

File No. 220199

Committee Item No. 1

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Budget and Finance Committee Date September 14, 2022

Board of Supervisors Meeting Date _____

Cmte Board

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OTHER (Use back side if additional space is needed)

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Department of the Environment Presentation 4/27/2022</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Referral FYI - ENV, POL, City Departments - 3/7/2022</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Presidential Memo - Transfer LUT to BFC 3/17/2022</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Presidential Memo - Temporary Membership BFC - 4/27/2022</u> |
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Completed by: Brent Jalipa Date September 8, 2022

Completed by: Brent Jalipa Date _____

[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 City from contracting for the use of gas-powered landscaping equipment to perform a City function starting January 1, 2024, with waivers for City departments that document to the satisfaction of the Purchaser the necessity of such waiver; 3) prohibit the use of gas-powered landscaping equipment in the City starting January 1, 2026, except such equipment for which the Department determines replacement technology is unavailable, and penalize property owners and business owners and managers that violate that prohibition; 4) establish a buy-back and/or incentive program (“Buy-Back Program”) to assist owners of such equipment in transitioning away from its use; 5) require that the Department conduct a public education campaign regarding the gas-powered landscaping equipment ban and the ~~buy-back program~~Buy-Back Program; 6) 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~~Buy-Back Program, for safe disposal of gas-powered landscaping equipment, and/or to fund the Department’s public education campaign; and 7) designate the Department to administer and enforce the ordinance; and 8) require the Department to report to the Board of Supervisors by March 31 of each year on progress over the prior calendar year in enforcing the restrictions on gas-powered landscaping equipment,

conducting the public education campaign, administering the Buy-Back Program, and using the monies in the fund.

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

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

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

Section 2. Findings.

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

(b) **Health Impacts from Toxics Emissions.** Gas-powered landscaping equipment emits high levels of toxic pollutants, small particulates, nitrogen oxides, carbon monoxide, and Volatile Organic Compounds (VOCs). These emissions pose health risks for the public at large, and pose heightened health risks for operators of this equipment due to their close proximity to the exhaust outlets during operations. Exposure to high levels of VOCs increases the risk of developing cancer and other serious health conditions. Exposure to nitrogen oxides has been associated with cardiopulmonary effects, decreased lung function

1 growth in children, respiratory symptoms, emergency room visits for asthma, intensified
2 allergic responses, and premature death. Exposure to small particulates may negatively
3 affect lung and heart function and may aggravate asthma and increase the risk of death from
4 COVID-19. Small particulate matter emitted by gas-powered landscaping equipment may be
5 particularly likely to cause health impacts beyond equipment operators because particles may
6 remain suspended in the air for hours to days unless removed by precipitation or another
7 force.

8 (c) **Environmental Impacts from Toxics Emissions.** San Francisco's 2021
9 Climate Action Plan set a goal of net-zero emissions Citywide by 2040, in recognition of the
10 urgent need to curb global warming. This ordinance is an important part of meeting that goal.
11 Air pollutants emitted by gas-powered landscaping equipment contribute significantly to
12 accelerating global warming, which is causing climatic instability, widespread extinctions and
13 resultant biodiversity loss, social unrest, and heightened conflict. The pollution emitted from a
14 gas-powered leaf blower for one hour is equivalent to the pollution generated from driving an
15 internal combustion engine car 1100 miles, less than the distance from San Francisco to
16 Santa Fe. The pollution emitted from a gas-powered lawn mower for one hour is equivalent to
17 the pollution generated from driving an internal combustion engine car 300 miles, less than
18 the distance from San Francisco to Santa Barbara.

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

1 (d) **Health Impacts from Noise.** Gas-powered landscaping equipment – in
2 particular, leaf blowers – is extremely noisy in comparison to non-gas-powered equivalents.
3 The average gas-powered leaf blower generates 70-75 decibels of noise at a distance of 50
4 feet, well above the 55 decibels the World Health Organization has recommended as a
5 maximum level for outdoor noise. As with air pollution, the noise impact of gas-powered
6 landscaping equipment is significantly higher for the operators of the equipment, given their
7 proximity to the motor, increasing operators' risk for negative health impacts. The high noise
8 levels generated by gas-powered leaf blowers and other gas-powered landscaping equipment
9 have been documented to cause serious health effects that include hearing loss, stress,
10 cardiovascular problems, gastrointestinal distress, and sleep loss.

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

19
20 Section 3. The Administrative Code is hereby amended by revising Section 4.14 in
21 Chapter 4, and by adding Chapter 12E, consisting of Sections 12E.1-~~12E.3~~12E.4, to read as
22 follows:

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

24 (a) For purposes of this Section 4.14, "polluting garden and utility equipment" means
25 gasoline-powered equipment under 25 horsepower, including two-stroke and four-stroke

1 models, such as, but not limited to, lawnmowers, leaf blowers, trimmers, weed whackers and
2 jackhammers. Except as otherwise provided in this Section, no City department ~~of the City and~~
3 ~~County of San Francisco~~ shall use polluting garden and utility equipment on "Spare the Air
4 Days" or other days in which the Bay Area Air Quality Management District notifies the public
5 of unhealthy levels of air pollution and requests that the public refrain from engaging in
6 polluting activities. The prohibition on the use of polluting garden and utility equipment shall
7 not apply to an employee whose supervisor, in accordance with written departmental
8 procedures, has exempted the employee from the prohibition on a specified day. The
9 department head of each department that uses polluting garden and utility equipment shall
10 establish procedures for informing employees about the prohibition on use and authorizing
11 exemption requests.

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

15 * * * *

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

17 **SEC. 12E.1. DEFINITIONS.**

18 For purposes of this Chapter 12E:

19 "City" means the City and County of San Francisco.

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

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

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

2 "Contracting Department" means the City department, office, board, commission, or other
3 City agency that enters into a Contract on behalf of the City.

4 "Contracting Officer" shall mean the department head or designee of the department
5 head.

6 "Contractor" means any corporation, partnership, individual, sole proprietorship, joint
7 venture, or other legal entity or combination thereof, which enters into a Contract with the City.

8 "Director" means the director of the Department of the Environment, or the Director's
9 designee.

10 "Gas-Powered Landscaping Equipment" has the meaning set forth in Section 2101 of the
11 Police Code, as may be amended from time to time.

12 "Replacement Technology" has the meaning set forth in Section 2101 of the Police Code, as
13 may be amended from time to time.

14
15 **SEC. 12E.2. BAN ON CITY USE OF GAS-POWERED LANDSCAPING EQUIPMENT;**
16 **WAIVERS.**

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

21 (b) **Waivers.** The Director shall grant a temporary waiver of the prohibition on using Gas-

22 Powered Landscaping Equipment in requirements of Section 12E.2(a) to a City department with

23 respect to Gas-Powered Landscaping Equipment that the Director finds is needed to perform

24 one or more required functions of the department and for which the Director determines that

25 Replacement Technology is unavailable. ~~that submits to the Director written documentation~~

1 that establishes to the Director's satisfaction: (1) that the department has thoroughly
2 researched Replacement Technology available to replace Gas-Powered Landscaping
3 Equipment in performing required department functions; and (2) that Replacement
4 Technology is currently unavailable to adequately perform one or more identified required
5 functions of the department for which the department currently uses Gas-Powered
6 Landscaping Equipment. The Director shall waive the prohibition in Section 12E.2(a) only as to
7 solely with respect to those specific, identified departmental functions for which the department
8 documents to the Director's satisfaction that Replacement Technology is unavailable. Replacement
9 Technology shall be deemed to be "unavailable" for purposes of this waiver, and for purposes of any
10 renewal of the waiver under Section 12E.2(c), if Replacement Technology does not exist, or if a
11 department is unable to purchase Replacement Technology for an amount less than or equal to
12 420300% of the cost of the relevant equivalent Gas-Powered Landscaping Equipment, taking into
13 account up-front costs, including electrical infrastructure supporting Replacement Technology,
14 and operating costs over a one-year period for the Gas-Powered Landscaping Equipment and
15 equivalent Replacement Technology. Inclusion of Gas-Powered Landscaping Equipment on
16 the Exempt Gas-Powered Landscaping Equipment List, described in Section 2103 of the
17 Police Code, shall constitute a determination by the Director that Replacement Technology is
18 unavailable with respect to the listed equipment.

19 (c) **Waiver renewals.** A temporary waiver granted under Section 12E.2(b) shall expire on
20 February 1March 31 of the calendar year following the grant or renewal of the waiver. The Director
21 shall renew a department's waiver under Section 12E.2(b) to extend past that February 1March 31 to
22 the next February 1March 31 if the Director determines that the Gas-Powered Landscaping
23 Equipment that is the subject of the waiver remains necessary to perform one or more
24 required functions of the department and determines that Replacement Technology for such
25 equipment remains unavailable. department submits to the Director no later than January 1 of

1 the year in which the waiver is scheduled to expire written documentation that establishes to
2 the Director's satisfaction: (1) that the department has thoroughly researched Replacement
3 Technology available to replace Gas-Powered Landscaping Equipment in performing required
4 department functions; and (2) that Replacement Technology remains unavailable to
5 adequately perform one or more identified required functions of the department for which the
6 department currently uses Gas-Powered Landscaping Equipment. The Director shall only
7 renew a waiver as to those specific, identified department functions for which the department
8 documents to the Director's satisfaction that Replacement Technology continues to be
9 unavailable. *There is no limit on the number of waiver renewals the Director may grant.*

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

12
13 **SEC. 12E.3. BAN ON USE OF GAS-POWERED LANDSCAPING EQUIPMENT IN**
14 **CITY CONTRACTS; WAIVERS.**

15 (a) Starting January 1, 2024, no City department may enter into a Contract, the
16 performance of which could involve the use of Gas-Powered Landscaping Equipment, that
17 does not prohibit the use of Gas-Powered Landscaping Equipment.

