

File No. 220199

Committee Item No. 12

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

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Completed by: Brent Jalipa Date April 21, 2022

Completed by: Brent Jalipa Date _____

1 [Administrative, Police Codes - Ban on Gas-Powered Landscaping Equipment]

2

3 **Ordinance amending the Administrative Code and Police Code to 1) prohibit the City**
 4 **from using, or contracting for the use of, gas-powered landscaping equipment to**
 5 **perform a City function starting January 1, 2024, with temporary waivers for City**
 6 **departments that document to the satisfaction of the Director of the Department of the**
 7 **Environment (“Department”) the unavailability of needed technology to replace such**
 8 **equipment; 2) prohibit the use of gas-powered landscaping equipment in the City**
 9 **starting January 1, 2026, and penalize property owners and business owners and**
 10 **managers that violate that prohibition; 3) establish a buy-back program to assist**
 11 **owners of such equipment in transitioning away from its use; 4) require that the**
 12 **Department conduct a public education campaign regarding the gas-powered**
 13 **landscaping equipment ban and the buy-back program; 5) establish a fund to receive**
 14 **penalties collected for violation of the ban and other monies, to use for purchases of**
 15 **equipment for City departments to replace gas-powered landscaping equipment, for**
 16 **the buy-back program, for safe disposal of gas-powered landscaping equipment,**
 17 **and/or to fund the Department’s public education campaign; and 6) designate the**
 18 **Department to administer and enforce the Ordinance.**

19 **NOTE:** **Unchanged Code text and uncodified text** are in plain Arial font.
 20 **Additions to Codes** are in *single-underline italics Times New Roman font*.
 21 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
 22 **Board amendment additions** are in double-underlined Arial font.
 23 **Board amendment deletions** are in ~~strikethrough Arial font~~.
 24 **Asterisks (* * * *)** indicate the omission of unchanged Code
 25 subsections or parts of tables.

24 Be it ordained by the People of the City and County of San Francisco:

1 Section 1. This ordinance shall be known and may be cited as The Healthier, Cleaner,
2 Quieter Communities Act.

3
4 Section 2. Findings.

5 (a) Gas-powered landscaping equipment emits toxic pollution that is harmful to the
6 health of equipment operators and the public at large, and is harmful to the environment,
7 contributing to global warming and other forms of environmental degradation. Gas-powered
8 landscaping equipment also generates significant noise, which may negatively impact the
9 health of equipment operators and members of the general public.

10 (b) **Health Impacts from Toxics Emissions.** Gas-powered landscaping
11 equipment emits high levels of toxic pollutants, small particulates, nitrogen oxides, carbon
12 monoxide, and Volatile Organic Compounds (VOCs). These emissions pose health risks for
13 the public at large, and pose heightened health risks for operators of this equipment due to
14 their close proximity to the exhaust outlets during operations. Exposure to high levels of
15 VOCs increases the risk of developing cancer and other serious health conditions. Exposure
16 to nitrogen oxides has been associated with cardiopulmonary effects, decreased lung function
17 growth in children, respiratory symptoms, emergency room visits for asthma, intensified
18 allergic responses, and premature death. Exposure to small particulates may negatively
19 affect lung and heart function and may aggravate asthma and increase the risk of death from
20 COVID-19. Small particulate matter emitted by gas-powered landscaping equipment may be
21 particularly likely to cause health impacts beyond equipment operators because particles may
22 remain suspended in the air for hours to days unless removed by precipitation or another
23 force.

24 (c) **Environmental Impacts from Toxics Emissions.** San Francisco's 2021
25 Climate Action Plan set a goal of net-zero emissions Citywide by 2040, in recognition of the

1 urgent need to curb global warming. This ordinance is an important part of meeting that goal.
2 Air pollutants emitted by gas-powered landscaping equipment contribute significantly to
3 accelerating global warming, which is causing climatic instability, widespread extinctions and
4 resultant biodiversity loss, social unrest, and heightened conflict. The pollution emitted from a
5 gas-powered leaf blower for one hour is equivalent to the pollution generated from driving an
6 internal combustion engine car 1100 miles, less than the distance from San Francisco to
7 Santa Fe. The pollution emitted from a gas-powered lawn mower for one hour is equivalent to
8 the pollution generated from driving an internal combustion engine car 300 miles, less than
9 the distance from San Francisco to Santa Barbara.

10 Further, pollutants emitted by gas-powered landscaping equipment damage agricultural
11 plants, causing mottled foliage, burning at leaf tips or margins, twig dieback, stunted growth,
12 premature leaf drop, delayed maturity, early drop of blossoms, and reduced yield or quality.
13 Acidic pollutants, also emitted by gas-powered landscaping equipment, deposit on soils,
14 lowering their pH, impeding their ability to incubate food, and rendering them infertile. Acid
15 rain, comprised of the common pollutants sulphur dioxide and nitrogen dioxide, is the chief
16 cause of corrosive damage to the built environment.

17 (d) **Health Impacts from Noise.** Gas-powered landscaping equipment – in
18 particular, leaf blowers – is extremely noisy in comparison to non-gas-powered equivalents.
19 The average gas-powered leaf blower generates 70-75 decibels of noise at a distance of 50
20 feet, well above the 55 decibels the World Health Organization has recommended as a
21 maximum level for outdoor noise. As with air pollution, the noise impact of gas-powered
22 landscaping equipment is significantly higher for the operators of the equipment, given their
23 proximity to the motor, increasing operators' risk for negative health impacts. The high noise
24 levels generated by gas-powered leaf blowers and other gas-powered landscaping equipment
25

1 have been documented to cause serious health effects that include hearing loss, stress,
2 cardiovascular problems, gastrointestinal distress, and sleep loss.

3 (e) Viable alternatives to gas-powered landscaping equipment exist, and are
4 steadily improving in cost and effectiveness. Many California municipalities have already
5 either completely banned or significantly restricted the use of gas-powered landscaping
6 equipment. Municipalities that have banned or significantly restricted use of gas-powered leaf
7 blowers include the cities of Berkeley, Oakland, Piedmont, Beverly Hills, Claremont, Laguna
8 Beach, Lawndale, Los Altos, Santa Barbara, Santa Monica, and West Hollywood. San
9 Francisco now has an opportunity to join this group and set an even higher standard for
10 healthy, environmentally sound, and quieter landscaping equipment.

