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**From:** John Herron <johnherron@me.com>  
**Sent:** Wednesday, January 2, 2019 4:09 PM  
**To:** Jewel Cannada-Wynn  
**Subject:** Neighborhood Noise and Leafblowers  
**Attachments:** DC Bill\_B22-0234-Engrossment.pdf; Opinion\_20181018\_WSJ\_LeafBlowersAreLoudUglyDangerous.pdf

Dear Councilmember Cannada-Wynn,

It was a pleasure speaking with you today. As a brief follow-up, I mentioned Palm Beach. In 2017 Palm Beach banned gas-powered leaf blowers to convert to battery-powered blowers (Ord. No. 11-2017), and in January 2018 it reduced commercial landscaping hours during the summertime (Ord. No. 03-2018). The noise ordinance is found at Sections 42-196 through -230 of Chapter 42 (Environment), Article V (Noise). The "purpose statement" recognizes excessive noise as an environmental issue and a public health issue. This chapter is adopted to promote the general welfare of the city, prohibits the unreasonable disturbance of residents, and is adopted to maintain property values within the city. [PBMC 42-1]

The Palm Beach ordinance prohibits loud commercial landscape work on weekends and holidays, but provides an exception for residents operating their own landscape equipment on their own property Saturdays, Sundays and holidays after 9 am. [42-230]. Leaf blowers can't exceed 65 dBA at 50 feet, and it's unlawful to blow, seep or rake yard trash or clippings into the public street or storm drains. [42-230(d)].

Coral Gables also worked on noise and blowers, and established rules for use at Sections 34-166 through -172. Coral Gables clearly distinguishes between residents and commercial entities for hours to perform outdoor maintenance and landscaping.

Most recently, in D.C., the city council approved a gradual shift from gas-powered to battery powered leaf blowers citing public health concerns over excessive noise and particulate matter pollution. This was motivated by the need to accelerate a shift to quieter and more sustainable practices in landscaping and yard care. One of the leaders of this development was CivicCon speaker James Fallows. For your convenience, a copy of the bill that awaits the Mayor's signature is attached.

As for us, we propose a solution that is simple, communicative, and enforceable. First, we need to have a constructive conversation that takes into account recent science on the public health issues associated with loud and highly polluting two-stroke blowers. We propose, "education and the 3 Ds" - Days, Duration, and Device. Specifically:

- Education: publish best practices;
- Days: 2 days (weekends) free of commercial blowers;
- Duration: If lot < 1 acre in residential area, 1 hour & 1 blower only (industry best practice);
- Duration: Hourly limits & distinguish between residential and commercial;
- Duration: Seasonal restriction – summer;
- Device: 65 dBA (or less), gradual shift to batteries;
- Capture unlicensed landscapers

Another important aspect of the D.C. bill, that may apply to other noise violations, is citizen enforcement. In the D.C. bill, a citizen affidavit is used to document violations which can then be used as evidence in a hearing to determine whether a violation occurred and a citation issued. The citizen complaint must be made within a week of the occurrence, the citizen attests to accuracy under penalty of perjury, and the complaint includes (1) name of individual or company alleged to have violated the ordinance, (2) location of alleged violation, (3) date and time of alleged violation, and (4) any additional identifying information regarding the alleged violation. Such a process helps with enforceability and eliminates the need for an inspector to observe a violation while it is occurring, thereby improving efficiency and reducing costs for the City.

As to noise from nightclubs downtown with residences nearby, Tampa struggled with that issue through the years and eventually established lines for different noise zones balancing the interests involved, and then decided upon appropriate noise levels and times. Whatever rules are decided upon, I think the citizen enforcement tool from D.C. mentioned above is important.

Finally, I've attached a copy of a recent opinion article written by a teacher and published in The Wall Street Journal. Adrienne Bernhard recognizes "[c]hildren playing outdoors and people who work from home frequently contend with this menace, but landscapers suffer the most. Since many don't wear masks, they breathe in fumes, dust and spores while enduring hours of high-volume engine noise – another health risk." She teaches us "Leafy trees and green lawns should no longer be our gold standard: We need to rethink our yards entirely. ... Outdoors, sustainable is beautiful."

If you have any questions, please don't hesitate to contact me. Most importantly, thank you very much for your time today.

Sincerely,

John Herron

A BILL

22-234

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend the District of Columbia Noise Control Act of 1977 to prohibit the sale and use of gasoline-powered leaf blowers in the District of Columbia on or after January 1, 2022.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Leaf Blower Regulation Amendment Act of 2018”.

Sec. 2. Section 5(d)(6) of the District of Columbia Noise Control Act of 1977, effective March 16, 1978 (D.C. Law 2-53; 20 DCMR § 2808), is amended as follows:

(a) Subparagraph (A) (20 DCMR § 2808.1) is amended as follows:

(1) The existing text is redesignated as sub-subparagraph (i)

(2) A new sub-subparagraph (ii) is added to read as follows:

“(ii) Except as provided under subparagraph (B) of this paragraph, effective January 1, 2022, no person shall sell, offer for sale, or use a gasoline-powered leaf blower in the District of Columbia.”.