18 (b) Waivers. The Purchaser, in consultation with the Director, shall waive the
19 prohibition in Section 12E.3(a) under one or more of the following circumstances:

20 (1) The Contracting Officer determines that needed services under the applicable
21 Contract are available only from one source pursuant to applicable provisions of the
22 Administrative Code, and the source lacks the capability to perform the needed services
23 without the use of Gas-Powered Landscaping Equipment; or

24 (2) The Contracting Officer determines, pursuant to applicable provisions of the
25 Administrative Code, that the Contract is necessary to respond to an emergency which

1 endangers the public health or safety, and no entity is capable of responding to the
2 emergency and is immediately available to perform the required services while complying with
3 the prohibition in Section 12E.3(a); or

4 (3) The Contracting Officer determines that there are no qualified responsive
5 bidders or prospective vendors that are capable of complying and willing to comply with the
6 prohibition in Section 12E.3(a); and the Contract is for a service or project that is essential to
7 the City or the public; or

8 (4) The Contracting Officer determines that the public interest warrants the
9 granting of a waiver because application of the prohibition in Section 12E.3(a) would have an
10 adverse impact on the provision of City services to the public or a substantial adverse
11 financial impact on the City; or

12 (5) The Contracting Officer determines that the services to be purchased are
13 available under a bulk purchasing arrangement with a federal, state, or local governmental
14 entity or a group purchasing organization; and the purchase under such arrangement will
15 substantially reduce the City's cost of purchasing such services, and is in the best interest of
16 the City; or

17 (6) The Contracting Officer determines that adhering to the prohibition in Section
18 12E.3(a) would violate or be inconsistent with the terms or conditions of a grant, subvention,
19 or agreement with a public agency or the instructions of an authorized representative of any
20 such agency with respect to any such grant, subvention, or agreement, provided that the
21 Contracting Officer has made a good faith attempt to change the terms or conditions of any
22 such grant, subvention, or agreement to permit adherence to the prohibition; or

23 (7) The Contracting Officer determines that Gas-Powered Landscaping Equipment
24 is needed to perform one or more required contractual objectives, and the Director has
25 determined that Replacement Technology is unavailable for that Gas-Powered Landscaping

1 Equipment. Replacement Technology shall be deemed to be “unavailable” for purposes of this
2 waiver if Replacement Technology does not exist, or if the party with the obligation to provide
3 relevant equipment under the Contract is unable to purchase Replacement Technology for an
4 amount less than or equal to 300% of the cost of the equivalent Gas-Powered Landscaping
5 Equipment, taking into account up-front costs, including electrical infrastructure supporting
6 Replacement Technology, and operating costs over a one-year period for the Gas-Powered
7 Landscaping Equipment and equivalent Replacement Technology. Inclusion of Gas-Powered
8 Landscaping Equipment on the Exempt Gas-Powered Landscaping Equipment List, described
9 in Section 2103 of the Police Code, shall constitute a determination by the Director that
10 Replacement Technology is unavailable with respect to the listed equipment.

11 (c) Waivers granted to departments under Section 12E.3(b) for Contracts shall expire
12 on the end date of the Contract.

13 (d) The waiver authority granted to Contracting Officers in Section 12E.3(b) shall be
14 subject to the following requirements:

15 (1) All proposed waivers must be submitted for approval to the Purchaser. All
16 proposed waivers must set forth the reasons the Contracting Officer is requesting the waiver,
17 and the steps that were taken to find any entity that complies with this Chapter 12E.

18 (2) The Purchaser shall report to the Director annually all such waivers granted,
19 within 30 days of the end of the fiscal year.

20 (e) In the event of any conflict between this Chapter 12E and Section 4.14 of the
21 Administrative Code, this Chapter 12E shall govern.

22
23 **SEC. 12E.43. RULES AND REGULATIONS.**

24 The Director may adopt rules, regulations, and guidelines to implement this Chapter 12E.
25

1 Section 4. The Police Code is hereby amended by adding Article 21, consisting of
2 Sections 2101-21062108, to read as follows:

3
4 **ARTICLE 21: BAN ON PUBLIC USE OF GAS-POWERED LANDSCAPING**
5 **EQUIPMENT.**

6 **SEC. 2101. DEFINITIONS.**

7 *For purposes of this Article 21:*

8 *“City” means the City and County of San Francisco.*

9 *“Department” means the Department of the Environment.*

10 *“Director” means the Director of the Department of the Environment, or the Director’s*
11 *designee.*

12 *“Gas-Powered Landscaping Equipment” means any Small Off-Road Equipment equipment*
13 *used for landscaping maintenance that is powered by an internal combustion or rotary engine using*
14 *gasoline, alcohol, or other liquid or gaseous fluid, including but not limited to leaf blowers, string*
15 *trimmers, hedge trimmers, lawn edgers, push and riding lawn mowers, tractors, and*
16 *chainsaws.*

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

20 *“Replacement Technology” means landscaping equipment that is not Gas-Powered*
21 *Landscaping Equipment, and that is capable of performing performs the core function(s)*
22 *performed by equivalent one or more functions that Gas-Powered Landscaping Equipment is*
23 *capable of performing.*

24 *“Small Off-Road Equipment” has the meaning set forth in Title 13, Division 3, Chapter*
25 *9, Article 1 of the California Code of Regulations, as may be amended from time to time.*

1
2 **SEC. 2102. PROHIBITIONS.**

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

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

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

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

10
11 **SEC. 2103. EXEMPT GAS-POWERED LANDSCAPING EQUIPMENT LIST.**

12 (a) The Department shall compile a list of Gas-Powered Landscaping Equipment for
13 which Replacement Technology is unavailable. This list shall be called the Exempt Gas-
14 Powered Landscaping Equipment List. Replacement Technology shall be deemed to be
15 “unavailable” for purposes of this list if Replacement Technology does not exist, or if the
16 Replacement Technology cannot be purchased for an amount less than or equal to 300% of
17 the cost of the equivalent Gas-Powered Landscaping Equipment, taking into account up-front
18 costs, including electrical infrastructure supporting Replacement Technology, and operating
19 costs over a one-year period for the Gas-Powered Landscaping Equipment and equivalent
20 Replacement Technology. As appropriate, the Department may specify on the list limited
21 circumstances in which Replacement Technology for particular Gas-Powered Landscaping
22 Equipment is unavailable, such that Gas-Powered Landscaping Equipment may be used.
23 The Department shall review the list at least annually and make any necessary changes.

1 (b) Notwithstanding Section 2102, Gas-Powered Landscaping Equipment included on
2 the Exempt Gas-Powered Landscaping Equipment List may be used subject to any limitations
3 stated on that list so long as the equipment remains on the list.
4

5 **SEC. ~~2103~~2104. ADMINISTRATION AND ENFORCEMENT.**

6 *This Article 21 shall be administered and enforced by the Department of the Environment. The*
7 *Director may adopt regulations, guidelines, and forms to carry out the provisions and purposes of this*
8 *Article.*
9

10 **SEC. ~~2104~~2105. PENALTIES AND ENFORCEMENT.**

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

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

24 *(c) **Penalty Amounts.** In setting the amount of the administrative penalty, which shall not*
25 *exceed \$1,000 per violation, the Director shall consider any one or more mitigating or aggravating*

1 circumstances presented, including but not limited to the following: the persistence of the violation, the
2 willfulness of the violation, the length of time over which the violation occurred, and the assets,
3 liabilities, and net worth of the violator.

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

6
7 **SEC. 24052106. PUBLIC EDUCATION CAMPAIGN.**

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

13
14 **SEC. 2107. REPORT TO THE BOARD OF SUPERVISORS.**

15 The Director shall provide a written report to the Board of Supervisors no later than
16 March 31 of each year in which the Director describes the progress over the prior calendar
17 year on implementation of this Article 21, including enforcement efforts and the public
18 education campaign, on implementation of the restrictions on City use of Gas-Powered
19 Landscaping Equipment in Chapter 12E of the Administrative Code, on administration of the
20 Buy-Back Program as described in Section 10.100-74(c)(2) of the Administrative Code, and
21 on all uses of the funds in the Healthier, Cleaner, Quieter Communities Fund under Section
22 10.100-74 of the Administrative Code.

23
24 //

25 //

1 **SEC. ~~2406~~2108. UNDERTAKING FOR THE GENERAL WELFARE.**

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

6
7 Section 5. Chapter 10, Article XIII, of the Administrative Code is hereby amended by
8 adding Section 10.100-74 to read as follows:

9
10 **SEC. 10.100-74. THE HEALTHIER, CLEANER, QUIETER COMMUNITIES FUND.**

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

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

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

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

23 _____ *(2) To fund a “buy-back” and/or incentive program (“Buy-Back Program”) with the*
24 *purpose of offsetting the cost to San Francisco residents and businesses of transitioning from the use of*
25 *Gas-Powered Landscaping Equipment to the use of Replacement Technology. The Director shall*

1 initiate the ~~buy-back program~~Buy-Back Program as soon as funding for the program is available.
2 The Director shall develop and publish criteria for eligibility of individuals and businesses to
3 participate in the ~~buy-back program~~Buy-Back Program. The criteria shall prioritize support for
4 individuals and businesses that have demonstrated compliance with Article 21 of the Police Code,
5 businesses with two or more employees that have average gross receipts in the prior five years that do
6 not exceed \$2,500,000 and businesses and individuals that live, are based, or are operating primarily
7 in San Francisco neighborhoods scoring 50 or higher on the CalEnviroScreen tool, compiled and
8 maintained by the California Office of Environmental Health Hazard Assessment and available on their
9 website at www.oehha.gov/calenviroscreen, or equivalent tool approved by California state or local
10 governments to identify communities disproportionately burdened by pollution.

11 (3) To fund the safe disposal of Gas-Powered Landscaping Equipment that is no longer
12 in use by City departments or that is provided by individuals or businesses participating in the ~~buy-~~
13 ~~back program~~Buy-Back Program.

14 (4) To fund the public education campaign described in section ~~2405~~2106 of the Police
15 Code.

16
17 Section 6. Severability. If any section, subsection, sentence, clause, phrase, or word
18 of this ordinance, or any application thereof to any person or circumstance, is held to be
19 invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision
20 shall not affect the validity of the remaining portions or applications of the ordinance. The
21 Board of Supervisors hereby declares that it would have passed this ordinance and each and
22 every section, subsection, sentence, clause, phrase, and word not declared invalid or
23 unconstitutional without regard to whether any other portion of this ordinance or application
24 thereof would be subsequently declared invalid or unconstitutional.

