

February 15, 2022

Dear City Council Members:

The Atherton City Council is right to consider restrictions on the use of gas-powered “small off-road engines” (SOAR) such as two-stroke blowers and other landscaping tools. Proponents of the ban often quote California Assembly Bill AB1346 as the mandate to restrict such equipment and to do so now. But, what does AB1346 really require?

AB1346 requires that the California Air Quality Board (CARB) adopt “cost-effective and technologically feasible” regulations by July 1, 2022 to prohibit engine exhaust and evaporative emissions from new small off-road engines. It also provides for commercial rebates or “incentives” to local air pollution control districts and air quality management districts to support the transition to zero-emission engines. It does not ban the use of SOAR machines in 2022 or even 2024. It does ban the new manufacture and sale of such equipment AFTER Jan. 1, 2024 --- not the use of existing equipment though.

Increasing the adoption of zero-emission equipment (ZEE) by residential and professional users is a worthy goal. That is not in question. The problem is that true ZEE equipment isn’t available today --- not at a commercially viable price --- nor is it likely to be by 2024. It most certainly will not be available by January 1, 2023, when Atherton is considering an outright ban of gas-powered tools. Briggs & Stratton, a manufacturer of electric equipment, testified before CARB last year that producing ZEE equipment by 2024 is simply unrealistic. Even the Assembly acknowledged that deadlines may need to be revisited if equipment isn’t available. Other studies have shown that --- if we converted from gas to all-electric small equipment today (statewide) --- we might cut air pollutant emissions by 10% from that which California utility companies currently generate. So, you --- our City Council --- are considering a significant shift in landscaping practices for something that, in reality, has minimal positive impact in the near-term.

Using electric mowers and blowers on small parcels (up to ¼ or ½ acre) makes sense. It does not on Atherton’s largely 1+ acre parcels. The arguments against adopting a ban on gas-powered landscape equipment have not changed since the Council considered this issue last year. Landscapers will still need 10+ batteries to blow just three one-acre Atherton yards. They will still likely carry two sets of equipment: one for Atherton homes and a second set for non-banned localities. The batteries will still need to be replaced in 2+ years. The equipment conversion will still cost approximately \$2,000 for the backpack blower, the batteries and chargers, and likely a back-up generator (at extra expense) on landscaping trucks for recharging. It will take longer to “mow and blow” properties because the equipment is less powerful. The noise may be slightly reduced but not appreciably. Trying to use battery operated equipment on 2+ acre parcels isn’t even fathomable. And, the people who have the least financial resources will be impacted the most: our landscapers, unless homeowners are willing to purchase the equipment and pay more for monthly services. From recent survey results, I have my doubts that a majority of Athertonians will be supportive of the latter.

California Assembly Bill 1346 phases out the manufacturing and selling of gas-powered landscaping tools by 2024. The law does not apply to the gas-powered gardening equipment already in use. Why then is the Atherton City Council asking that this town consider banning ALL use of such equipment by January

1, 2023? Is it so that we can feel good about emitting less noxious emissions while China currently operates more than 600 coal-fired power plants with 40+ planned per year? I don't think our electric blowers are going to offset that environmental impact. Is it so our neighbors will hear less noise, yet our landscapers will be mowing and blowing much longer? Those who feel that noise will be audibly lessened have not operated my electric hedge trimmer and edger. What noise reduction? Is it so that we can look responsive in light of surrounding towns that have implemented a ban? We are not Portola Valley nor Menlo Park, the latter of which already has Spare the Air restrictions that have been "on the books" for several years but are largely ignored by the populace. So, is Atherton also going to impose fines like Yountville that has a \$1,000 fine for violating its SOAR restrictions?

When the City Council last considered restricting or banning gas-powered landscaping tools, several members of the Council remarked on their own experiences with electric blowers. Those experiences mirrored by own: currently available equipment is not up to the task of managing the large parcels and heavy foliage that we have in Atherton, especially the residue from the many oak trees that we have (and love). Does this mean that we can't take some measures that would provide reasonable relief? Of course we can, and some of the Council's proposals have real merit.

One proposal that I believe would have widespread city support is to restrict the use of gas-powered garden equipment to weekdays. Realistically though, most professional landscapers already operate Monday-Friday, 8-5. One Atherton resident submitted a comment that it is desirable to be able to use a gas blower to freshen up a patio or yard before an outdoor weekend gathering. I agree. Thus, perhaps the Council could restrict the weekday usage to commercial landscaping and allow homeowners to still use gas-powered equipment on the weekends. Few will.

Several Atherton residents commented about the viability of electric rototillers. I doubt that many Atherton residents have rototillers in their garage. If we have a rototiller need (i.e., adding sprinkler pipes or churning soil for gardens), most people rent the equipment. Today, I called AAA Equipment Rental in Redwood City --- where most Athertonians rent -- to inquire whether they had any electric-powered rototillers. None. I also asked whether they had any electric power washers. Athertonians typically use such equipment to annually clean our patios and sidewalks. AAA has one light duty electrically-operated washer that can clean windows but not sidewalks or patios. So, where are residents going to get such equipment? If we can't rent it, we have to buy it. An electric rototiller will cost approx. \$437 on Amazon (with batteries). It goes to a 5" depth. That's fine for a garden but not for irrigation pipes. So, how are landscapers going to install new irrigation? As the Council introduces new regulations, they must be pragmatic. You can't ask residents to use equipment which can't even be rented.

The most egregious restriction is the requirement not to use gas-powered equipment on Spare the Air Days. I have four landscapers that attend to rental houses that I own in Atherton and Redwood City. Their English-language skills are minimal. To think that they are going to go online each morning to determine if it's a Spare the Air Day and if the AQI is above 100 is absurd. To think that they will download a phone app that alerts them to such is also fallacious. In fact, I am not going to do so. As I mentioned the last time that I addressed this item, in 2020 the Bay Area had 46 Spare the Air alerts, some of which were on consecutive days. Do you honestly think that the landscapers are going to make time to come on a different day because they could not "mow and blow" on a Spare the Air Day? Of course not. Again, regulations have to be pragmatic, not just well intentioned.

Lastly, when the California Assembly adopted AB1346, it had an underlying premise that zero emission equipment would be available by 2024. The Assembly was well aware that such equipment does not exist today and they provided for revisiting the timing of new regulations. By the Council deciding to implement the gas equipment ban a year earlier than the state requires (for sales, not use), you could actually be hurting our chances of buying more efficient equipment as manufacturers must comply with California's 2024 mandates and you are not allowing professional landscapers to apply for offset funding which is being budgeted in future years. \$40M is being budgeted in the next fiscal cycle, but application procedures are not in place yet. I personally think we should wait until the state deadline occurs to ban equipment outright and until we have the opportunity to buy more efficient equipment and have local offset funding in place for professionals. In the meantime, we can certainly restrict the days and times that gas-powered equipment is operated by professionals.

Respectfully,

Carol Flaherty