11
12 Section 3. The Administrative Code is hereby amended by revising Section 4.14 in
13 Chapter 4, and by adding Chapter 12E, consisting of Sections 12E.1-12E.3, to read as
14 follows:

15 **SEC. 4.14. RESTRICTION ON USE OF POLLUTING EQUIPMENT.**

16 (a) For purposes of this Section 4.14, "polluting garden and utility equipment" means
17 gasoline-powered equipment under 25 horsepower, including two-stroke and four-stroke
18 models, such as, but not limited to, lawnmowers, leaf blowers, trimmers, weed whackers and
19 jackhammers. Except as otherwise provided in this Section, no City department ~~of the City and~~
20 ~~County of San Francisco~~ shall use polluting garden and utility equipment on "Spare the Air
21 Days" or other days in which the Bay Area Air Quality Management District notifies the public
22 of unhealthy levels of air pollution and requests that the public refrain from engaging in
23 polluting activities. The prohibition on the use of polluting garden and utility equipment shall
24 not apply to an employee whose supervisor, in accordance with written departmental
25 procedures, has exempted the employee from the prohibition on a specified day. The

1 department head of each department that uses polluting garden and utility equipment shall
2 establish procedures for informing employees about the prohibition on use and authorizing
3 exemption requests.

4 (b) Chapter 12E of the Administrative Code establishes a ban on the City’s use of gas-powered
5 landscaping equipment. In the event of any conflict between this Section 4.14 and Chapter 12E,
6 Chapter 12E shall govern.

7 * * * *

8 **CHAPTER 12E: BAN ON CITY USE OF GAS-POWERED LANDSCAPING EQUIPMENT.**

9 **SEC. 12E.1. DEFINITIONS.**

10 For purposes of this Chapter 12E:

11 “City” means the City and County of San Francisco.

12 “Contract” means an agreement between a Contracting Department and any person or entity
13 that provides, at the expense of the City, for public works or public improvements to be purchased
14 under Chapter 6 of the Administrative Code, or for commodities or services to be purchased under
15 Chapter 21 of the Administrative Code. Notwithstanding the foregoing, “Contract” shall not include:

16 (a) Agreements that do not contemplate the use of any landscaping equipment in
17 furtherance of services to be performed under the Agreement; or

18 (b) Agreements advertised, solicited, or initiated prior to January 1, 2024.

19 “Contracting Department” means the City department, office, board, commission, or other City
20 agency that enters into a Contract on behalf of the City.

21 “Contractor” means any corporation, partnership, individual, sole proprietorship, joint
22 venture, or other legal entity or combination thereof, which enters into a Contract with the City.

23 “Director” means the director of the Department of the Environment, or the Director’s
24 designee.

1 “Gas-Powered Landscaping Equipment” has the meaning set forth in Section 2101 of the
2 Police Code, as may be amended from time to time.

3 “Replacement Technology” has the meaning set forth in Section 2101 of the Police Code, as
4 may be amended from time to time.

5
6 **SEC. 12E.2. BAN ON CITY USE OF GAS-POWERED LANDSCAPING EQUIPMENT;**
7 **WAIVERS.**

8 (a) Starting January 1, 2024, no City department shall use Gas-Powered Landscaping
9 Equipment in performing any City function or enter into a Contract the performance of which may
10 involve the use of Gas-Powered Landscaping Equipment and that does not prohibit the use of Gas-
11 Powered Landscaping Equipment.

12 (b) The Director shall grant a temporary waiver of the prohibition on using Gas-Powered
13 Landscaping Equipment in Section 12E.2(a) to a City department that submits to the Director written
14 documentation that establishes to the Director’s satisfaction: (1) that the department has thoroughly
15 researched Replacement Technology available to replace Gas-Powered Landscaping Equipment in
16 performing required department functions; and (2) that Replacement Technology is currently
17 unavailable to adequately perform one or more identified required functions of the department for
18 which the department currently uses Gas-Powered Landscaping Equipment. The Director shall waive
19 the prohibition in Section 12E.2(a) only as to those specific, identified departmental functions for which
20 the department documents to the Director’s satisfaction that Replacement Technology is unavailable.
21 Replacement Technology shall be deemed to be “unavailable” for purposes of this waiver, and for
22 purposes of any renewal of the waiver under Section 12E.2(c), if Replacement Technology does not
23 exist, or if a department is unable to purchase Replacement Technology for an amount less than or
24 equal to 120% of the cost of the relevant Gas-Powered Landscaping Equipment.

1 (c) A temporary waiver under Section 12E.2(b) shall expire on February 1 of the calendar year
2 following the grant or renewal of the waiver. The Director shall renew a department's waiver under
3 Section 12E.2(b) to extend past that February 1 to the next February 1 if the department submits to the
4 Director no later than January 1 of the year in which the waiver is scheduled to expire written
5 documentation that establishes to the Director's satisfaction: (1) that the department has thoroughly
6 researched Replacement Technology available to replace Gas-Powered Landscaping Equipment in
7 performing required department functions; and (2) that Replacement Technology remains unavailable
8 to adequately perform one or more identified required functions of the department for which the
9 department currently uses Gas-Powered Landscaping Equipment. The Director shall only renew a
10 waiver as to those specific, identified department functions for which the department documents to the
11 Director's satisfaction that Replacement Technology continues to be unavailable. There is no limit on
12 the number of waiver renewals the Director may grant.

13 (d) In the event of any conflict between this Chapter 12E and Section 4.14 of the Administrative
14 Code, this Chapter 12E shall govern.

15
16 **SEC. 12E.3. RULES AND REGULATIONS.**

17 The Director may adopt rules, regulations, and guidelines to implement this Chapter 12E.

18
19 Section 4. The Police Code is hereby amended by adding Article 21, consisting of
20 Sections 2101-2106, to read as follows:

21
22 **ARTICLE 21: BAN ON PUBLIC USE OF GAS-POWERED LANDSCAPING**
23 **EQUIPMENT.**

24 **SEC. 2101. DEFINITIONS.**

25 For purposes of this Article 21:

1 “City” means the City and County of San Francisco.

2 “Director” means the Director of the Department of the Environment, or the Director’s
3 designee.

4 “Gas-Powered Landscaping Equipment” means any equipment used for landscaping
5 maintenance that is powered by an internal combustion or rotary engine using gasoline, alcohol, or
6 other liquid or gaseous fluid, including but not limited to leaf blowers, string trimmers, hedge trimmers,
7 lawn edgers, push and riding lawn mowers, tractors, and chainsaws.

8 “Person” means any individual, firm, partnership, corporation, organization or any other
9 entity, but does not include the City, the State of California, the United States of America, or any
10 political subdivision of such entities. Person includes both the plural and singular.