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

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: /S/ Sarah Crowley
SARAH CROWLEY
Deputy City Attorney

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REVISED LEGISLATIVE DIGEST
(Amended in Committee, 4/27/2022)

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

Ordinance amending the Administrative Code and Police Code to 1) prohibit the City from using 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 City from contracting for the use of gas-powered landscaping equipment to perform a City function starting January 1, 2024, with waivers for City departments that document to the satisfaction of the Purchaser the necessity of such waiver; 3) prohibit the use of gas-powered landscaping equipment in the City starting January 1, 2026, except such equipment for which the Department determines replacement technology is unavailable, and penalize property owners and business owners and managers that violate that prohibition; 4) establish a buy-back and/or incentive program (“Buy-Back Program”) to assist owners of such equipment in transitioning away from its use; 5) require that the Department conduct a public education campaign regarding the gas-powered landscaping equipment ban and the Buy-Back Program; 6) 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; 7) designate the Department to administer and enforce the ordinance; and 8) require the Department to report to the Board of Supervisors by March 31 of each year on progress over the prior calendar year in enforcing the restrictions on gas-powered landscaping equipment, conducting the public education campaign, administering the Buy-Back Program, and using the monies in the fund.

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:

- Define “Gas-Powered Landscaping Equipment” as any equipment that meets the state law definition of Small Off-Road Equipment, set forth in Title 13, Division 3, Chapter 9, Article 1 of the California Code of Regulations, and that is powered by an internal combustion or rotary engine using gasoline, alcohol, or other liquid or gaseous fluid.
- Starting on January 1, 2024, prohibit any City department from using any Gas-Powered Landscaping Equipment, except to the extent that the Director of the Department of the Environment (“Director”) waives the prohibition based on a finding that technology to replace the relevant Gas-Powered Landscaping Equipment (“Replacement Technology”) is unavailable, either because it does not exist or is cost-prohibitive, and that the department seeks to use the equipment to perform a required function of the department.
- Starting on January 1, 2024, prohibit any City department from entering into a contract, the performance of which could involve the use of Gas-Powered Landscaping Equipment, that does not prohibit the use of such equipment, unless the Purchaser, in consultation with the Director, waives this prohibition, based on various considerations.
- 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. These prohibitions use of Gas-Powered Landscaping Equipment by members of the public would not apply with respect to Gas-Powered Landscaping Equipment for which the Department of the Environment has determined that Replacement Technology is unavailable, as reflected on the Exempt Gas-Powered Landscaping Equipment List compiled by the department.
- 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, granting waivers of the prohibitions in the

ordinance to qualifying City departments, compiling and updating the Exempt Gas-Powered Landscaping Equipment List, 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.

* * * * *

The original ordinance was introduced on March 1, 2022. The Budget and Finance Committee amendments, introduced in committee on April 27, 2022, make the following changes:

- *Amend the definition of Gas-Powered Landscaping Equipment from “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” to “any Small Off-Road Equipment [as defined in Title 13, Division 3, Chapter 9, Article 1 of the California Code of Regulations] that is powered by an internal combustion or rotary engine using gasoline, alcohol, or other liquid or gaseous fluid.” The amended definition excludes certain equipment included in the prior definition, such as riding lawn mowers and tractors, and includes certain equipment that was excluded from the prior definition, including certain generators and pumps.*
- *Add a process for the Department of the Environment to waive the prohibition on use of Gas-Powered Landscaping Equipments by City departments that can demonstrate that Replacement Technology is unavailable for the relevant equipment, and that the equipment is needed to perform a required department function.*
- *Change the meaning of “unavailable” with respect to Replacement Technology to mean that either such technology does not exist, or is not available for purchase for an amount less than or equal to 300% of the costs of equivalent Gas-Powered Landscaping Equipment, taking into account up-front costs, including electrical infrastructure supporting Replacement Technology, and operating costs over a one-year period for the Gas-Powered Landscaping Equipment and equivalent Replacement*

Technology. The prior version of the ordinance defined “unavailable” as with respect to Replacement Technology to mean that either such technology does not exist, or is not available for purchase for an amount less than or equal to 120% of the costs of equivalent Gas-Powered Landscaping Equipment. The prior version did not specify that the costs could include up-front costs, including infrastructure supporting Replacement Technology, and operating costs over a one-year period.

- *Add a process for the Purchaser to waive the requirement that City contractors be prohibited from using Gas-Powered Landscaping Equipment if Replacement Technology is unavailable, or if the Purchaser determines that certain other criteria are met.*
- *Add a requirement that the Department of the Environment to compile and update an Exempt Gas-Powered Landscaping Equipment List that will include Gas-Powered Landscaping Equipment for which the Department of the Environment has determined Replacement Technology is unavailable.*
- *Add an exemption from the prohibition on members of the public using Gas-Powered Landscaping Equipment starting January 1, 2026, for uses of equipment included on the Exempt Gas-Powered Landscaping Equipment List.*

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| Item 1 File 22-0199 <i>(Continued from May 11, 2022)</i> | Department: Department of the Environment |
| EXECUTIVE SUMMARY | |
| <p style="text-align: center;">Legislative Objectives</p> <ul style="list-style-type: none"> The proposed ordinance would (1) prohibit the City from using small off-road equipment (up to 25 horsepower) starting January 1, 2024, allowing for temporary waivers for City departments under certain conditions, and (2) prohibit the use small off-road equipment (up to 25 horsepower) in the City starting January 1, 2026 and penalize property owners and business owners and managers that violate the prohibition. <p style="text-align: center;">Key Points</p> <ul style="list-style-type: none"> 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. <p style="text-align: center;">Fiscal Impact</p> <ul style="list-style-type: none"> The total estimated upfront cost of replacement technology for REC, MTA, PUC, DPW and AIR is \$10.4. million, and the total annual ongoing cost for these departments is estimated to be \$1.1 million, or \$75,000 more than the current cost of the gas-powered equivalents. Our estimated \$10.4 million in upfront costs in this report are lower than the \$16.5 million estimated in our prior report because the proposed legislation was amended to change the definition of equipment subject to the ban, which now excludes diesel powered equipment, such as certain ride-on mowers. Such engines, which comprise less than 10 percent of small off-road engines, are regulated by the Federal Clean Air Act, which preempts State and Local regulation. 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 could be as high as \$750,000 to \$1 million per site, if trenching, conduit, and new electric circuits need to be installed. 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. <p style="text-align: center;">Policy Consideration</p> <ul style="list-style-type: none"> The proposed ordinance was amended in the April 27, 2022 Budget & Finance Committee meeting to continue to allow the City and the public to use gasoline powered equipment if the cost of new technology is more than 300 percent of existing technology costs, including upfront, infrastructure, and change in operating costs. Incorporating infrastructure costs may extend the transition from using gasoline powered equipment, but also reduces the financial impact on City users and the public. <p style="text-align: center;">Recommendation</p> <ul style="list-style-type: none"> 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 defined by State code as 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 small off-road equipment (up to 25 horsepower) starting January 1, 2024, allowing for temporary waivers for City departments under certain conditions, and (2) prohibit the use small off-road equipment (up to 25 horsepower) 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 Public Use of Gas-Powered Landscaping Equipment

Under the proposed ordinance, starting on January 1, 2026, use of small off-road equipment (up to 25 horsepower) 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 banned gas-powered equipment.

Waivers

The ban on City and public use of gasoline powered equipment may be waived by ENV if the replacement technology does not exist or if its costs are more than 300 percent of the existing equipment, including the cost of new equipment, infrastructure costs, and change in annual operating costs. ENV will maintain a list of gasoline powered equipment that is exempt from the ban. The ban on City contracts that require use of gasoline powered equipment may also be waived by the Office of Contract Administration under certain conditions.

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) purchase equipment for City departments and the public to replace gas-powered equipment, the safe disposal of gas-powered equipment, and a public education campaign. Under the proposed ordinance, ENV is charged with developing criteria² for eligibility of individuals and businesses to participate in the buy-back program.

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

Reporting Requirements

The proposed ordinance requires that ENV report annually to the Board of Supervisors on implementation of the program for City departments, the buy-back program, enforcement and education efforts, and uses of funds in the Healthier, Cleaner, Quieter Communities Fund.

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 \$10.4. million, and the total annual ongoing cost for these departments is estimated to be \$1.1 million, or \$75,000 more than the current cost of the gas-powered equivalents. Our estimated upfront costs in this report are lower than the \$16.5 million estimated in our prior report because the proposed legislation was amended to change the definition of equipment subject to the ban, which now excludes diesel powered equipment, such as certain ride-on mowers. Such engines, which comprise less than 10 percent of small off-road engines, are regulated by the Federal Clean Air Act, which preempts State and Local emission regulation.

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

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 | \$8,971,312 | \$960,043 | \$1,136,977 | \$176,934 |
| Total Cost | \$10,384,446 | \$1,073,429 | \$1,147,977 | \$74,549 |

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 staff, 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 could be as high as \$750,000 to \$1 million per site to trench, lay new conduit, and install new electric circuits.

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 include 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: 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 approval.

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 \$4,600 for City equipment. If the equipment is deemed hazardous waste, disposal costs would be higher.

POLICY CONSIDERATION

Amended Legislation

The proposed ordinance was amended in the April 27, 2022 Budget & Finance Committee to: (1) specify that the equipment subject to the ban is small off-road equipment, as defined in Title 13, Division 3, Chapter 9, Article 1 of the California Code of Regulations, (2) require ENV to maintain a list of gasoline powered equipment that may continue to be used by the public, (3) allow the Purchaser to provide a waiver for City contractors, (4) increases the waiver threshold for the City users and the list of allowable gasoline equipment from 120 percent to 300 percent of new costs, which now include upfront, infrastructure, and change in operating costs, and (5) at the recommendation of the Budget & Legislative Analyst, require annual reporting to the Board of Supervisors.

The new waiver provision, which now incorporates infrastructure costs in assessing the transition cost of ceasing use of small off-road equipment, may extend the transition from using gasoline powered equipment but also reduces the financial impact on City users and the public.

RECOMMENDATION

Approval of the proposed ordinance is a policy matter for the Board of Supervisors.

