

February 4, 2022

Transmitted via electronic submission

Re: OPEI Comments on HB 1337 – Relating to Gas Powered Leaf Blowers

The Outdoor Power Equipment Institute (“OPEI”) opposes HB 1337 which will provides that any locality may regulate the use of gas-powered leaf blowers. HB 1337 will negatively impact OPEI members and hardworking professionals throughout Virginia.

The Outdoor Power Equipment Institute (“OPEI”) is an international trade association representing more than 100 manufacturers and their suppliers of outdoor power equipment. OPEI member products are ubiquitous in American households and businesses. Outdoor power equipment such as lawnmowers, trimmers, chain saws, snow throwers, generators, water pumps, pressure washers, and utility vehicles are the lifeblood of millions of hardworking landscape and construction professions, many of whom are sole proprietors, and emergency responders. See Annex A – Outdoor Power Equipment Facts.

The outdoor power equipment industry is a leader in the deployment of “zero-emission” equipment (ZEE), with electric products dating back more than 70 years. Recent advancements in battery technology have accelerated ZEE growth for many product categories. In fact, the majority of “handheld” products shipped *are already ZEE.* Electric “handheld” leaf blowers and electric hedge trimmers represent 80% of all product shipments in 2021. Residential electric walk-behind mower shipments have ballooned from just 5% of total walk-behind lawnmowers in 2014 to 37% in 2021. These trends will continue without legislative action. HB 1337 is unnecessary.

However, due to the wide range of powered equipment types and use cases, *there is currently no one-size-fits-all power-source approach.* Codes and bills that propose gas-powered equipment bans and dictate equipment purchase choices ignore technical feasibility challenges, particularly for landscape and construction professionals. Supply chain, electrical grid infrastructure, and product transportation also present significant concerns.

Zero Emissions Equipment Technology Feasibility Challenges

Today’s battery technology is not without limitations. In its recent Small Off-Road Engine rulemaking the California Air Resources Board (CARB) compared on-line (marketing) performance of a gas-powered and electric-powered blower. However, in real-world testing, OPEI member testing shows that the battery-powered unit’s performance¹ dropped more than 40% as the battery discharged. In “turbo” mode the

¹ Measured as blower force in Newtons in accordance to ANSI/OPEI B175.2 standard.



battery lasted just 18 minutes. On the other hand, the gas-powered equipment maintained full performance for over an hour, until the unit ran out of gas.

Zero Emissions Equipment Cost Challenges

The number and cost of batteries needed for high-use applications are additional concerns. CARB's survey and modeling data estimates that landscaper professionals that own walk-behind mowers, string trimmers, leaf blowers and chain saws require on average 13170 W of power *per day*. The average landscape professional would require dozens of high-power batteries every day to achieve the modeled power demand, resulting in an upfront battery cost exceeding \$10,500. Based on CARB performance modeling, batteries would need to be replaced approximately every 3 years, resulting in thousands of dollars in on-going battery "maintenance" costs.

Additionally, many businesses would also incur upfront costs to safely charge and transport the number of high-powered batteries required to operate daily. In fact, some landscape and construction professionals don't even have access to power to safely and securely recharge equipment in storage yards where equipment is kept.

Small businesses, many of which are low income and minority owned, would be hit hardest by the unaccounted for and/or unanticipated costs of HB 1337.

Emissions Are Already Federally Regulated

Emissions are a common discussion point surrounding OPE. "Facts" comparing outdoor power equipment emissions to automobiles are not rooted in sound data and are untrue or misleading.

Many believe outdoor power equipment are unregulated, high-emitting sources of exhaust gas emissions. This is not true. The OPE industry has a long history of working cooperatively with the U.S. EPA to develop a regulatory framework which has driven low and zero-emissions technology solutions in outdoor power equipment for over three decades. Today, the EPA is on its third phase of pollutant controls for small engine-powered equipment, resulting in up to 90% reductions in exhaust gas and evaporative emissions from previously unregulated machines. Fuel system emission regulations have further reduced smog forming emissions compared to outdoor power equipment a decade ago.