11 “Replacement Technology” means landscaping equipment that is not Gas-Powered
12 Landscaping Equipment, and that is capable of performing one or more functions that Gas-Powered
13 Landscaping Equipment is capable of performing.

14
15 **SEC. 2102. PROHIBITIONS.**

16 Starting January 1, 2026, no Person shall do any of the following:

17 (a) operate Gas-Powered Landscaping Equipment in the City;

18 (b) operate or allow the operation of any Gas-Powered Landscaping Equipment on property
19 within the City that is owned by that Person;

20 (c) allow the operation of any Gas-Powered Landscaping Equipment within the City by an
21 employee or agent of a gardening, landscape maintenance, or similar service or business owned or
22 managed by that Person.

23
24 **SEC 2103. ADMINISTRATION AND ENFORCEMENT.**

1 *This Article 21 shall be administered and enforced by the Department of the Environment. The*
2 *Director may adopt regulations, guidelines, and forms to carry out the provisions and purposes of this*
3 *Article.*

4
5 **SEC. 2104. PENALTIES AND ENFORCEMENT.**

6 **(a) Enforcement Procedure.** *The Director shall issue an administrative citation for the*
7 *violation of Sections 2102(b) or (c) of this Article. The Director shall issue an administrative citation*
8 *for the violation of section 2102(a) only if the conduct in issue is related to, or also is, a violation of*
9 *section 2102(b) and/or 2102(c). Administrative Code Chapter 100, “Procedures Governing the*
10 *Imposition of Administrative Fines,” is hereby incorporated in its entirety, except as it relates to the*
11 *definition of a violation and the calculation of penalty amounts, addressed in Sections 2104(b) and (c)*
12 *of this Article 21. Administrative Code Chapter 100 shall govern the procedure for imposition,*
13 *enforcement, collection, and administrative review of administrative citations issued under this Article.*

14 **(b) Violations Subject to Penalties.** *For purposes of assessing penalties for violation of*
15 *Sections 2102(b) or 2102(c), each occasion in which a Person operates or allows the operation of Gas-*
16 *Powered Landscaping Equipment in violation of sections 2102(b) and/or (c) is a separate violation.*
17 *For continuing violations, a separate violation shall accrue for each day on which the operation*
18 *continues.*

19 **(c) Penalty Amounts.** *In setting the amount of the administrative penalty, which shall not*
20 *exceed \$1,000 per violation, the Director shall consider any one or more mitigating or aggravating*
21 *circumstances presented, including but not limited to the following: the persistence of the violation, the*
22 *willfulness of the violation, the length of time over which the violation occurred, and the assets,*
23 *liabilities, and net worth of the violator.*

24 **(d) Public Nuisance.** *Operation of any Gas-Powered Landscaping Equipment in violation of*
25 *this Article more than 10 days after issuance of a notice shall be a public nuisance.*

1
2 **SEC. 2105. PUBLIC EDUCATION CAMPAIGN.**

3 *The Director shall conduct outreach to businesses and individuals impacted by this Article 21*
4 *and Chapter 12E of the Administrative Code to inform them of these provisions, and of the buy-back*
5 *program described in Section 10.100-74(b)(ii) of the Administrative Code. In conducting this outreach*
6 *campaign, the Director shall partner with one or more San Francisco-based community organizations*
7 *that serve communities employed in the landscaping industry.*

8
9 **SEC. 2106. UNDERTAKING FOR THE GENERAL WELFARE.**

10 *In enacting and implementing this Article 21, the City is assuming an undertaking only to*
11 *promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an*
12 *obligation for breach of which it is liable in money damages to any person who claims that such breach*
13 *proximately caused injury.*

14
15 Section 5. Chapter 10, Article XIII, of the Administrative Code is hereby amended by
16 adding Section 10.100-74 to read as follows:

17
18 **SEC. 10.100-74. THE HEALTHIER, CLEANER, QUIETER COMMUNITIES FUND.**

19 *(a) Definitions. The terms “Gas-Powered Landscaping Equipment” and “Replacement*
20 *Technology” shall have the definitions set forth in section 2101 of the Police Code.*

21 *(b) Establishment of Fund. The Healthier, Cleaner, Quieter Communities Fund (the “Fund”)*
22 *is established as a category eight fund to receive monies collected for penalties and fees assessed for*
23 *violations of Police Code Article 21 requirements and regulations, and other monies appropriated or*
24 *donated to the Fund.*

1 (c) Administration and Use of Fund. The Department of the Environment (“Department”)
2 shall administer the Fund, and the Director of the Department (“Director”) shall adopt rules for the
3 distribution of monies in the Fund consistent with this Section 10.100-74. The Director shall use
4 monies from the Fund only for one or more of the following purposes:

5 (1) For purchasing of Replacement Technology needed by City departments to comply
6 with Section 12E.2 of the Administrative Code while continuing to perform their required City duties.

7 (2) To fund a “buy-back” program with the purpose of offsetting the cost to San
8 Francisco residents and businesses of transitioning from the use of Gas-Powered Landscaping
9 Equipment to the use of Replacement Technology. The Director shall initiate the buy-back program as
10 soon as funding for the program is available. The Director shall develop and publish criteria for
11 eligibility of individuals and businesses to participate in the buy-back program. The criteria shall
12 prioritize support for individuals and businesses that have demonstrated compliance with Article 21 of
13 the Police Code, businesses with two or more employees that have average gross receipts in the prior
14 five years that do not exceed \$2,500,000 and businesses and individuals that live, are based, or are
15 operating primarily in San Francisco neighborhoods scoring 50 or higher on the CalEnviroScreen
16 tool, compiled and maintained by the California Office of Environmental Health Hazard Assessment
17 and available on their website at www.oehha.gov/calenviroscreen, or equivalent tool approved by
18 California state or local governments to identify communities disproportionately burdened by
19 pollution.

20 (3) To fund the safe disposal of Gas-Powered Landscaping Equipment that is no longer
21 in use by City departments or that is provided by individuals or businesses participating in the buy-
22 back program.

23 (4) To fund the public education campaign described in section 2105 of the Police
24 Code.

1 Section 6. Severability. If any section, subsection, sentence, clause, phrase, or word
2 of this ordinance, or any application thereof to any person or circumstance, is held to be
3 invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision
4 shall not affect the validity of the remaining portions or applications of the ordinance. The
5 Board of Supervisors hereby declares that it would have passed this ordinance and each and
6 every section, subsection, sentence, clause, phrase, and word not declared invalid or
7 unconstitutional without regard to whether any other portion of this ordinance or application
8 thereof would be subsequently declared invalid or unconstitutional.