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

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| Item 1 File 22-0199 <i>(Continued from 5/4/22)</i> | Department: Department of the Environment |
| EXECUTIVE SUMMARY | |
| <p style="text-align: center;">Legislative Objectives</p> <ul style="list-style-type: none"> The proposed ordinance would (1) prohibit the City from using small off-road equipment (up to 25 horsepower) starting January 1, 2024, allowing for temporary waivers for City departments under certain conditions, and (2) prohibit the use small off-road equipment (up to 25 horsepower) in the City starting January 1, 2026 and penalize property owners and business owners and managers that violate the prohibition. <p style="text-align: center;">Key Points</p> <ul style="list-style-type: none"> 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. <p style="text-align: center;">Fiscal Impact</p> <ul style="list-style-type: none"> The total estimated upfront cost of replacement technology for REC, MTA, PUC, DPW and AIR is \$10.4. million, and the total annual ongoing cost for these departments is estimated to be \$1.1 million, or \$75,000 more than the current cost of the gas-powered equivalents. Our estimated \$10.4 million in upfront costs in this report are lower than the \$16.5 million estimated in our prior report because the proposed legislation was amended to change the definition of equipment subject to the ban, which now excludes diesel powered equipment, such as certain ride-on mowers. Such engines, which comprise less than 10 percent of small off-road engines, are regulated by the Federal Clean Air Act, which preempts State and Local regulation. 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 could be as high as \$750,000 to \$1 million per site, if trenching, conduit, and new electric circuits need to be installed. 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. <p style="text-align: center;">Policy Consideration</p> <ul style="list-style-type: none"> The proposed ordinance was amended in the April 27, 2022 Budget & Finance Committee meeting to continue to allow the City and the public to use gasoline powered equipment if the cost of new technology is more than 300 percent of existing technology costs, including upfront, infrastructure, and change in operating costs. Incorporating infrastructure costs may extend the transition from using gasoline powered equipment, but also reduces the financial impact on City users and the public. <p style="text-align: center;">Recommendation</p> <ul style="list-style-type: none"> 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 defined by State code as 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 small off-road equipment (up to 25 horsepower) starting January 1, 2024, allowing for temporary waivers for City departments under certain conditions, and (2) prohibit the use small off-road equipment (up to 25 horsepower) 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 Public Use of Gas-Powered Landscaping Equipment

Under the proposed ordinance, starting on January 1, 2026, use of small off-road equipment (up to 25 horsepower) 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 banned gas-powered equipment.

Waivers

The ban on City and public use of gasoline powered equipment may be waived by ENV if the replacement technology does not exist or if its costs are more than 300 percent of the existing equipment, including the cost of new equipment, infrastructure costs, and change in annual operating costs. ENV will maintain a list of gasoline powered equipment that is exempt from the ban. The ban on City contracts that require use of gasoline powered equipment may also be waived by the Office of Contract Administration under certain conditions.

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) purchase equipment for City departments and the public to replace gas-powered equipment, the safe disposal of gas-powered equipment, and a public education campaign. Under the proposed ordinance, ENV is charged with developing criteria² for eligibility of individuals and businesses to participate in the buy-back program.

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

Reporting Requirements

The proposed ordinance requires that ENV report annually to the Board of Supervisors on implementation of the program for City departments, the buy-back program, enforcement and education efforts, and uses of funds in the Healthier, Cleaner, Quieter Communities Fund.

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 \$10.4. million, and the total annual ongoing cost for these departments is estimated to be \$1.1 million, or \$75,000 more than the current cost of the gas-powered equivalents. Our estimated upfront costs in this report are lower than the \$16.5 million estimated in our prior report because the proposed legislation was amended to change the definition of equipment subject to the ban, which now excludes diesel powered equipment, such as certain ride-on mowers. Such engines, which comprise less than 10 percent of small off-road engines, are regulated by the Federal Clean Air Act, which preempts State and Local emission regulation.

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

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 | \$8,971,312 | \$960,043 | \$1,136,977 | \$176,934 |
| Total Cost | \$10,384,446 | \$1,073,429 | \$1,147,977 | \$74,549 |

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 staff, 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 could be as high as \$750,000 to \$1 million per site to trench, lay new conduit, and install new electric circuits.

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 include 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: 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 \$4,600 for City equipment. If the equipment is deemed hazardous waste, disposal costs would be higher.

POLICY CONSIDERATION

Amended Legislation

The proposed ordinance was amended in the April 27, 2022 Budget & Finance Committee to: (1) specify that the equipment subject to the ban is small off-road equipment, as defined in Title 13, Division 3, Chapter 9, Article 1 of the California Code of Regulations, (2) require ENV to maintain a list of gasoline powered equipment that may continue to be used by the public, (3) allow the Purchaser to provide a waiver for City contractors, (4) increases the waiver threshold for the City users and the list of allowable gasoline equipment from 120 percent to 300 percent of new costs, which now include upfront, infrastructure, and change in operating costs, and (5) at the recommendation of the Budget & Legislative Analyst, require annual reporting to the Board of Supervisors.

The new waiver provision, which now incorporates infrastructure costs in assessing the transition cost of ceasing use of small off-road equipment, may extend the transition from using gasoline powered equipment but also reduces the financial impact on City users and the public.

RECOMMENDATION

Approval of the proposed ordinance is a policy matter for the Board of Supervisors.

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

| | |
|---|---|
| Item 1 File 22-0199 <i>(Continued from 4/27/22)</i> | Department: Department of the Environment |
| EXECUTIVE SUMMARY | |
| Legislative Objectives | |
| <ul style="list-style-type: none"> The proposed ordinance would (1) prohibit the City from using small off-road equipment (up to 25 horsepower) starting January 1, 2024, allowing for temporary waivers for City departments under certain conditions, and (2) prohibit the use small off-road equipment (up to 25 horsepower) in the City starting January 1, 2026 and penalize property owners and business owners and managers that violate the prohibition. | |
| Key Points | |
| <ul style="list-style-type: none"> 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 | |
| <ul style="list-style-type: none"> The total estimated upfront cost of replacement technology for REC, MTA, PUC, DPW and AIR is \$10.4. million, and the total annual ongoing cost for these departments is estimated to be \$1.1 million, or \$75,000 more than the current cost of the gas-powered equivalents. Our estimated \$10.4 million in upfront costs in this report are lower than the \$16.5 million estimated in our prior report because the proposed legislation was amended to change the definition of equipment subject to the ban, which now excludes diesel powered equipment, such as certain ride-on mowers. 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 could be as high as \$750,000 to \$1 million per site, if trenching, conduit, and new electric circuits need to be installed. 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 | |
| <ul style="list-style-type: none"> The proposed ordinance was amended in the April 27, 2022 Budget & Finance Committee meeting to continue to allow the City and the public to use gasoline powered equipment if the cost of new technology is more than 300 percent of existing technology costs, including upfront, infrastructure, and change in operating costs. Incorporating infrastructure costs may extend the transition from using gasoline powered equipment, but also reduces the financial impact on City users and the public. | |
| Recommendation | |
| <ul style="list-style-type: none"> 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 defined by State code as 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 small off-road equipment (up to 25 horsepower) starting January 1, 2024, allowing for temporary waivers for City departments under certain conditions, and (2) prohibit the use small off-road equipment (up to 25 horsepower) 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 Public Use of Gas-Powered Landscaping Equipment

Under the proposed ordinance, starting on January 1, 2026, use of small off-road equipment (up to 25 horsepower) 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 banned gas-powered equipment.

Waivers

The ban on City and public use of gasoline powered equipment may be waived by ENV if the replacement technology does not exist or if its costs are more than 300 percent of the existing equipment, including the cost of new equipment, infrastructure costs, and change in annual operating costs. ENV will maintain a list of gasoline powered equipment that is exempt from the ban. The ban on City contracts that require use of gasoline powered equipment may also be waived by the Office of Contract Administration under certain conditions.

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) purchase equipment for City departments and the public to replace gas-powered equipment, the safe disposal of gas-powered equipment, and a public education campaign. Under the proposed ordinance, ENV is charged with developing criteria² for eligibility of individuals and businesses to participate in the buy-back program.

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

Reporting Requirements

The proposed ordinance requires that ENV report annually to the Board of Supervisors on implementation of the program for City departments, the buy-back program, enforcement and education efforts, and uses of funds in the Healthier, Cleaner, Quieter Communities Fund.

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 \$10.4. million, and the total annual ongoing cost for these departments is estimated to be \$1.1 million, or \$75,000 more than the current cost of the gas-powered equivalents. Our estimated upfront costs in this report are lower than the \$16.5 million estimated in our prior report because the proposed legislation was amended to change the definition of equipment subject to the ban, which now excludes diesel powered equipment, such as certain ride-on mowers.

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

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 | \$8,971,312 | \$960,043 | \$1,136,977 | \$176,934 |
| Total Cost | \$10,384,446 | \$1,073,429 | \$1,147,977 | \$74,549 |

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 staff, 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 could be as high as \$750,000 to \$1 million per site to trench, lay new conduit, and install new electric circuits.

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 include 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: 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 \$4,600 for City equipment. If the equipment is deemed hazardous waste, disposal costs would be higher.

POLICY CONSIDERATION

Amended Legislation

The proposed ordinance was amended in the April 27, 2022 Budget & Finance Committee to: (1) specify that the equipment subject to the ban is small off-road equipment, as defined in Title 13, Division 3, Chapter 9, Article 1 of the California Code of Regulations, (2) require ENV to maintain a list of gasoline powered equipment that may continue to be used by the public, (3) allow the Purchaser to provide a waiver for City contractors, (4) increases the waiver threshold for the City users and the list of allowable gasoline equipment from 120 percent to 300 percent of new costs, which now include upfront, infrastructure, and change in operating costs, and (5) at the recommendation of the Budget & Legislative Analyst, require annual reporting to the Board of Supervisors.

The new waiver provision, which now incorporates infrastructure costs in assessing the transition cost of ceasing use of small off-road equipment, may extend the transition from using gasoline powered equipment but also reduces the financial impact on City users and the public.

RECOMMENDATION

Approval of the proposed ordinance is a policy matter for the Board of Supervisors.

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

| | |
|--|---|
| Item 12 File 22-0199 | Department: Department of the Environment |
| EXECUTIVE SUMMARY | |
| <p style="text-align: center;">Legislative Objectives</p> <ul style="list-style-type: none"> 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. <p style="text-align: center;">Key Points</p> <ul style="list-style-type: none"> 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. <p style="text-align: center;">Fiscal Impact</p> <ul style="list-style-type: none"> 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. <p style="text-align: center;">Policy Consideration</p> <ul style="list-style-type: none"> 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. <p style="text-align: center;">Recommendations</p> <ol style="list-style-type: none"> 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. 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.



