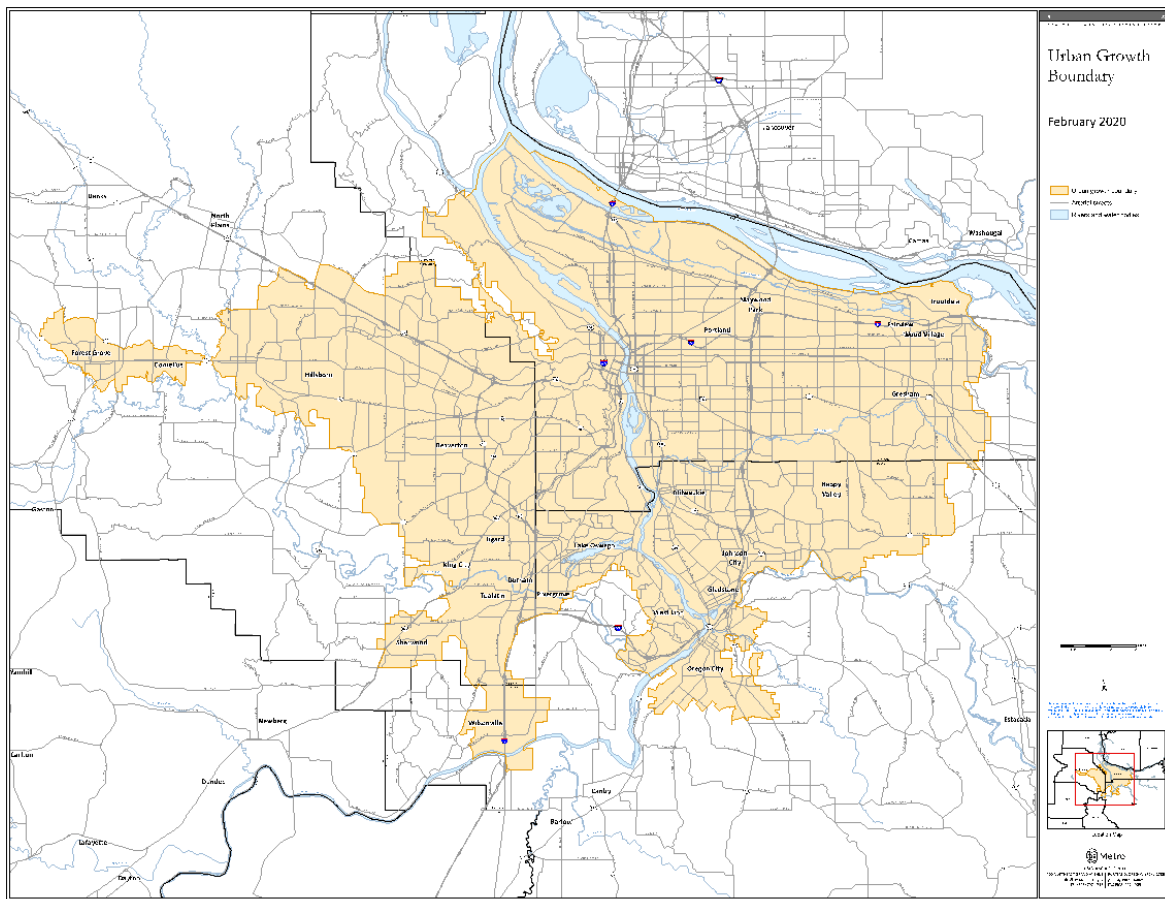
Gas leaf blowers

***Oregon Legislative Findings and Policy***

“The Legislative Assembly finds that the increasing incidence of noise emissions in this state at unreasonable levels is as much a threat to the environmental quality of life in this state and the health, safety and welfare of the people of this state as is pollution of the air and waters of this state. To provide protection of the health, safety and welfare of Oregon citizens from the hazards and deterioration of the quality of life imposed by excessive noise emissions, it is hereby declared that the State of Oregon has an interest in the control of such pollution...” [2020 ORS, Vol. 13, Ch 467, Sec. 467.010]

**Portland Metropolitan Area Urban Growth Boundary (UGB)**

The map below shows the area within the Portland metro area Urban Growth Boundary. It is the only UGB in Oregon that encompasses more than 300,000 people at present. Its 2019 population was 1,673,000.



# House Bill 3023 - Draft Language

Sponsored by Representative SMITH WARNER (at the request of Quiet Clean PDX)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits sale or use of gasoline-powered leaf blower in an area within an urban growth boundary with a population greater than 300,000. Punishes violation by maximum fine of \$500.

