

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 399
(Delegate Foley, *et al.*)
Health and Government Operations

Gasoline-Powered Leaf Blowers - State Purchase and Use - Prohibition

This bill prohibits, beginning July 1, 2023, the State from purchasing a gasoline-powered leaf blower. Beginning July 1, 2025, the State may not use a gasoline-powered leaf blower.
The bill takes effect July 1, 2023.

Fiscal Summary

State Effect: State expenditures (all/multiple fund types) increase, potentially as early as FY 2024, to replace gasoline-powered leaf blowers and purchase battery packs/chargers. The effect in future years is unclear, as discussed below. State revenues are not affected.

Local Effect: Although local governments have enforcement authority under Title 3 of the Environment Article (to which the bill's provisions are added), it is unclear if a local government is able to bring an enforcement action against the State. To the extent a local government is able to do so – and chooses to do so – local expenditures may increase to enforce the bill, and local revenues may increase from any civil penalties collected for actions brought in the circuit courts.

Small Business Effect: Potential 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 (a county or a municipality) 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 is affected by the bill's prohibitions. Beginning July 1, 2023, State agencies may no longer purchase gasoline-powered leaf blowers, and beginning July 1, 2025, they may no longer use any gasoline-powered leaf blowers that they own.

Thus, State expenditures (all/multiple funds) for at least some agencies increase, potentially as early as fiscal 2024, to replace gasoline-powered leaf blowers with electric leaf blowers earlier than anticipated and to purchase supplemental power packs. The magnitude of the increase for any given agency depends on the number of gasoline-powered leaf blowers that need to be replaced and how an agency uses the leaf blowers (*i.e.*, how many people simultaneously use the leaf blowers, for how long, and under what conditions).

In general, electric leaf blowers are less expensive than gasoline-powered leaf blowers, and fuel and maintenance costs are less. Accordingly, the increase in costs for State agencies may be offset to some extent by the need to purchase less fuel; maintenance costs are also likely less. However, according to several agencies, the run-time for commercial level electric leaf blowers is only about 20 minutes. Thus, a significant number of supplemental batteries are needed for some agencies that use multiple leaf blowers for long stretches of time.

In future years, the overall effect on State expenditures is unknown and depends largely on the number, type, and specific models of blowers replaced earlier than anticipated and how they are used. Also, fuel and maintenance savings continue in the out-years, and existing equipment needs to be replaced periodically even in the absence of the bill.

The total number of gasoline-powered leaf blowers owned and used by State agencies is unknown. A limited survey of State agencies gleaned the following information regarding at least the initial costs likely to be incurred under the bill:

- the Maryland Aviation Administration within the Maryland Department of Transportation's (MDOT) estimates that its costs increase by \$126,360 in fiscal 2024 to replace 27 leaf blowers (at \$480 per unit) and purchase 360 batteries (at \$240 per unit) and 180 chargers (at \$150 per unit); it anticipates similar costs every other year for replacement equipment. The State Highway Administration estimates that its expenditures increase by \$7,000 to replace 28 gasoline-powered leaf blowers at \$240 each. Any costs incurred by MDOT are borne by the Transportation Trust Fund;
- the Maryland Transportation Authority estimates that its nonbudgeted expenditures increase by \$9,000 to replace 30 gasoline-powered leaf blowers (at \$300 each);
- the Department of Natural Resources (DNR) estimates that its general fund expenditures increase by approximately \$133,000 in fiscal 2024 for the Maryland Forest Service to replace 30 leaf blowers and purchase supplemental batteries, carrying systems, and gas generators to recharge the batteries;
- the Department of General Services (DGS) estimates that its general fund expenditures increase by \$15,000 in fiscal 2024 to replace 30 leaf blowers (at \$300 each) and purchase supplemental power packs (at \$200 each) for the 54 State buildings it owns. DGS also anticipates costs in future years to purchase replacement batteries and replacement electric leaf blowers as needed;
- Towson University advises that it incurs costs of more than \$190,000 in fiscal 2024 to purchase electric blowers and batteries and to upgrade its electrical infrastructure to accommodate charging. It also anticipated costs in future years to purchase replacement batteries and replacement electric leaf blowers as needed;
- Frostburg State University advises that its costs increase by approximately \$7,000 to replace its gasoline-powered leaf blowers with electric models; and
- Baltimore City Community College advises that its costs increase minimally to purchase electric leaf blowers and charge them but that fuel costs decrease.

DGS and DNR both note that electric leaf blowers are less powerful than gasoline-powered leaf blowers. DGS notes that landscaping costs may increase as a result. Several agencies also note – and the Department of Legislative Services concurs – that it is unclear if State-hired contractors must also cease use of gasoline-powered leaf blowers when providing services on State grounds. This analysis does not reflect any costs associated with that potential outcome, but it is assumed that State contractors would pass any increase in costs onto the State.

As MDE does not have enforcement authority over the bill's provisions, this analysis does not reflect any costs for MDE to enforce the bill.

Small Business Effect: The bill's prohibitions may have a meaningful negative impact on any small business that sells, manufactures, services, or provides fuel for gasoline-powered leaf blowers in the State. 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.

Further, to the extent that the bill's prohibition is interpreted to extend to State contractors, affected State contractors incur costs to replace gasoline-powered leaf blowers by July 1, 2025. As discussed above, the bill likely results in fuel and maintenance savings, and future year effects are unknown. It is assumed that landscaping companies pass any increase in costs onto the State in the form of increased prices.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Baltimore City Community College; University System of Maryland; Morgan State University; Maryland Department of the Environment; Department of General Services; Department of Natural Resources; Maryland Department of Transportation; Department of Legislative Services

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