SF Environment

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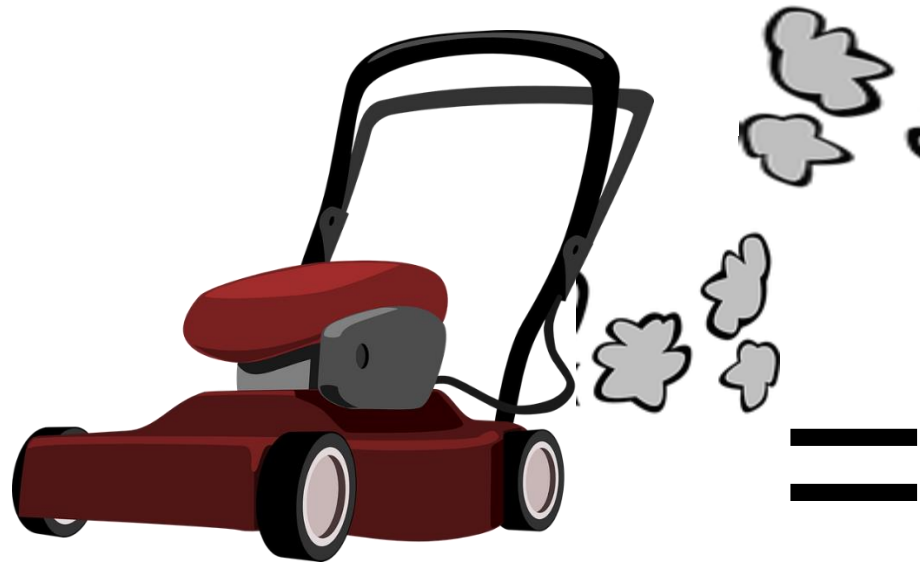
A Department of the City and County of San Francisco

Gas-Powered Equipment Ban

Tyrone Jue, Acting Director



Smog-forming emissions



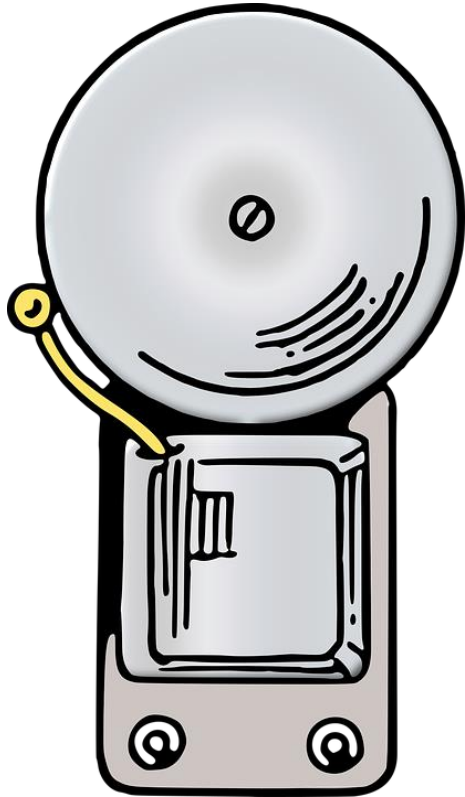
1 hour of operation

=



Driving 300 miles

Noise



Fire alarm – 97 decibels



Lawn mower – 94 decibels

Both harmful to human and environmental health



Benefits



- ✓ Less smog-forming emissions
- ✓ Less noise



Burdens



- ✓ High cost to transition to Zero Emissions Equipment
- ✓ Challenging worker population to reach
 - Marginalized, immigrant, BIPOC, many may not speak English as a primary language





In-Scope Equipment

Common < 25 horsepower spark-ignition engines

- Edgers
- Hedge trimmers
- Lawn mowers
- Leaf blowers
- String trimmers



Limited waiver process

Current language for City Departments only

- If electric equipment does not exist
- If cost of replacement is more than 300%, including
- Up-front costs
- Electrical infrastructure
- One-year operating costs

Budgeting

City Department Ban
effective Jan 1 2024

Public Ban effective
Jan 1 2026



| Item | FY 2022-23 | FY 23-24 | FY 24-25 | FY 25-26 | FY 26-27 |
|---|---|---|---|---|---|
| Program Coordinator | \$276,770 (salary, benefits, overhead) | \$281,774 (salary, benefits, overhead) | \$286,746 (salary, benefits, overhead) | \$292,007 (salary, benefits, overhead) | \$297,459 (salary, benefits, overhead) |
| CBO engagement | \$50,000 | \$50,000 | \$50,000 | \$50,000 | \$10,000 |
| Outreach campaign | | \$100,000 | \$100,000 | \$75,000 | \$75,000 |
| Transition to Zero Emissions Equipment Fund | | \$2,500,000 | \$2,500,000 | \$2,500,000 | \$2,500,000 |
| Gas-powered equipment disposal | | \$25,000 (est) | \$25,000 (est) | \$25,000 (est) | |
| Enforcement Inspector | | | | \$299,523 | 302,578 |
| Work Orders (311 Appeals) | | | | \$50,000 | \$50,000 |

Thank you!



Tyrone Jue

Acting Director

SF Department of the Environment

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Tyrone.Jue@sfgov.org



SF Environment

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A Department of the City and County of San Francisco

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From: [Richard Harris Jr.](#)
To: [Jalipa, Brent \(BOS\)](#); [RonenStaff \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Marstaff \(BOS\)](#); [Melgar, Myrna \(BOS\)](#)
Cc: [MelgarStaff \(BOS\)](#); [ChanStaff \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Haneystaff \(BOS\)](#); [Board of Supervisors, \(BOS\)](#); [Ginsburg, Phil \(REC\)](#); [Teahan, Kevin \(REC\)](#); [Summers, Ashley \(REC\)](#); ["Marc Connerly"](#); [Andersen, Eric \(REC\)](#); [Jue, Tyrone \(ENV\)](#); [Chu, Carmen \(ADM\)](#); ashley.graffenberger@sfgov.org
Subject: Budget & Finance Committee Mtg. May 11; Item 1, File No. 22-0199; Ban on Gas-Powered Landscaping Equipment; SF Public Golf Alliance Supplemental Opposition
Date: Friday, May 6, 2022 10:46:15 AM

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Budget & Finance Committee Mtg. May 11; Item 1, File No. 22-0199; Ban on Gas-Powered Landscaping Equipment; SF Public Golf Alliance Supplemental Opposition

Dear Budget & Finance Committee and Members

Supplementing our previously-filed Opposition and Supplemental Opposition letters on file with the Committee, **we submit, below, partial copy of a May 3 e-mail from California Air Resources Board** staff, with link to a CARB memo entitled "[SORE - List to Determine Preempt Off-Road Applications](#)". **As noted by CARB Staff, "riding mowers are not on the list of preempt equipment."**

From: Fibiger, Dorothy@ARB <dorothy.fibiger@arb.ca.gov>

Sent: Tuesday, May 3, 2022 3:06 PM

Subject: RE: Riding mowers - 25hp & under

Riding mowers are not on the list of preempt equipment, which can be found here:
<https://ww2.arb.ca.gov/sore-list-determine-preempt-road-applications>. Please let me know if you have further questions.

Best,
Dorothy

Please confirm receipt of this note, include this note in the Public Record of the Budget Committee's May 11 public hearing, and circulate to the Committee members in advance of the meeting.

Thank you, and
Best Regards

Richard Harris

San Francisco Public Golf Alliance

1370 Masonic Avenue

San Francisco, CA 94117-4012

Phone: (415) 290-5718



May 2, 2022

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

Subject: Opposition to File 22-0199, Admin., Police Codes - Ban on Gas-Powered Landscaping Eqpt.
Budget Committee, May 4, 2022, Item No. 1

Dear Supervisors and Budget and Finance Committee members:

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 strong opposition to Administrative, Police Codes – Ban on Gas-Powered Landscaping Equipment. This supplements our previously submitted letter to the Board dated March 29, 2022.¹

While we understand the need to develop an emission reduction strategy to reduce pollution and noise in the state, it was apparent at the April 27, 2022, Budget and Finance Committee hearing that the ordinance relies on unsupported and unproven data/assumptions/costs and lacks sufficient evidence of technical feasibility.

As stated by several committee members at the hearing, the cost of charging stations and batteries has not been addressed by the ordinance and it was noted that there is no expectation in the Mayor's current budget plans for next four years to address those expenses. Many variables are involved in purchase, design, and buildout of these requisite charging stations, but they can run in excess of a \$1 million and can require re-wiring the entire building. There can also be significant fire and air quality safety issues with charging stations that need to be addressed.

The ordinance was amended at the April 27 Budget Committee meeting to allow waivers if replacement technology does not exist or if a department is unable to purchase replacement equipment for an amount less than or equal to 300 percent of the cost of the equivalent. While this amendment does provide some flexibility, the costs to get to this determination should be stated and broken down into financial detail including the up-front costs to purchase, continual operating costs including batteries and particularly the increase in labor that will be required to efficiently use zero emission equipment.

¹ Letter, GCSAANC to SF Supervisors, Budget Cttee, Oppo.File22-0199, 3.29.22:
<https://drive.google.com/file/d/1tW794DZv5UIZwcjKmwGAecEQSf-Zgqhh/view?usp=sharing>

Additionally, a buy-back program as well as a safe disposal program are discussed in the ordinance, but no financial disclosure on either program is available. A complete transition to zero emission equipment in less than two years on city owned property and less than four years on private property will be a significant financial impediment. It will be potentially devastating to privately owned landscaping entities.

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 \$350 - \$400, similar to the same manufacturer's gas-powered 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.
- According to a survey conducted by the California Landscape Contractors Association and the National Association of Landscape Professionals, an average crew size of 3 would need a total of 34 batteries to complete tasks for 20 lawns not including a riding lawnmower which would not have the charge to complete that task. Batteries also will need to be replaced every 300-500 charge cycles which means they would need to be replaced at least a minimum of one-time during the lifespan of the product. The battery estimate is based on lawns, not large commercial landscapes, so the above example would be conservative for large properties².