Industry is committed to advancing emission reduction technologies. In fact, many popular lawnmower and leaf blower options are certified well below federal standards – and well below "fact sheet" comparisons. As a result of federal small spark-ignited engine regulations EPA estimated the US "lawn and garden equipment" fleet smog forming emissions would be reduced by 20 to 30 percent from 2011 to 2018 – And agencies have yet to accurately account for recent and projected ZEE market growth when estimating sector emissions. ZEE growth will continue to drive additional reductions well beyond today's agency estimates.

The U.S. EPA Has Sole Jurisdiction for Small Engine Emission Regulations

Manufacturers of outdoor power equipment cannot build, and dealers and retailers cannot stock and sell specialized, niche products for each individual city or state. Consequently, Federal law requires that states comply with one set of emission standards. In doing so, the federal Clean Air Act (CAA) Section 209(e) (42 U.S.C. Section 7401), the U.S. Environmental Protection Agency's (EPA's) implementing regulations, and 40 C.F.R. Part 1074, prohibit states or any political subdivisions from adopting or attempting to enforce any standard or other requirement applicable to spark ignition engines smaller than 50 horsepower – Including adoption of California small off-road engine emission regulations for which EPA has authorized a waiver of preemption. In short, EPA could not approve the waiver of preemption required under Section 209(e) to allow Virginia to set unique or separate emission standards or requirements for small-engine outdoor powered equipment.

A Robust Enforcement Program is Necessary

Robust enforcement programs for HB 1337 will be necessary to ensure fairness to compliant manufacturers, retailers, and end-users. Resources will be needed at state and local levels to assure compliance with and to enforce the bans that may result from HB 1337. Amid a patchwork quilt of state and municipal regulations, such an enforcement and compliance program will undoubtedly be cost and resource intensive, and in OPEI's opinion unworkable.

For these reasons, OPEI opposes HB 1337.

Please do not hesitate to contact us directly if you have questions or require additional information regarding these concerns.

Respectfully submitted,

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ANNEX A – Outdoor Power Equipment Facts

The Outdoor Power Equipment Industry is a Leader in Power Technology and Innovation:

- The outdoor power equipment (OPE) industry has been manufacturing electric “zero-emissions” equipment (ZEE) for more than 70 years.
- ZEE is the number one driver of OPE demand and future industry growth.
- In 2021 shipped products were predominantly ZEE:
 - 56% of lawn and garden OPE shipped was ZEE;
 - 63% of handheld products shipped were ZEE;
 - 37% of walk-behind mowers shipped were ZEE – Up from 5% in 2014.
- OPEI members are focused on growing the ZEE market through innovation, especially for landscape, construction and emergency respondent needs.
- However, there is currently no “one-size-fits-all” option for the wide portfolio of OPE products and uses.
 - There is wide range OPE products – Electric power source options do not exist for all categories of equipment.
 - ZEE is widely accepted for residential lawn and garden applications, however, further advancements are necessary for ZEE to deliver the performance needed and a cost competitive with gas-powered equipment in many commercial applications.

OPEI and Industry Overview:

- OPEI represents 110 industry manufacturers – Most original equipment manufacturers produce *both* gas and electric-powered equipment.
- OPEI members and their suppliers contribute \$16B to the U.S. GDP annually.
- OPE manufacturers employ 150,000 U.S. workers.
- The industry provides tools for a national network of nearly 8M landscape and construction professionals, many of which are sole proprietors.
- OPE is ubiquitous in American households and businesses, with an estimated 40M products sold annually and a total in-service fleet exceeding 250 million.
- OPEI members have a long history of consumer safety and environmental protection through standards development and government engagement.

OPE Industry Principles on ZEE Policymaking

- A patchwork quilt approach by state / municipality is unworkable for original equipment manufacturers and will result in market disruptions.
- The U.S. EPA retains sole jurisdiction over OPE emission regulations.
- Government should rely on sound, real-world data and science for ZEE policy, with particular focus on:
 - The wide range of outdoor power equipment in the market
 - Various user types and respective performance needs
 - Product and infrastructure (both government and business) related costs
 - Supply chain challenges
 - Manufacturing, disposal and waste impacts of different technologies