9
10 Section 7. Effective Date. This ordinance shall become effective 30 days after
11 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
12 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
13 of Supervisors overrides the Mayor's veto of the ordinance.

14
15 APPROVED AS TO FORM:
16 DAVID CHIU, City Attorney

17 By: **/S/ Sarah Crowley**
18 SARAH CROWLEY
19 Deputy City Attorney

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LEGISLATIVE DIGEST

[Administrative, Police Codes - Ban on Gas-Powered Landscaping Equipment]

Ordinance amending the Administrative Code and Police Code to 1) prohibit the City from using, or contracting for the use of, gas-powered landscaping equipment to perform a City function starting January 1, 2024, with temporary waivers for City departments that document to the satisfaction of the Director of the Department of the Environment (“Department”) the unavailability of needed technology to replace such equipment; 2) prohibit the use of gas-powered landscaping equipment in the City starting January 1, 2026, and penalize property owners and business owners and managers that violate that prohibition; 3) establish a buy-back program to assist owners of such equipment in transitioning away from its use; 4) require that the Department conduct a public education campaign regarding the gas-powered landscaping equipment ban and the buy-back program; 5) establish a fund to receive penalties collected for violation of the ban and other monies, to use for purchases of equipment for City departments to replace gas-powered landscaping equipment, for the buy-back program, for safe disposal of gas-powered landscaping equipment, and/or to fund the Department’s public education campaign; and 6) designate the Department to administer and enforce the Ordinance.

Existing Law

Administrative Code Section 4.14 prohibits City departments from using certain gasoline-powered landscaping equipment on “Spare the Air Days” or other days in which the Bay Area Air Quality Management District notifies the public of unhealthy levels of air pollution and requests that the public refrain from engaging in polluting activities.

Other than Administrative Code Section 4.14, there are currently no City laws that restrict or prohibit City or public use of gas-powered landscaping equipment.

Amendments to Current Law

This ordinance, titled the “Healthier, Cleaner, Quieter Communities Act,” would do the following:

- Starting on January 1, 2024, prohibit any City department from using or contracting for use of any “Gas-Powered Landscaping Equipment,” defined as “any equipment used for landscaping maintenance that is powered by an internal combustion or rotary engine using gasoline, alcohol, or other liquid or gaseous fluid, including but not limited to leaf blowers, string trimmers, hedge trimmers, lawn edgers, push and riding lawn mowers, tractors, and chainsaws.”

- Amend Administrative Code Section 4.14 to clarify that the provisions of this ordinance supersede that section in the event of any conflict.
- Starting on January 1, 2026, 1) prohibit any person from operating Gas-Powered Landscaping Equipment in the City, 2) prohibit any person from operating or allowing operation of such equipment on property in the City owned by that person, and 3) prohibit any person from allowing operation of such equipment in the City by an employee or agent of a gardening, landscape maintenance, or similar service or business owned or managed by that person. The ordinance would impose penalties on persons who violate the second and/or third categories of prohibitions.
- Create the Healthier, Cleaner, Quieter Communities Fund (“Fund”) in the Administrative Code as a category eight fund to receive monies collected from penalties and fees assessed for violations of the ordinance, and other monies appropriated or donated to the Fund.
- Direct that monies in the Fund be used only for one or more of the following four purposes: 1) to purchase Replacement Technology needed by City departments to comply with Section 12E.2 of the Administrative Code while continuing to perform their required City duties, 2) to fund a buy-back program with the purpose of offsetting the cost to San Francisco residents and businesses of transitioning from the use of Gas-Powered Landscaping Equipment to the use of Replacement Technology, 3) to fund the safe disposal of Gas-Powered Landscaping Equipment that is no longer in use by City departments or that is provided by individuals or businesses participating in the buy-back program, and/or 4) to fund the public education campaign described in section 2105 of the Police Code.
- Charge the Director of the Department of the Environment with responsibility for enforcing the prohibitions in the ordinance, administering the Fund, and conducting a public education campaign to inform impacted businesses and individuals about the prohibitions in the ordinance and about the buy-back program, in partnership with one or more community organizations.

Background Information

A number of California municipalities have enacted laws that limit or ban the use of gas-powered landscaping equipment. And in late 2021, California Governor Newsom signed into law AB 1346, which authorized the phasing out of the manufacture and sale of new gas-powered landscaping equipment in California, recognizing the harmful health and environmental impacts of this gas-powered equipment. Also in late 2021, the California Air Resources Board approved implementation measures for AB 1346 that will require most newly manufactured gas-powered landscaping equipment be zero emission starting in 2024. But these state measures do not regulate the use of gas-powered technologies even after the trigger dates, and they do not provide financial support for businesses or individuals seeking to transition to clean technologies.

Item 12 File 22-0199	Department: Department of the Environment
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EXECUTIVE SUMMARY

Legislative Objectives

- The proposed ordinance would (1) prohibit the City from using gas-powered landscaping equipment starting January 1, 2024, allowing for temporary waivers for City departments under certain conditions, and (2) prohibit the use of gas-powered landscaping equipment in the City starting January 1, 2026. The ordinance would also allow penalties of up to \$1,000 for each violation and establish a buy-back program for banned equipment.

Key Points

- We surveyed City departments to obtain equipment inventories that would be regulated by the proposed ordinance. Our office also consulted administrative survey data to estimate the number of landscapers in San Francisco.

Fiscal Impact

- The total estimated upfront cost of replacement technology for REC, MTA, PUC, DPW and AIR is \$16.5 million, and the total annual ongoing cost for these departments is estimated to be \$1.2 million, or \$49,000 less than the current cost of the gas-powered equivalents.
- Electrical charging infrastructure would need to be upgraded in order to provide sufficient charging capacity for the replacement equipment. REC staff estimate that the cost of bringing new primary electrical service to a site would be \$750,000 to \$1 million per site.
- The conversion costs for the landscaping industry are between \$2.4 million and \$10.4 million, offset by a decrease in industry expenses of \$0.4 to \$1.9 million annually. The survey data may undercount the number of landscapers so the actual industry cost may be higher.