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 current zero emission equipment does not currently meet the "fit for intended use" standard for large landscapes such as parks, golf courses, cemeteries, and sports fields.

²NALP created an advisory group of larger national landscape companies. This group provided NALP with a range of data and technical guidance and the information in this table are conservative estimations. This scenario is based more off residential services as they are simpler to model based on quarter acre lots. The reality is that total batteries needed is likely higher in exclusive commercial and larger settings where landscape services are performed.

We have numerous concerns on certain pieces of equipment for which there are no or extremely limited zero emissions alternatives. Walking aerators (ex. Toro ProCore 648 – no alternatives to our knowledge), bunker rakes, walk behind mowers, hover mowers and numerous spray units will create hardships for large landscape users, including golf facilities. The wait time to acquire these pieces of zero emission equipment (if alternative is even manufactured) currently exceeds 14 months in most cases.

Other Issues include:

- The power is just not comparable yet
- Difficult to use exclusively on large scale commercial and governmental jobs like parks, golf courses, HOAs, resorts, business parks and other public and commercial green spaces
- Requires too many batteries to conduct their job function in an efficient manner
- Charging issues in the field and in the workshop
- Durability concerns
- Batteries are too heavy
- Cannot mow slopes on riding mowers because of the weight issue of currently available mowers makes them unstable.
- Mow times are longer, and batteries cannot last a full workday
- Leaf removal during seasonal changes is difficult
- Debris removal to mitigate fire spread is significantly more difficult
- Lack of dealers and maintenance shops to support transition
- Batteries are not interchangeable between brands

These issues are evident in the current eight percent adoption rate by professional landscape companies (CARB/CSUF Study).

We share the City and County of San Francisco's ultimate goal to reduce emissions, but it needs to be done in a practical and responsible manner while mitigating financial and safety concerns. It is not a one size fits all approach when it comes to zero emission equipment. 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 all property is not feasible for commercial and governmental department 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 while conducting an in-depth analysis which will assist in establishing a more realistic timeframe for implementation of this ordinance.

This will allow commercial and governmental department end users, including public and private golf course superintendents, 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.

Sincerely,

Marc Connerly

Marc Connerly
Executive Director
Golf Course Superintendents Association of Northern California
2235 Park Towne Cir., 2nd Floor
Sacramento, CA 95825
C: (916) 214-6495

cc:

Phil Ginsburg, Gen. Mgr., San Francisco Recreation and Park Department

SAN FRANCISCO
PUBLIC GOLF ALLIANCE



1370 Masonic Ave., San Francisco, CA 94104 • 415-290-5718 • info@sfpublicgolf.org

May 2, 2022

San Francisco Board of Supervisors
Budget & Finance Committee
City Hall
1 Dr. Carlton B. Goodlett Pl.
San Francisco, CA. 94101

Re: Budget & Finance Committee, May 4, 2022 Meeting, Item 1, File 22-0199

**Supplemental Opposition of San Francisco Public Golf Alliance
To Ban on Gas-Powered Landscape Maintenance Equipment**

Dear Chair Ronen and Committee Members,

This is to supplement the April 25, 2022 Opposition letter of the non-profit public benefit San Francisco Public Golf Alliance, which letter is incorporated herein by this reference.¹ In that letter, we pointed to substantial upfront City expenditures for electrical connections, batteries, and battery charging stations that would be necessary to enable the draft legislation's vision of pollution-free landscaping equipment. And we urged in that letter – and again now -- that the City should take the time to understand the logistical and operational realities – and consequent expenses – for the City's largest user of landscaping equipment, the Recreation and Park Department

The proposed Ordinance, File No. 22-0199, was amended in Committee on April 27, 2022.² In addition to a copy of the amended legislation, we include below a link to the Budget and Legislative Analyst's Supplemental Report on this matter, dated April 29, 2022.³ These give rise to the following comments and questions:

- At the April 27 initial public hearing on the proposed Ordinance, Supervisor Melgar expressed her belief that the proposed Ordinance does not cover any ride-on mowers,

¹ Letter, San Francisco Public Golf Alliance to San Francisco Board of Supervisors, Budget & Finance C'ttee, Apr. 25, 2022: https://drive.google.com/file/d/1l_kY6zTx0BhEEwS9u1jZgGEi15YTBR0y/view?usp=sharing

² File No. 220199, as Amended in Committee, 4.27.22:
<https://sfgov.legistar.com/View.ashx?M=F&ID=10853595&GUID=36B14B63-213A-4B48-9BE0-1E836831E657>

³ Budget & Legislative Analyst's Report, April 29, 2022, at pages 1-7:
<https://sfgov.legistar.com/View.ashx?M=F&ID=10860687&GUID=0E91E87A-D76E-4CFB-8A84-FB710ED77082>

which she said are preempted by the Federal Clean Air Act, and not governed by State or local Law.⁴ We believe this to be incorrect. Rather, we are informed and believe that the Environmental Protection Agency in or about May 2015 authorized the California Air Resources Board regulation Small Off-road Engines Regulations (SOAR), for small gasoline-powered engines up to 25 horsepower, including riding mowers.⁵

- The issue of the SOAR regulations is very tricky, involving Federal, State, and local laws. And the mower issue is also tricky. We are informed and believe that San Francisco Recreation and Park has some small riding mowers that are diesel-fueled, some that are gasoline-fueled, some that are 25 horsepower, and some that are 24.5 horsepower and smaller. We don't know how many or where they are stationed in the City's various motor pools. To get a handle on the size of the issue, we think that an inventory of the different sizes and fuel-uses of small mowers is warranted, so that early rough calculations can be made about logistical issues and the number and locations of the requisite charging stations and electrical connections.
- We do know that these SOAR mowers are used in areas where the City's big riding mowers cannot reach (such as small, narrow spaces, between flowerbeds (such as at the Rose Garden, the Arboretum, around trees, benches, steep slopes and other difficult spots, at lawn bowling greens and other specialty areas, and on and around golf course greens.
- There is an apparent inconsistency, which we do not understand, between (i) the Legislative Analyst's April 29 report which states, at page 3, that "Small off-road engines are defined by state code as **25.5 horsepower or less**"⁶ (emphasis added), and (ii) the proposed Ordinance, which in its April 27 Amended version, defines "polluting garden and utility equipment" as "gasoline-powered equipment **under 25** horsepower."⁷ (emphasis added)
- The Legislative Analyst's April 29 Report estimates Recreation and Park Department's "upfront costs" at about \$9 Million out of the total "upfront costs" to all City departments of approximately \$10.4 Million. But the Rec & Park "upfront costs" estimates do not include, according to the Legislative Analyst, "the cost of bringing new primary electrical service to a site [which] would be as high as \$750,000 to \$1 Million per site to trench, lay new conduit, and install new electric circuits".⁸ There is no mention in

⁴ SFgovTV video of Budget Committee Hearing, April 27, 2022, Supervisor Melgar comment, at 1:53:25-55: https://sanfrancisco.granicus.com/player/clip/41133?view_id=192&redirect=true

⁵ California State Nonroad Engine Pollution Control Standards; Small Off-Road Engines Regulations; Notice of Decision, Federal Register / Vol. 80, No. 87 / Wednesday, May 6, 2015 / Notices 26041 <https://www.govinfo.gov/content/pkg/FR-2015-05-06/pdf/2015-10610.pdf>

⁶ Budget & Legis. Analyst's Apr. 29 Report, p. 3 <https://sfgov.legistar.com/View.ashx?M=F&ID=10860687&GUID=0E91E87A-D76E-4CFB-8A84-FB710ED77082>

⁷ Legislation Version 2 <https://sfgov.legistar.com/View.ashx?M=F&ID=10853595&GUID=36B14B63-213A-4B48-9BE0-1E836831E657>

⁸ Budget & Legis. Analyst's Apr. 29 Report, at p. 5 and Exhibit 1 "Cost Estimates": <https://sfgov.legistar.com/View.ashx?M=F&ID=10860687&GUID=0E91E87A-D76E-4CFB-8A84-FB710ED77082>

the Legislative Analyst's April 29 Report (or in the Analyst's prior April 22 Report discussed in our April 25 letter) of the cost of the charging stations themselves. Nor is there any count of the number or locations of the charging stations and new electrical connections to the charging stations that would be necessitated to convert to battery power for all of Rec & Park's equipment at all of its locations throughout the City. Nor is there any discussion in the Staffing and Contractor Estimates for Proposed Ordinance" section of the Legislative Analyst's April 29 Report, at page 6, of the additional costs for maintenance laborers using the battery-powered equipment, which presumably would involve extra time for charging and/or replacing batteries, and/or for returning to a motor pool to pick up a freshly-charged SOAR mower when the battery on mower #1 ran down.

- Without even a rudimentary operational explanation and/or understanding of how the conversion to battery-powered SOAR mowers would work on the Rec & Park Department's extensive park areas spread all over the City, it is impossible to reasonably project the expense of this conversion.
- The Committee and the full Board of Supervisors should make an effort to gain an understanding of the scope of the expense, so that the City Administrator and the Mayor can responsibly make budget projections. So that this is not simply a Blank Check.
- The issue of the batteries themselves is complicated. The cost of acid batteries and lithium batteries are different, and the requirements for the charging stations and charging barns are different for these different types of batteries. There is nothing in the Legislative Analyst's Report that begins to discuss this issue, which has worker safety as well as facility cost and battery life implications.
- There was some discussion at the April 27 Budget Committee hearing that there will be state and federal grants to pay for some of the upfront charging station and related electrical connection charges. But this shouldn't be taken for granted: state and federal grants can come and go with the political winds and economic times.
- At the Budget Committee's April 27 public hearing, the Mayor's Budget Director Ashley Graffenberger said that the Mayor's Office does not have provision in its projections for the next four years for the additional upfront expense of the conversion projected by the Proposed Ordinance.⁹
- Additional issues regarding the functional capabilities of replacement equipment and other issues are raised in the May 2, 2022 letter to the Budget Committee from the Golf Course Supervisors Association of America, Northern California Chapter.¹⁰

⁹ Sfgovtv video, Budget Committee Hearing, Apr. 27, Ashley Graffenberger, at 1:47:45:
https://sanfrancisco.granicus.com/player/clip/41133?view_id=192&redirect=true

¹⁰ Letter, GCSAANC to Budget Committee, May 2, 2022
<https://drive.google.com/file/d/1q3PVk-ZPh0d7swK--2sH5ikGh3iekq8/view?usp=sharing>

CONCLUSION

While we support the aspiration of a future with less pollution, we believe that the City, its citizens, and leaders should take the additional steps now to make reasonable projections about how the changeover will happen, and how the equipment and personnel will be used in the changeover. As written at this time, we find the proposed ordinance is unrealistic and its cost projections are a small fraction of what the true cost will likely be.