(b) Subparagraph (B) (20 DCMR § 2808.2) is amended as follows:

(1) The existing text is redesignated as sub-subparagraph (i).

(2) A new sub-subparagraph (ii) is added to read as follows:

ENGROSSED ORIGINAL

26 “(ii) A person who sells at retail a gasoline-powered leaf blower in  
27 the District of Columbia on or after January 1, 2022, must provide conspicuous notice to the  
28 consumer that the leaf blower shall not be used in the District of Columbia.”.

29 (c) Subparagraph (D) (20 DCMR § 2808.4) is amended by striking the phrase “In  
30 addition to any other enforcement measure authorized under this act, the Mayor” and inserting  
31 the phrase “The Mayor” in its place

32 (d) New subparagraphs (F), (G), and (H) are added to read as follows:

33 “(F)(i) Section 13 shall not apply to this paragraph.

34 “(ii) A civil fine not to exceed \$500, penalties, and fees may be  
35 imposed as alternative sanctions for any infraction of this paragraph pursuant to titles I-III of the  
36 Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October  
37 5, 1985 (D.C. Law 6-42; D.C. Code § -2-1801.01 *et seq.*).

38 “(G)(i) Any person may file a complaint alleging usage of a gas-powered  
39 leaf blower in violation of this paragraph with the Mayor.

40 “(ii) A complaint under sub-subparagraph (i) of this subparagraph  
41 shall be submitted in writing on a form prescribed by the Mayor and made available on the  
42 District of Columbia website. The complaint shall be submitted no later than one week  
43 following the occurrence of the alleged violation and shall be signed by an original complainant  
44 who shall attest to its accuracy, under penalty of perjury. The complaint shall include:



65

66           Sec. 3. Fiscal impact statement.

67           The Council adopts the fiscal impact statement in the committee report as the fiscal  
68 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,  
69 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

70           Sec. 4. Effective date.

71           This act shall take effect following approval by the Mayor (or in the event of veto by the  
72 Mayor, action by the Council to override the veto), a 30-day period of congressional review as  
73 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
74 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
75 Columbia Register.

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<https://www.wsj.com/articles/leaf-blowers-are-loud-ugly-and-dangerous-1539903772>

OPINION | COMMENTARY

# Leaf Blowers Are Loud, Ugly and Dangerous

The fumes increase the risk of cancer and heart disease.

By Adrienne Bernhard

Oct. 18, 2018 7:02 p.m. ET



PHOTO: KEVIN GOLDY/ASSOCIATED PRESS

Fumes, pollution and ruined Sunday mornings make leaf blowers a nuisance. But they're also dangerous. The emissions and fine particulate

matter these devices kick up are hazardous to the health of both gardeners and homeowners. All for the sake of moving leaves from one corner of a lawn to another.

As a teacher, I frequently hear the drone of leaf blowers from within my classroom. The noise is distracting enough while trying to discuss Brontë or Tolstoy, but outside, where I often eat lunch under the treetops, the nonstop noise seems to broadcast a dire warning: These pristine grounds come at a terrible price.

Most leaf blowers use two-stroke engines—lightweight, compact, cheap sources of power for lawn mowers, tree trimmers and snowblowers. The problem with these crude motors is that their intake and exhaust functions occur at the same time, meaning the fuel mixes with oil. A large share of the gasoline is then spewed out unburned, as an aerosol in the exhaust. Such fumes have been found to increase the risk of cancer, heart disease and asthma.

Children playing outdoors and people who work from home frequently contend with this menace, but landscapers suffer the most. Since many don't wear masks, they breathe in fumes, dust and spores while enduring hours of high-volume engine noise—another health risk. According to a study by Edmunds, an automotive-information site, hydrocarbon emissions from 30 minutes of leaf blowing are comparable to those of driving a pickup truck from Texas to Alaska.

Leaf blowers also pose a severe threat to the living leaves still attached to trees and bushes—collateral damage from blowers aimed at the ground. Air blasts of up to 200 miles an hour can demolish the habitats of bees and other insects and small creatures, which are essential to their ecosystems. The dead leaves that blowers target also help prevent moisture from evaporating at trees' bases, and nourish the soil that sustains plant life. I might ask my students to consider the irony here: A tool meant to beautify our city parks, backyard gardens and highway meridians is actually destroying them.

Landscape associations and manufacturers insist these hyperpolluting lawn tools aren't bothersome or harmful if used properly and protest that leaf blowers are necessary for the hard work of removing leaves and debris. It's true that dead leaves on a lawn don't disintegrate, and a return to the rake doesn't seem likely.

Leafy trees and green lawns should no longer be our gold standard: We need to rethink our yards entirely. Each fall, let leaves die on the ground, allow deciduous trees to generate new growth, and consider adding a rock garden with succulents or other "hardscapes" that don't require leaf upkeep, and also save water. Outdoors, sustainable is beautiful.

*Ms. Bernhard is a writer and teacher in New York.*

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