## A BILL FOR AN ACT

Relating to gasoline-powered leaf blowers.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1. (1) The Legislative Assembly finds that:**

- (a) Gasoline-powered leaf blowers are harmful to public and operator health;**
  - (b) Gasoline-powered leaf blowers often have an operating volume that exceeds decibel levels known to cause damage to the ear and have been identified as common contributors to permanent hearing loss; and**
  - (c) Elevated noise levels can lead to stress, anxiety, depression, high blood pressure and heart disease.**
- (2) The Legislative Assembly declares that it is therefore in the interest of the public and of landscape equipment operators to eliminate the use of gasoline-powered leaf blowers in areas within an urban growth boundary with a population greater than 300,000.**

**SECTION 2. (1) No person shall sell, or offer to sell or give as a sales inducement, a gasoline-powered leaf blower in an area within an urban growth boundary with a population greater than 300,000.**

**(2) No person shall use a gasoline-powered leaf blower in an area within an urban growth boundary with a population greater than 300,000.**

**(3) Nothing in subsection (1) of this section prevents wholesale transactions, including but not limited to the transportation, ware- housing, sale and delivery of gasoline-powered leaf blowers.**

**(4) Violation of subsection (1) or (2) of this section is a Class C violation.**

**SECTION 3. Section 2 of this 2021 Act becomes operative on October 1, 2022.**

81st OREGON LEGISLATIVE ASSEMBLY--2021 Regular Session

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**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

LC 1642

## Quiet Clean PDX

### THE DANGERS OF GAS-POWERED LEAF BLOWER NOISE

(Adapted from <http://www.quietcleandc.com/factsmyths>)

#### FACTS YOU SHOULD KNOW

1. **Gas-powered leaf blowers (GLBs) are noisier and louder than battery-powered blowers; and the unique noise they produce has a greater negative impact on the neighborhood.**
  - a. The vast majority of GLBs exceed 70 decibels measured at 50 feet, which is considered dangerous to hearing. Many GLBs produce noise as loud as 80, 90 or even 100 decibels - extremely dangerous to the human ear. In contrast, nearly all battery-powered leaf blowers are rated at 65 decibels or less measured at 50 ft ([Fink, p.2](#)).
  - b. GLBs produce a unique low-frequency noise that travels longer distances and penetrates windows more easily, thus impacting many more people, and in a more intrusive way ([Banks, p.5](#)).
  - c. The peculiar noise produced by GLBs makes them sound much louder than battery-powered blowers even when labeled noise levels are the same. So a GLB rated as emitting 65 decibels sounds significantly noisier than a battery blower with the same rating ([Pollock, Small \(video\)](#)).
  - d. Neighbors, operators, and customers all notice an appreciable reduction in noise when GLBs are replaced with electric or battery-powered blowers ([Sainburg](#)).
  
2. **Leaf blower noise can lead to significant and permanent hearing loss.**
  - a. For GLB operators, only 2 hours of exposure to an 85-90 decibel GLB can damage hearing. And a 100-decibel impact for only 15 minutes a day can result in permanent hearing loss ([CDC](#)).
  
3. **In addition to hearing loss, noise has many other negative effects on humans and wildlife.**
  - a. Noise impacts the immune system and development, and causes adverse cardiovascular effects ([Fink, p.13](#)). It also leads to lost productivity, a rising concern with more people working and studying at home.
  - b. The low-frequency noise emitted by GLBs is a special health concern that warrants additional protection, especially for children, the elderly, and other sensitive populations ([Banks, p.4](#)).
  - c. Workers often walk into the path of traffic they do not hear approaching because of the noise ([Small](#)).
  - d. Loud noise from GLBs disrupts habitats and interferes with the life cycles of birds and other animals ([Cottingham, p.7](#)).
  
4. **Portland's current regulation of leaf blowers by decibel level is difficult to enforce; a more effective solution is needed.**
  - a. Enforcement of the current regulation in Portland is either nonexistent or ineffective, resulting in demands that something more be done about noisy leaf blowers. Supporting their elimination are:
    - 15 Portland Neighborhood Associations.
    - 850 subscribers to Quiet Clean PDX's newsletter and social media accounts.
    - 3,400 signatories of a Change.org petition to to ban GLBs in greater Portland.
  - b. Current enforcement requires the presence of an inspector with a noise meter at the time of the violation, which is not practical and rarely done. Proposed legislation proscribing the sale or use of GLBs will be much easier to enforce ([Fallows, pp.3-4](#), [Elkins, p.6](#)).
  