Respectfully,
San Francisco Public Golf Alliance

Richard Harris

Richard Harris, President

cc: Supervisor Myrna Melgar
Supervisor Connie Chan
Supervisor Catherine Stefani
Supervisor Matt Haney
Angela Cavillo, Clerk of the Board of Supervisors
Tyrone Jue, Acting Director, Dept. of the Environment
Carmen Chu, City Administrator
Ashley Graffenberger, Mayor's Office Budget Director
Phil Ginsburg, Gen. Mgr., Recreation and Park Department
Eric Anderson, Assistant Director of Operations, Recreation and Park Department
Kevin Teahan, Turf and Golf Section Manager, Recreation and Park Department
Recreation and Park Commission
Marc Connerly, Ex. Dir, GCSAA Northern California

From: [Jeff Jensen](#)
To: [Jalipa, Brent \(BOS\)](#); [RonenStaff \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Marstaff \(BOS\)](#)
Cc: [MelgarStaff \(BOS\)](#); [ChanStaff \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Haneystaff \(BOS\)](#); [Board of Supervisors, \(BOS\)](#); [Ginsburg, Phil \(REC\)](#); [Teahan, Kevin \(REC\)](#); [Summers, Ashley \(REC\)](#); [Marc Connerly](#); [Richard Harris Jr.](#)
Subject: Opposition to File 22-0199, Admin., Police Codes - Ban on Gas-Powered Landscaping Eqpt. Budget Committee, May 4, 2022, Item No. 1
Date: Monday, May 2, 2022 8:29:18 PM
Attachments: [City of SF 05.02.22-converted.pdf](#)

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Dear Supervisors, Budget Committee and Staff,

Please see the attached opposition to File 22-0199, Admin. Police Codes – Ban on Gas-Powered Landscaping Eqpt. from the Golf Course Superintendents Association of Northern California. Please include the comments in the public record for the hearing scheduled for May 4, 2022, and please distribute comments to committee members in advance of the hearing. Thank you for the opportunity to comment on this issue.

Sincerely,

Jeff Jensen | Field Staff, Southwest Region
Golf Course Superintendents Association of America
[1421 Research Park Drive | Lawrence, KS 66049](#)
800.472.7878, ext. 3603 | 785.840.7879 Direct
[www.gcsaa.org](#) | [GCSAA Foundation](#) | [GCM](#) | [Facebook](#) | [Twitter](#)





May 2, 2022

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

Subject: Opposition to File 22-0199, Admin., Police Codes - Ban on Gas-Powered Landscaping Eqpt.
Budget Committee, May 4, 2022, Item No. 1

Dear Supervisors and Budget and Finance Committee members:

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 strong opposition to Administrative, Police Codes – Ban on Gas-Powered Landscaping Equipment. This supplements our previously submitted letter to the Board dated March 29, 2022.¹

While we understand the need to develop an emission reduction strategy to reduce pollution and noise in the state, it was apparent at the April 27, 2022, Budget and Finance Committee hearing that the ordinance relies on unsupported and unproven data/assumptions/costs and lacks sufficient evidence of technical feasibility.

As stated by several committee members at the hearing, the cost of charging stations and batteries has not been addressed by the ordinance and it was noted that there is no expectation in the Mayor's current budget plans for next four years to address those expenses. Many variables are involved in purchase, design, and buildout of these requisite charging stations, but they can run in excess of a \$1 million and can require re-wiring the entire building. There can also be significant fire and air quality safety issues with charging stations that need to be addressed.

The ordinance was amended at the April 27 Budget Committee meeting to allow waivers if replacement technology does not exist or if a department is unable to purchase replacement equipment for an amount less than or equal to 300 percent of the cost of the equivalent. While this amendment does provide some flexibility, the costs to get to this determination should be stated and broken down into financial detail including the up-front costs to purchase, continual operating costs including batteries and particularly the increase in labor that will be required to efficiently use zero emission equipment.

¹ Letter, GCSAANC to SF Supervisors, Budget Cttee, Oppo.File22-0199, 3.29.22:
<https://drive.google.com/file/d/1tW794DZv5UIZwcjKmwGAecEQSf-Zgqhh/view?usp=sharing>

Additionally, a buy-back program as well as a safe disposal program are discussed in the ordinance, but no financial disclosure on either program is available. A complete transition to zero emission equipment in less than two years on city owned property and less than four years on private property will be a significant financial impediment. It will be potentially devastating to privately owned landscaping entities.

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 \$350 - \$400, similar to the same manufacturer's gas-powered 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.
- According to a survey conducted by the California Landscape Contractors Association and the National Association of Landscape Professionals, an average crew size of 3 would need a total of 34 batteries to complete tasks for 20 lawns not including a riding lawnmower which would not have the charge to complete that task. Batteries also will need to be replaced every 300-500 charge cycles which means they would need to be replaced at least a minimum of one-time during the lifespan of the product. The battery estimate is based on lawns, not large commercial landscapes, so the above example would be conservative for large properties².

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 current zero emission equipment does not currently meet the "fit for intended use" standard for large landscapes such as parks, golf courses, cemeteries, and sports fields.

²NALP created an advisory group of larger national landscape companies. This group provided NALP with a range of data and technical guidance and the information in this table are conservative estimations. This scenario is based more off residential services as they are simpler to model based on quarter acre lots. The reality is that total batteries needed is likely higher in exclusive commercial and larger settings where landscape services are performed.

We have numerous concerns on certain pieces of equipment for which there are no or extremely limited zero emissions alternatives. Walking aerators (ex. Toro ProCore 648 – no alternatives to our knowledge), bunker rakes, walk behind mowers, hover mowers and numerous spray units will create hardships for large landscape users, including golf facilities. The wait time to acquire these pieces of zero emission equipment (if alternative is even manufactured) currently exceeds 14 months in most cases.

Other Issues include:

- The power is just not comparable yet
- Difficult to use exclusively on large scale commercial and governmental jobs like parks, golf courses, HOAs, resorts, business parks and other public and commercial green spaces
- Requires too many batteries to conduct their job function in an efficient manner
- Charging issues in the field and in the workshop
- Durability concerns
- Batteries are too heavy
- Cannot mow slopes on riding mowers because of the weight issue of currently available mowers makes them unstable.
- Mow times are longer, and batteries cannot last a full workday
- Leaf removal during seasonal changes is difficult
- Debris removal to mitigate fire spread is significantly more difficult
- Lack of dealers and maintenance shops to support transition
- Batteries are not interchangeable between brands

These issues are evident in the current eight percent adoption rate by professional landscape companies (CARB/CSUF Study).

We share the City and County of San Francisco's ultimate goal to reduce emissions, but it needs to be done in a practical and responsible manner while mitigating financial and safety concerns. It is not a one size fits all approach when it comes to zero emission equipment. 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 all property is not feasible for commercial and governmental department 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 while conducting an in-depth analysis which will assist in establishing a more realistic timeframe for implementation of this ordinance.

This will allow commercial and governmental department end users, including public and private golf course superintendents, 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.

Sincerely,

Marc Connerly

Marc Connerly
Executive Director
Golf Course Superintendents Association of Northern California
2235 Park Towne Cir., 2nd Floor
Sacramento, CA 95825
C: (916) 214-6495

cc:

Phil Ginsburg, Gen. Mgr., San Francisco Recreation and Park Department

Christina Weatherford

USF Gleeson
2130 Fulton St
SF CA 94117-1049

SAN FRANCISCO CA 9410

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Brent Jalipa, Clerk of the Board
Budget & Finance Committee
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, Ca. 94102-4689

Dear Members of the SF Board of Supervisors' Budget & Finance Committee,

I strongly support Supervisor Melgar's "Healthier, Cleaner, Quieter Communities Act," and urge you to vote yes on this important legislation.

This ordinance will prohibit the use of gas-powered landscaping equipment when there is an electric alternative available. It will support the replacement of this equipment for micro and small businesses through a city-sponsored transition fund program covering:

- A public education campaign
- A gas-powered small engine buy-back program
- Disposal of gas-powered equipment
- Wholesale purchase of equipment for City departments

Gas-powered equipment is a major source of pollution that disproportionately affects communities of color. Workers using gas-powered tools are uniquely exposed and suffer lung and heart ailments from constant exposure. Further, all SF residents are exposed to the dangers of increased pollution from the use of this equipment.

According to the California Air Resources Board (CARB), **smog-forming pollution from using a gas-powered leaf blower for 1 hour equals pollution from driving a car 1100 miles - the distance from San Francisco to Santa Fe.** The smog-forming pollution emitted from a gas-powered lawn mower for one hour is equivalent to the pollution generated from driving an internal combustion engine car 300 miles. As we stop using gas-powered equipment and switch to cleaner alternatives, residents will benefit with reduced noise and air pollution in their neighborhoods.

Invest in a greener, more sustainable San Francisco today!