Policy Consideration

- The proposed ordinance allows City departments to obtain a waiver from the equipment ban if replacement equipment is more than 120 percent of the existing equipment costs (a 20 percent increase). According to the California Air Resources Board, all battery powered equipment, except a lawn mower, costs more than 120 percent of existing gasoline powered equipment. If the ordinance is not amended to increase the threshold for the waiver, it will have minimal impact on City operations. In addition, the proposed ordinance’s waiver provisions do not account for infrastructure costs that may need to be incurred by departments or the useful life of existing equipment.
- The proposed ordinance does not include reporting requirements.

Recommendations

1. Amend the proposed ordinance to require the Department of the Environment to provide an annual report to the Board of Supervisors on implementation of the program for City departments and citywide, including replacement technology efforts; enforcement; the sources and uses of funds in the Healthier, Cleaner, Quieter Communities Fund; and outreach activities and outcomes. The reporting requirement should sunset after six years.
2. Approval of the proposed ordinance is a policy matter for the Board of Supervisors.

MANDATE STATEMENT

City Charter Section 2.105 states that all legislative acts shall be by ordinance, approved by a majority of the members of the Board of Supervisors.

BACKGROUND

Existing Local Regulations

Under Section 4.14 of the Administrative Code, City departments are prohibited from using polluting garden and utility equipment¹ on “Spare the Air Days” or other days in which the Bay Area Air Quality Management District notifies the public of unhealthy levels of air pollution and requests that the public refrain from engaging in polluting activities. Besides Section 4.14 of the Administrative Code, there are currently no City laws that restrict or prohibit City or public use of gas-powered landscaping equipment.

State Regulation

In November 2021, the State Legislature amended the Health and Safety Code to enable regulations to prohibit exhaust and evaporative emissions from new small off-road engines, including landscaping equipment, starting in January 2024 (AB 1346). Small off-road engines are 25.5 horsepower or less. The California Air Resources Board (CARB) is responsible for establishing the regulations, which are still under development. The State Budget Act of 2021 included \$30 million to offset transition costs for landscaping businesses, but the rules for awarding the funding have not been finalized as of this writing. In September 2021, CARB issued a Standardized Regulatory Impact Assessment for proposed small off-road engine exhaust and evaporative emission regulations, which estimated the cost to transition to zero emission alternatives.

DETAILS OF PROPOSED LEGISLATION

The proposed ordinance would:

- amend the Administrative and Police Code to (1) prohibit the City from using gas-powered landscaping equipment starting January 1, 2024, allowing for temporary waivers for City departments under certain conditions, and (2) prohibit the use of gas-powered landscaping equipment in the City starting January 1, 2026 and penalize property owners and business owners and managers that violate the prohibition;
- establish a buy-back program to offset the cost to City residents and businesses transitioning from the use of gas-powered landscaping equipment;

¹ "Polluting garden and utility equipment" means gasoline-powered equipment under 25 horsepower, including two-stroke and four-stroke models, such as, but not limited to, lawnmowers, leaf blowers, trimmers, weed whackers and jackhammers.

- require that the Department of the Environment (ENV) conduct a public education campaign;
- establish the Healthier, Cleaner, Quieter Communities Fund; and
- designate the Director of ENV with responsibility for enforcing the prohibitions in the ordinance, including penalties of up to \$1,000 per violation

Ban on City Use of Gas-Powered Landscaping Equipment and Temporary Waivers

Under the proposed ordinance, starting on January 1, 2024, City departments are prohibited from using or contracting for use of any gas-powered landscaping equipment. The Director of ENV would be able to grant a temporary waiver if departments demonstrate that no alternative technology exists or if alternatives cost more than 120 percent of the existing equipment. The temporary waiver would expire on February 1 of the calendar year following the grant or renewal of the waiver. There is no limit to the number of waiver renewals that could be granted.

Ban on Public Use of Gas-Powered Landscaping Equipment

Under the proposed ordinance, starting on January 1, 2026, use of gas-powered landscaping equipment would be banned within San Francisco. The ordinance would allow for fines on property owners who allow gas-powered equipment to be used on their property and on businesses whose staff or contractors use gas-powered equipment.

Penalties and Enforcement

The proposed ordinance outlines enforcement procedures for non-compliance including administrative citations and penalties. Under the proposed ordinance, in setting the administrative penalty amount (which would not exceed \$1,000 per violation), ENV would need to consider any one or more circumstances presented, including but not limited to the following: the persistence of the violation, the willfulness of the violation, the length of time over which the violation occurred, and the assets, liabilities, and net worth of the violator.

Healthier, Cleaner, Quieter Communities Fund and Buy-Back Program

The proposed ordinance would establish the Healthier, Cleaner, Quieter Communities Fund in the Administrative Code to: (1) receive funds collected for penalties and fees assessed for violations of the ordinance and other funds appropriated or donated to the fund and (2) use such funds only for the following purposes: purchases of equipment for City departments to replace gas-powered landscaping equipment, a buy-back program to offset the cost to City residents and businesses for transitioning from the use of gas-powered landscaping equipment, the safe disposal of gas-powered landscaping equipment that is no longer in use by City departments or that is provided by individuals or businesses participating in the buy-back program, and a public education campaign in partnership with one or more community organizations to inform impacted businesses and individuals about the proposed ordinance and the buy-back program.

Under the proposed ordinance, ENV is charged with developing criteria² for eligibility of individuals and businesses to participate in the buy-back program.

FISCAL IMPACT

City Department Replacement Technology Cost Estimates

As shown in Exhibit 1 below, the estimated total upfront cost of replacement technology for REC, MTA, PUC, DPW and AIR is \$16.5 million, and the total annual ongoing cost for these departments is estimated to be \$1.2 million, or \$49,000 less than the current cost of the gas-powered equivalents.

Our cost estimates are based on each department's asset inventory. For MTA, DPW, and AIR, upfront and ongoing cost per unit of zero-emission equipment were estimated based on data in the CARB analysis.^{3,4} Our estimates for REC and PUC equipment were based upfront estimates in vendor quotes provided by staff for their existing equipment, historical maintenance costs, and estimated ongoing costs for battery powered replacements.⁵

² Under the proposed ordinance, criteria would prioritize support for individuals and businesses that have demonstrated compliance with the ban on public use of gas-powered landscaping equipment, businesses with two or more employees that have average gross receipts in the prior five years that do not exceed \$2,500,000 and businesses and individuals that live, are based, or are operating primarily in San Francisco neighborhoods scoring 50 or higher on the CalEnviroScreen tool, compiled and maintained by the California Office of Environmental Health Hazard Assessment and available on their website at www.oehha.gov/calenviroscreen, or equivalent tool approved by California state or local governments to identify communities disproportionately burdened by pollution.