5. **GLBs also emit large quantities of hazardous air pollutants that impact workers and neighbors.**
  - a. GLBs emit high levels of hydrocarbons, carbon monoxide, and nitrogen oxides as well as benzene and formaldehyde, which are known carcinogens ([Banks, McConnell, p11](#)).
  - b. GLBs emit far more pollution per hour of operation than automobiles. By the year 2020, the volume of air pollutants from lawn care equipment in California is expected to exceed that of all cars in the state ([Banks, McConnell, Elkins, p.3](#)).

## MYTHS ABOUT LEAF BLOWERS

### **Myth 1: Battery-powered leaf blowers are weak and not capable of doing the work**

- a. Many lawn care companies now use battery-powered blowers, and they are quite profitable ([Kline](#)). Company owners in Portland and Oregon can testify about the ease and benefits of shifting away from GLBs.
- b. Lawn care companies that currently use battery-powered leaf blowers for large acreages and for sustained periods of time can accomplish the work in the same amount of time ([Sainburg](#), [Kline](#)).
- c. Nationwide, many businesses, schools, and 170 municipalities are making the switch away from GLBs ([Banks, pp.1,6](#)). Cleaner, quieter options include manual tools (rakes, brooms) and battery-powered blowers.

### **Myth 2: Courteous, rule-abiding behavior on the part of lawn maintenance companies is a solution.**

- a. The Outdoor Power Equipment Institute (OPEI, a manufacturers group) and the Lawn Care trade association (NALP) have no control over lawn care companies, which are independently operated ([Elkins](#), [Blackwelder](#)).
- b. Financial interests of commercial lawn care companies incentivize the most aggressive use of GLBs and a disregard for worker safety protocols ([Blackwelder](#), [Johnson](#)).

### **Myth 3: Over time the marketplace will solve this problem without further regulation.**

- a. Marketplace forces do not reflect the interests of those most affected by the use of this noisy equipment (workers, neighbors). Workers and neighbors don't have a voice in the buying decisions of lawn care companies; if they did, they would opt for quieter machines ([Elkins, p.2](#), [Blackwelder, p.2](#)).
- b. The market promotes the noisiest leaf blowers by equating loudness with effectiveness ([Johnson](#), [Elkins](#)).

### **Myth 4: Banning GLBs will impose a serious financial burden on lawn care companies.**

- a. An allowed phase-out period will give companies time to replace old GLBs which wear out quickly, with battery-powered blowers ([Small](#), [Kline](#)).
- b. Battery-powered blowers are cheaper to run and maintain than GLBs ([Kline](#)).
- c. As more manufacturers introduce more battery-powered blowers, prices are coming down ([Kline](#), [Fallows pp.5-6](#)).

### **Myth 5: Banning GLBs is unenforceable.**

- a. The existence of laws in 170 communities across the country demonstrates that a ban on noisy blowers can be effectively implemented ([Banks, p.1](#)).
- b. A ban on sales of these machines within a community is an effective way of reducing their use, thus lessening the more difficult challenge of enforcing a usage ban ([Fallows, pp.3-4](#)).

### **Myth 6: Workers can protect themselves from hearing loss caused by gas-powered blowers.**

- a. Leaf blowing is an entry-level job and workers have little job security or control over the equipment they must use ([Plume](#)).
- b. The greatest risk of long-term disabling hearing loss falls on those in the worst position to protect themselves from it, the workers. "Tolerating the workers' impending deafness, for the convenience of not changing to modern models of lawn equipment, is a very cruel, selfish, and unfair bargain" ([Fallows, p.8](#)).
- c. OSHA policy requires that employers use safe equipment (e.g., battery-powered blowers) to protect workers before requiring them to use protective equipment such as hearing protectors and masks. This is important because protection is not always provided, or not always worn if available, and hearing protectors are often not effective in preventing hearing loss ([Elkins, p.3](#)).

*Acknowledgement: Special thanks to Dr. Jamie Banks of [Quiet Communities, Inc.](#) for her generous assistance.*

## **Other Helpful Resources on GLBs and Noise**

- [COVID-19 and Gas-Powered Leaf Blowers: A Lethal Combination](#)
- [QCPDX slide presentation](#)
- [Characteristics of Lawn and Garden Equipment Sound: A Community Pilot Study](#). Erica Walker and Jamie L Banks, Journal of Environmental Toxicology Studies, 2017 Dec 1(1). DOI: 10.16966/2576-6430.106.

## **Contact Us**

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