

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 934

(Delegate Foley, *et al.*)

Economic Matters

Gasoline-Powered Leaf Blowers - Sale, Offering for Sale, and Use - Prohibition

This bill prohibits (1) beginning January 1, 2024, a person from selling or offering for sale a gasoline-powered leaf blower in the State and (2) beginning January 1, 2025, a person from using a gasoline-powered leaf blower in the State. Any person that sells or offers for sale a gasoline-powered leaf blower in the State must notify the purchaser or potential purchaser that, beginning January 1, 2025, a person may not use a gasoline-powered leaf blower in the State. A violator is subject to (1) a warning for a first violation and (2) a civil penalty of up to \$500 for a second or subsequent violation.

Fiscal Summary

State Effect: State expenditures (all/multiple fund types) increase (likely minimally) to replace gasoline-powered leaf blowers, primarily in FY 2025. The effect in future years is unclear, as discussed below. The bill's civil penalty provision is not anticipated to materially affect State revenues from cases heard in the District Court.

Local Effect: Local expenditures increase (likely minimally) to replace gasoline-powered leaf blowers, primarily in FY 2025. The effect in future years is unclear, as discussed below. To the extent that a local government chooses to enforce the bill's provisions, local expenditures may increase beginning as early as FY 2023. Local revenues are not affected, assuming any civil actions brought under the bill are filed in the District Court.

Small Business Effect: Meaningful.

Analysis

Current Law: State statute and regulations are silent with regard to leaf blowers, gasoline-powered or otherwise.

The Maryland Department of the Environment (MDE) is required to adopt environmental noise standards, sound level limits, and noise control rules and regulations as necessary to protect the public health, the general welfare, and property. When adopting the standards, MDE, or a political subdivision that chooses to adopt environmental noise standards, must consider specified information from the U.S. Environmental Protection Agency and other scientific information.

A political subdivision is authorized to enforce the sound level limits and noise control rules and regulations adopted under Title 3 of the Environment Article, which governs noise control. Among other things, a political subdivision may issue a corrective order and bring an action to enjoin any conduct that is a willful violation (after providing reasonable time for a person to comply). In addition, a person who willfully violates any provision of Title 3 or any rule, regulation, or order adopted or issued under Title 3 is liable to a civil penalty of up to \$10,000 to be collected in a civil action brought by a political subdivision in the circuit court for any county, as specified. Each day is a separate violation.

State Expenditures: Any State agency that owns and uses gasoline-powered leaf blowers must replace those leaf blowers by January 1, 2025, due to the bill's prohibition. Thus, State expenditures (all/multiple funds) may increase, primarily in fiscal 2025, to replace gasoline-powered leaf blowers earlier than anticipated with electric leaf blowers and to purchase supplemental power packs as needed. The increase in costs may be offset to some extent by the need to purchase less fuel; maintenance costs are also likely less. In future years, the overall effect on State expenditures related to the replacement of leaf blowers is unknown and depends largely on the specific models of blowers purchased. In general, electric leaf blowers are less expensive than gasoline-powered leaf blowers, and fuel and maintenance costs are less.

For example, the Department of General Services (DGS) estimates that its costs increase by \$13,500 in fiscal 2025 to replace 30 leaf blowers (at \$270 each) and purchase supplemental power packs (at \$180 each); DGS also anticipates costs in future years to purchase replacement batteries and replacement electric leaf blowers. However, as noted above, the Department of Legislative Services (DLS) advises that fuel savings continue in the out-years, and existing equipment needs to be replaced periodically even in the absence of the bill. Also, as noted above, electric leaf blowers are generally less expensive than gasoline-powered leaf blowers.

DGS notes, however, that electric leaf blowers are less powerful than gasoline-powered leaf blowers, so landscaping costs may increase. DLS does not have sufficient information to provide a more specific estimate of any potential increase in such costs.

Local Expenditures: Similar to the impacts described above for State agencies, any local government that owns and uses gasoline-powered leaf blowers must replace those leaf blowers by January 1, 2025, due to the bill's prohibition. Accordingly, local expenditures likely increase in fiscal 2025 to replace gasoline-powered leaf blowers earlier than anticipated with electric leaf blowers. As discussed above, the bill likely results in fuel and maintenance savings, and future year effects are unknown. Landscaping costs may also increase.

To the extent that a political subdivision chooses to enforce the bill's prohibitions, local expenditures may increase beginning as early as fiscal 2023 to conduct enforcement actions.

Small Business Effect: The bill's notice requirement and prohibitions on the sale and use of gasoline-powered leaf blowers have a meaningful negative impact on any small business that sells, manufactures, services, or provides fuel for gasoline-powered leaf blowers in the State. In anticipation of the bill's prohibition, the bill may reduce the sale of gasoline-powered leaf blowers immediately, despite the fact that the prohibition on the sale of such leaf blowers does not take effect until January 1, 2024.

Similar to the impacts described above for State agencies and local governments, for any small business that owns and uses gasoline-powered leaf blowers, there are costs to replace those leaf blowers by January 1, 2025. As discussed above, the bill likely results in fuel and maintenance savings, and future year effects are unknown. For small businesses that hire landscapers, landscaping costs may increase. It is assumed that landscaping companies pass any increase in costs onto customers in the form of increased prices.

On the other hand, any small business that sells, manufacturers, services, or sells parts and/or batteries for electric leaf blowers sees a meaningful increase in the demand for its products and services.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Maryland Department of the Environment; Department of General Services; Department of Legislative Services

Fiscal Note History: First Reader - February 23, 2022
fnu2/lgc

Analysis by: Kathleen P. Kennedy

Direct Inquiries to:
(410) 946-5510
(301) 970-5510