³ Upfront and ongoing cost per unit of zero-emission equipment are detailed in Table C-23 of the CARB report. According to the report, the costs are based on the median price of popular models as an estimate of the cost of professional-grade equipment owned by landscapers, non-landscaping businesses, and government entities, collectively referred to as professional users. These professional-grade equipment costs include enough batteries for the zero-emission equipment to operate for the relevant portion of a full eight-hour workday. The professional-grade zero-emission equipment are assumed to be cordless. Ongoing costs include gasoline, electricity, and maintenance costs.

⁴ Other types of gas-powered landscaping equipment that could not be categorized such as a chainsaw, lawn mower, leaf blower/vacuum, pump, riding mower, or trimmer/edger/brush cutter were not included in our cost estimates. This includes equipment such as a cultivator, woodchipper, rototiller, aerator, and power rake. In addition, similar types of equipment were categorized together, such as a weed eater and a trimmer/edger/brush cutter.

⁵ The cost estimates provided by PUC and REC staff assumed more intensive equipment use than the CARB analysis, which require additional batteries and charging units, increasing upfront and ongoing costs. In addition, certain equipment quotes were substantially more expensive than the cost estimates included in the CARB analysis. For example, the REC electric ride-on mower was \$42,217, but the CARB cost estimate for a ride-on mower was \$20,879.

Exhibit 1. Cost Estimates for Replacement Technology of Gas-Powered Landscaping Equipment for REC, MTA, DPW, PUC and AIR

Department	Upfront Costs	Current Ongoing Costs	Proposed Ongoing Costs	Change in Ongoing Costs
MTA	\$95,401	\$13,023	\$1,414	(\$11,609)
DPW	\$274,368	\$29,601	\$2,834	(\$26,767)
PUC	\$1,037,267	\$69,440	\$6,479	(\$62,961)
AIR	\$6,099	\$1,321	\$272	(\$1,048)
REC	\$15,130,679	\$1,124,515	\$1,177,558	\$53,043
Total Cost	\$16,543,814	\$1,237,900	\$1,188,558	(\$49,342)

Sources: BLA Analysis of asset inventory data provided by REC, MTA, DPW, PUC, AIR and CARB

For all departments included in our estimates except Recreation and Parks, higher upfront costs for zero emission equipment are offset by lower operating costs. REC estimates that actual lifetime costs of zero emission equipment are higher than some gasoline counterparts due to ongoing battery replacements.

The costs in Exhibit 1 includes estimates for landscaping equipment and utility carts. The City may incur additional costs if more zero emission equipment alternatives are developed, expanding the set equipment covered by the proposed ordinance.

Additional Infrastructure Costs

According to REC, electrical charging infrastructure would need to be upgraded in order to provide sufficient charging capacity for the replacement equipment. REC estimates that the cost of bringing new primary electrical service to a site would be \$750,000 to \$1 million per site.

Estimated Costs of Citywide Buyback Program

Under the proposed ordinance, the City would fund a “buy-back” program to offset the cost of transitioning to zero emission equipment. To estimate the potential costs of the buy-back program for landscaping businesses, we used CARB’s estimated costs for a one-person⁶ landscaping business converting to zero-emission equipment⁷ and the number of landscaping services business establishments in the City.⁸ According to Census survey data, there are 85 landscaping business in San Francisco with a total of 464 employees (or an average of 5.5 employees per business). According to the Bureau of Labor Statistics, there were 11,230 landscaping and groundskeeping workers in the San Francisco-Oakland-Hayward metropolitan region in May 2021. Based on San Francisco’s proportional population within the region, we

⁶ The costs assume a one-person landscaping business that has purchased a lawn mower, leaf blower, hedge trimmer, chainsaw, and string trimmer at 2023 prices.

⁷ Transition costs for landscapers are detailed in Table C-24 of the CARB report.

⁸ U.S. Census Bureau County Business Patterns data, 2019

estimate there are 2,021 landscaping workers in San Francisco. We use both data points to estimate a range of possible industry transition costs.

As shown in Exhibit 2 below, we estimated conversion costs to be between \$2.4 million and \$10.4 million and a decrease in industry expenses of \$0.4 to \$1.9 million annually. The survey data may undercount the number of landscapers so the actual industry conversion costs may be higher.

Exhibit 2. Landscaping Industry Economic Impact

	Low	High
Upfront Costs	\$2,389,359	\$10,409,159
Current Ongoing Costs	\$492,026	\$2,143,493
Proposed Ongoing Costs	\$50,706	\$220,899
Change in Ongoing Costs	(\$441,320)	(\$1,922,594)

Sources: BLA Analysis of CARB data, U.S. Census Bureau County Business Patterns data, and Bureau of Labor Statistics data

The \$30 million provided by the FY 2021 State Budget Act for landscaper transition costs is likely insufficient to cover actual transition costs for these businesses. Local funding is likely necessary to offset industry transition costs.

Under the proposed ordinance, City departments are prohibited from contracting with vendors that use gas-powered landscaping equipment unless a temporary waiver is granted. Cost estimates shown in Exhibit 2 includes City landscaping businesses that contract with City departments.

Exhibit 2 does not include any personal gasoline powered equipment owned by residents for private use.

Staffing and Contractor Estimates for Proposed Ordinance

ENV staff report that additional staff and contractor resources will be needed to implement the proposed ordinance. As shown in Exhibit 3 below, for the first year of the program, this includes a new 5642 Senior Program Coordinator, starting in January 2023, to plan and manage implementation of the proposed ordinance for City departments, and \$200,000 for a contracted community-based organization (CBO) to conduct outreach to businesses and individuals impacted by the proposed ordinance.

Exhibit 3: ENV Staffing and Contractor Estimates, FY 2022-23 & FY 2023-24

	FY 2022-23	FY 2023-24
5642 Senior Program Coordinator	\$138,062	\$288,134
Outreach Contractors	\$100,000	\$100,000
Total	\$238,062	\$388,134

Source: ENV, BLA

In addition, ENV staff estimate that a 6120 Environmental Health Inspector would be necessary starting in 2026 once enforcement activities begin. Other enforcement costs include \$50,000 in

work orders to relevant City departments for running appeals hearings annually, to 311 for fielding complaints, and \$75,000 for continued outreach. In total, costs beyond FY 2024-25 may be \$875,000 annually. Actual program staffing and costs are subject to Board of Supervisors appropriations.

Disposal Costs

Under the proposed ordinance, the Healthier, Cleaner, Quieter Communities Fund will also fund the safe disposal of gas-powered landscaping equipment that is no longer in use by City departments or that is provided by individuals or businesses participating in the buy-back program. According to ENV, estimated safe disposal costs are \$207 per ton at Recology’s Tunnel Road⁹ if the equipment can be handled as appliances. Based on the equipment inventories reported by departments, we estimate disposal costs of \$42,000 for City equipment. If the equipment is deemed hazardous waste, disposal costs would be higher.

POLICY CONSIDERATION

Waivers

The proposed ordinance allows City departments to obtain a waiver from the proposed equipment ban if replacement equipment is more than 120 percent of the existing equipment costs (a 20 percent increase). As shown below, according to CARB, all battery powered equipment, except a lawn mower and the trimmer/edger/brush cutter, costs more than 120 percent of existing gasoline powered equipment. Upfront costs for electric equipment may be higher if additional battery and charging stations are required for intensive or remote use. If the ordinance is not amended to increase the threshold for the waiver, it would have minimal impact on City operations.

Exhibit 4: Gasoline vs Electric Equipment Costs

Type of equipment	Gasoline Powered	Electric	Cost Increase
Chainsaw	\$391	\$690	77%
Generator Set	\$5,305	\$6,819	29%
Lawn Mower	\$1,409	\$1,016	-28%
Leaf Blower/Vacuum	\$477	\$1,723	261%
Corded Pressure Washer	\$1,171	\$3,037	159%
Pump	\$455	\$590	30%
Riding Mower	\$11,337	\$20,879	84%
Trimmer/Edger/Brush Cutter	\$1,626	\$1,432	-12%

Source: CARB

⁹ Recology’s Tunnel Road is a recycling buyback facility.

In addition, the proposed ordinance's waiver provisions do not account for infrastructure costs that may need to be incurred by departments or the useful life of existing equipment.

Reporting Requirements

The proposed ordinance does not include reporting requirements; therefore, we recommend that ENV be required to report annually to the Board of Supervisors on implementation of the program for City departments and citywide, including replacement technology efforts, enforcement, the sources and uses of funds in the Healthier, Cleaner, Quieter Communities Fund, and outreach activities and outcomes. The reporting requirement should sunset after six years.

RECOMMENDATIONS

1. Amend the proposed ordinance to require the Department of the Environment to provide an annual report to the Board of Supervisors on implementation of the program for City departments and citywide, including replacement technology efforts, enforcement, the sources and uses of funds in the Healthier, Cleaner, Quieter Communities Fund, and outreach activities and outcomes. The reporting requirement should sunset after six years.
2. Approval of the proposed ordinance is a policy matter for the Board of Supervisors.

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Chief William Scott, Police Department
Deborah Raphael, Director, Department of the Environment
Tom Paulino, To all City Departments via the Mayor's Office

FROM: Victor Young, Assistant Clerk *Victor Young*

DATE: March 7, 2022

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Rules Committee received the following proposed legislation:

File No. 220199

Ordinance amending the Administrative Code and Police Code to 1) prohibit the City from using, or contracting for the use of, gas-powered landscaping equipment to perform a City function starting January 1, 2024, with temporary waivers for City departments that document to the satisfaction of the Director of the Department of the Environment ("Department") the unavailability of needed technology to replace such equipment; 2) prohibit the use of gas-powered landscaping equipment in the City starting January 1, 2026, and penalize property owners and business owners and managers that violate that prohibition; 3) establish a buy-back program to assist owners of such equipment in transitioning away from its use; 4) require that the Department conduct a public education campaign regarding the gas-powered landscaping equipment ban and the buy-back program; 5) establish a fund to receive penalties collected for violation of the ban and other monies, to use for purchases of equipment for City departments to replace gas-powered landscaping equipment, for the buy-back program, for safe disposal of gas-powered landscaping equipment, and/or to fund the Department's public education campaign; and 6) designate the Department to administer and enforce the Ordinance.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: victor.young@sfgov.org.

cc: Lisa Ortiz, Police Department
Lili Gamero, Police Department
Diana Oliva-Aroche, Police Department

Sgt. Stacy Youngblood , Police Department
Joseph Sweiss, Dept. of the Environment
Charles Sheehan, Dept. of the Environment
Anthony Valdez, Dept. of the Environment
Andres Power, Mayor's Office

President, District 10
BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. 554-6516
Fax No. 554-7674
TDD/TTY No. 544-6546

Shamann Walton

PRESIDENTIAL ACTION

Date: 3/17/2022

To: Angela Calvillo, Clerk of the Board of Supervisors

Madam Clerk,
Pursuant to Board Rules, I am hereby:

Waiving 30-Day Rule (Board Rule No. 3.23)

File No. _____

(Primary Sponsor)

Title. _____

Transferring (Board Rule No 3.3)

File No. _____

220199

Melgar

(Primary Sponsor)

Title. Administrative, Police Codes - Ban on Gas-Powered Landscaping
Equipment

From: Rules

Committee

To: Budget & Finance

Committee

Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor: _____

Replacing Supervisor: _____

For: _____

(Date)

(Committee)

Meeting

Start Time: _____

End Time: _____

Temporary Assignment: Partial Full Meeting



Shamann Walton, President
Board of Supervisors



March 29, 2022

City and County of San Francisco
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
San Francisco, CA. 94102

Subject: Opposition to Administrative, Police Codes - Ban on Gas-Powered Landscaping Equipment

Dear City and County of San Francisco Board of Supervisors:

On behalf of the Golf Course Superintendents Association of Northern California (GCSANC) and our member facilities in the City and County of San Francisco, please accept the following comments in opposition to Administrative, Police Codes – Ban on Gas-Powered Landscaping Equipment.

California Assembly Bill 1346 and the recent amendments by the California Air Resources Board (CARB) that will require most newly manufactured small off-road engines such as those found in leaf blowers, lawn mowers and other equipment be zero emission starting in 2024 (with no future restrictions on gas-powered equipment purchased before Jan. 1, 2024) should not supplant city/county ordinances.

San Francisco golf facilities are end users of many of the products that will be affected by the complete curtail of gasoline powered equipment 25-hp and under starting in 2024 (city and county property) and 2026 (all City and County of San Francisco). Some of these products used on golf courses include chainsaws (<45cc), handheld grass and hedge trimmers, handheld and backpack leaf blowers, handheld pole pruners, handheld and ground supported edger's, walk behind and riding greens mowers, select fairway mowers, generators, verti-cutting and aerator units and pressure washers.

While select pieces of zero emission equipment (ZEE) may meet commercial needs by January of 2024, numerous others will not; they will require considerable additional technological tweaking before they are likely to meet the "fit for intended use" standard. The current ZEE available to commercial users poses infrastructure and cost/performance issues including limited battery life (frequent recharges), charging infrastructure challenges, durability/shelf-life problems, lack of maintenance support, and incapacity (power of ZEE) to complete large golf course maintenance and landscape tasks.

From a cost perspective, a complete transition is a significant impediment for the golf and landscape industry, specifically to undertake in less than two years. Data from manufacturers shows that commercial ZEE can have an upfront cost of as much as 2 to 4 times that of their gas-powered counterparts:

- One popular manufacturer's commercial-grade electric leaf blower retails for approximately \$350 - \$400, similar to the same manufacturer's gas-powered

2235 Park Towne Cir., 2nd Floor
Sacramento, CA 95825
(916) 485-6364
www.gcsanc.com

unit. However, to use this electric leaf blower for an entire workday requires the purchase of extra batteries and chargers thus, driving the up-front cost to exceed \$2,000.

- One of the most popular commercial gas-powered riding mowers cost ranges from approximately \$10,000 to \$11,000 while its ZEE counterpart cost starts at approximately \$21,000 (all prices MSRP).
- A commercial grade gas-powered string trimmer from a leading manufacturer starts at \$329 but a commercial grade battery-powered unit from the same manufacturer (including the extra batteries and chargers needed to complete a day's work) exceeds \$1,000.

Even more problematic, the majority of these commercial ZEE products are currently not available due to issues with technology, manufacturing/supply chain and delivery infrastructure caused by the Covid 19 pandemic and current political strife, and the repair of commercial grade ZEE equipment is woefully inadequate to service the future needs of large landscape users.

GCSANC understands the need to develop an emission reduction strategy to reduce pollution and noise in the state. As a commercial user, we recognize that the green industry will continue to move to lines of zero emission equipment in the future and that these lines offer numerous benefits, including healthier working environments, lower maintenance costs, reduced noise, reduced environmental impacts and reduced fuel costs.

However, the technology and ability to mass produce and deliver this equipment and completely replace gasoline-powered equipment 25 hp and under by Jan. 1, 2024, on city owned property and Jan. 1, 2026, on private property is not feasible for commercial end users.

GCSANC requests that the City and County of San Francisco follow the rulemaking process introduced by CARB on Dec. 9, 2021, that bans the manufacturing and sale of most small off-road engines by Jan. 1, 2024, but continues to allow use for those products manufactured and sold (including used equipment purchases) before that date. This will allow golf course superintendents and other commercial end users the opportunity to continue to use their current equipment while starting the process of integrating ZEE into their operations as it becomes more technologically feasible and available.

We thank you for your time and consideration and please let us know if you would like to speak with a superintendent in the San Francisco area to discuss the potential implications of this ordinance on the success of their operation.

Sincerely,



Marc Connerly, Executive Director

**2235 Park Towne Cir., 2nd Floor
Sacramento, CA 95825
(916) 485-6364
www.gcsanc.com**

From: [Paul Wermer](#)
To: [Jalipa, Brent \(BOS\)](#); [Ronen, Hillary](#); [Safai, Ahsha \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Melgar, Myrna \(BOS\)](#)
Cc: [Imperial, Megan \(BOS\)](#); [Chan, Connie \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Haney, Matt \(BOS\)](#)
Subject: Support with amendments for FILE NO. 220199 The Healthier, Cleaner, Quieter Communities Act
Date: Friday, April 22, 2022 12:07:11 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Budget & Finance Committee,

I would like to thank Supervisor Melgar and cosponsors, Supervisors Mar, Haney, Chan and Stefani, for introducing The Healthier, Cleaner, Quieter Communities Act.

The findings speak for themselves - though perhaps go too easy on the adverse health impacts from air quality degradation and excessive noise. The ordinance requirements are reasonable and beneficial, and should reduce the operating cost to the landscaping companies.

The outreach by Supervisor Melgar's office has been excellent, and in particular very responsive to questions and concerns.

We are all agreed that there are adverse health impacts. Given that, all effort should be made to implement as soon as is practical. For this reason I request 2 changes:

Request 1: Currently the language exempts agreements contemplated before 1/1/2024. Sec 12E1, Definitions, p5, line 18 excludes "Agreements advertised, solicited, or initiated" before 1/1/2024. This means that any multi-year contract where discussion began in 2022 or 2023 is exempt for the term of the contract, even if that contract is signed in 2024. This is a matter that the City has full control over, and I urge this date be 1/1/23, with the full understanding that any limitation on the use of gas powered equipment does not occur before 1/1/24. This ensures any person contemplating a contract with the city in 2023 understands that they must transition fully to electric equipment by 1/1/24. This is ample time for any company to convert, and the directors power to grant exemptions should be able to resolve problems.

Request 2: Sec 2102, p8, line 16 implements the ban on privet use 1/1/2026. Please pull in the Police Code implementation to 1/1/2025 – we do not need 3 years to educate the public, and much of the publicity informing home owners and small businesses will be forgotten by 2025. It would be even better if the buyback or exchange program commenced in FY2023/24, to enable landscaping contractors to fully convert as soon as possible.

Sincerely,
Paul

--
Paul Wermer

2309 California St
San Francisco, CA 94115

paul@pw-sc.com

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Subject:

The text is listed:

Ordinance amending the Administrative Code and Police Code to 1) prohibit the City from using, or contracting for the use of, gas-powered landscaping equipment to perform a City function starting January 1, 2024, with temporary waivers for City departments that document to the satisfaction of the Director of the Department of the Environment ("Department") the unavailability of needed technology to replace such equipment; 2) prohibit the use of gas-powered landscaping equipment in the City starting January 1, 2026, and penalize property owners and business owners and managers that violate that prohibition; 3) establish a buy-back program to assist owners of such equipment in transitioning away from its use; 4) require that the Department conduct a public education campaign regarding the gas-powered landscaping equipment ban and the buy-back program; 5) establish a fund to receive penalties collected for violation of the ban and other monies, to use for purchases of equipment for City departments to replace gas-powered landscaping equipment, for the buy-back program, for safe disposal of gas-powered landscaping equipment, and/or to fund the Department's public education campaign; and 6) designate the Department to administer and enforce the ordinance.

Signature of Sponsoring Supervisor: /s/Myrna Melgar

For Clerk's Use Only