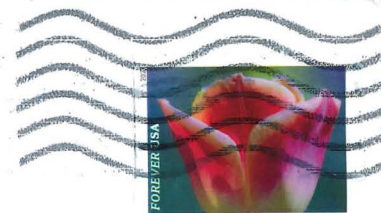
Respectfully,

Christina Weatherford

Kahlia Laszlo
371 Auza St.
Apt. 116B
San Francisco, CA
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Budget & Finance Committee
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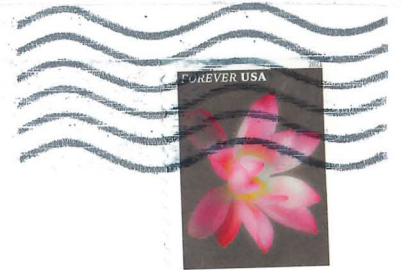
Respectfully,

Kahlia Laszlo

Jade Carter
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Respectfully,

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Respectfully,




Zoe Binder
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Budget & Finance Committee
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, Ca. 94102-4689

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Respectfully,

Zoe Binder

Micheline Virascek
331 Anza Street #212
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Respectfully,



From: [Richard Harris Jr.](#)
To: [Jalipa, Brent \(BOS\)](#); hilary.ronan@sfgov.org; [Safai, Ahsha \(BOS\)](#); [Marstaff \(BOS\)](#)
Cc: [MelgarStaff \(BOS\)](#); [ChanStaff \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Haneystaff \(BOS\)](#); [Board of Supervisors, \(BOS\)](#); [Ginsburg, Phil \(REC\)](#); [Teahan, Kevin \(REC\)](#); [Summers, Ashley \(REC\)](#); ["Marc Connerly"](#)
Subject: Budget & Finance Committee Meeting Apr. 27; Item 12, File No. 22-0199; Ban on Gas-Powered Landscaping Equipment; SF Public Golf Alliance Opposition Letter
Date: Tuesday, April 26, 2022 12:23:24 PM
Attachments: [SFPGA.Ltr.BOSBudget.Opp.22-0199.4.25.22.pdf](#)

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Budget & Finance Committee Meeting Apr. 27; Item 12, File No. 22-0199; Ban on Gas-Powered Landscaping Equipment; SF Public Golf Alliance Opposition Letter

Attached above please find Opposition Letter of San Francisco Public Golf Alliance in the matter of File No. 22-0199.

Please include this letter in the Public Record of the Budget Committee's Apr. 27 public hearing, and circulate to the Committee members in advance of the meeting.

Also please confirm receipt.

Thank you.

Richard Harris

San Francisco Public Golf Alliance

1370 Masonic Avenue

San Francisco, CA 94117-4012

Phone: (415) 290-5718

SAN FRANCISCO
PUBLIC GOLF ALLIANCE



1370 Masonic Ave., San Francisco, CA 94104 • 415-290-5718 • info@sfpublicgolf.org

April 25, 2022

San Francisco Board of Supervisors
Budget & Finance Committee
City Hall
1 Dr. Carlton B. Goodlett Pl.
San Francisco, CA. 94101

Re: Budget & Finance Committee, Apr. 27, 2022 Meeting, Item 12, File 22-0199

San Francisco Public Golf Alliance opposes proposed ordinance to ban use of gas-powered landscape maintenance equipment. Conversion from gas-powered equipment is a worthy aspiration. But the Budget & Legislative Analyst's Report shows that the proposed January 2024 and January 2026 use ban dates are unachievable.

Here's a partial list of the problems spotted by the Analyst's Report:

- **Rec & Park is by far the biggest user of the would-be-banned equipment.**
- **Adequate replacements are not likely to be available by 2024.**
- **Battery costs are not factored into the operating cost estimates.**
- **The charging stations required for battery-powered replacements are not now in place, would be very expensive (\$750,000-\$1M each), and cannot possibly be in place by 2024.**
- **The number and locations of the needed charging stations are not identified in the Legislative Analyst's Report.**

Instead of the proposed January 2024 and 2026 use bans, we suggest a new purchase ban, together with a more comprehensive study on the cost, feasibility, availability, and operational questions raised by the Legislative Analyst's Report.

Dear Chair Ronen and Committee Members,

San Francisco Public Golf Alliance is a non-profit, public benefit organization, whose 6,500-plus members are mostly public course golfers in San Francisco and the Peninsula. As park users we appreciate the parks' positive impact on our physical and mental health, and as common gathering places. Because the City is so densely populated, the parks are especially important in San Franciscans' lives. So we encourage and support the Rec & Park Department in its work to maintain and properly upkeep the parks.

The City's public parks, gardens, and giant picnicking / playfields / performance grounds – Crocker-Amazon, West Sunset, the Marina Green, the Panhandle, the golf

courses, Dolores Park, Washington Square, Big Rec, the Polo Fields, Hellman Hollow, the Arboretum, the Conservatory, Kezar, Oracle Park, and you-name-it – all require high levels of maintenance involving power tools. The maintenance – and necessary maintenance tools – should not be taken for granted.

Despite worthy intentions to reduce reliance on fossil fuels, we are concerned – for reasons apparent in the Budget & Legislative Analyst’s April 22 Report to your Committee – that the proposed ban-on-use dates of January 2024 (for City Departments) and January 2026 (for private businesses) are impractical and unattainable. And we encourage the Committee to conform the proposed legislation – File No. 22-0199 – to California Assembly Bill 1346, adopted into California law in November 2021, which effectively banned the **sale** of new gas-powered small off-road engines after January 1, 2024, without banning continued **use** of previously-purchased equipment.¹

We base our objection on points raised in the Budget & legislative Analyst’s April 22 Report (<https://sfgov.legistar.com/View.ashx?M=F&ID=10833821&GUID=8E0B6493-F2B2-40CD-9459-A01CB5FEFFB0>):

- The Rec & Park Department’s costs for the mandated replacement of existing gas-powered equipment would be \$15,130,679 of the \$16,543,814 identified cost for all departments – that is to say 91.4%. (Report, pages 34 and 38 at Exhibit [Chart] 1.)
- This \$15,130,679 cost estimate for equipment that would have to be replaced by the Rec & Park Department does not include uncertain and unidentified costs for replacement of yet additional types of landscaping equipment, including “chainsaw, lawn mower, leaf blower/vacuum, pump, riding mower, trimmer/edger/brush cutter.” (Page 37 at footnote 4.)
- Both the PUC and Rec & Park staff reported that their departments’ use of replacement electrical landscaping maintenance equipment will “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.” (Page 37 at footnote 5.)
- The \$15,130,679 cost estimate for Rec & Park also does not include “electrical charging infrastructure [that] would need to be upgraded in order to provide sufficient charging capacity for the replacement equipment . . . the [estimated] cost of bringing new primary electrical service to a site would be \$750,000 to \$1 million per site.” (Page 38, under “Additional Infrastructure Costs”).
- The Budget & Legislative Analyst’s April 22 Report to the Committee nowhere identifies the number or the locations of the new electrical charging stations that Rec & Park would need to be able to charge the new replacement electrical landscaping equipment – at \$750,000 to \$1 Million per copy.

Your Committee’s correspondence file on Item 22-0199 contains a Golf Superintendents trade association letter to the Board of Supervisors describing the

¹ AB-1346, California Legislative Information
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1346

technological and supply-chain unavailability of replacement equipment and the battery and charging station availability problems identified by the Budget and Legislative Analyst's Report, and concludes: "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."²

As drafted, with its January 2024 and 2026 use-ban dates, the proposed ordinance is unrealistic. We recommend instead a ban on new sale of gas-powered equipment after January 2024, combined with additional information and a follow-up report on the information gaps and battery and charging infrastructure problems identified by the Budget and Legislative Analyst's Report. From that further study and report more practicable ban-on-use dates may emerge.

Respectfully,
San Francisco Public Golf Alliance

Richard Harris

Richard Harris, President

cc: Supervisor Myrna Melgar
Supervisor Connie Chan
Supervisor Catherine Stefani
Supervisor Matt Haney
Angela Cavillo, Clerk of the Board of Supervisors
Phil Ginsburg, Gen. Mgr., Recreation and Park Department
Kevin Teahan, Turf and Golf Section Manager, Recreation and Park Department
Recreation and Park Commission
Marc Connerly, Ex. Dir, GCSAA Northern California

² Letter to Board of Supervisors, Mar. 29, 2022, Golf Course Superintendents Association of America, Northern California Chapter, at p. 2: <https://sfgov.legistar.com/View.ashx?M=F&ID=10768013&GUID=6DBDA0CC-D1E6-4CCB-BB4A-25543996874D> (at pp. 2-3)

From: [SF Climate Emergency Coalition](#)
To: [Jalipa, Brent \(BOS\)](#)
Subject: Re: In Support of Healthier, Cleaner, Quieter Communities Act
Date: Sunday, April 24, 2022 6:50:08 PM

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Hi,

I noticed this did not make it into the file. Can you please add it and make sure it is included in the B&F committee agenda? File # 220199

Thank you.



[Website](#) | [Twitter](#)

On Tue, Apr 19, 2022 at 9:44 PM SF Climate Emergency Coalition
<info@sclimateemergency.org> wrote:

Dear Members of the Budget & Finance Committee,

We are writing to you in strong support of Supervisor Melgar's "Healthier, Cleaner, Quieter Communities Act," and are urging your yes vote on this important legislation.

Gas-powered equipment is a major source of pollution that disproportionately affects communities of color. This legislation will ban gas-powered landscaping equipment and support replacement with clean electric equipment. Additionally, the last seven years have been the hottest on record. The U.N. has warned us that we are firmly on track toward an unlivable world and in a report revealed "a litany of broken climate promises" by governments and corporations, accusing them of stoking global warming by clinging to harmful carbon-based fuels. This legislation is a step forward in the twin goals of reducing greenhouse gas emissions and enhancing environmental justice.

Through the adoption of our City's climate action goals, we have committed to phase out sources of pollution. Burning these fuels produces not just global pollution, but unhealthy local pollution as well. Workers using gas-powered tools are uniquely exposed and suffer lung and heart ailments from constant exposure. By requiring the transition to electric or manual tools, this legislation would help alleviate the unjust burden of pollution placed on this mostly immigrant workforce, and the resulting health care costs borne by their families and communities.

Further, all SF residents are exposed to the dangers of increased pollution from the use of

this equipment. According to the California Air Resources Board (CARB), smog-forming pollution from using a gas-powered leaf blower for 1 hour equals pollution from driving a car 1100 miles - the distance from San Francisco to Santa Fe. The smog-forming pollution emitted from a gas-powered lawn mower for one hour is equivalent to the pollution generated from driving an internal combustion engine car 300 miles. As we stop using gas-powered equipment and switch to cleaner alternatives, residents will benefit with reduced noise and air pollution in their neighborhoods.

This ordinance will prohibit the use of gas-powered landscaping equipment when there is an electric alternative available, and support the replacement of this equipment for micro and small businesses through a city-sponsored transition fund program, which covers:

- A Public Education Campaign^[L]_[SEP]
- Gas-Powered Small Engine Buy-Back Program^[L]_[SEP]
- Disposal of gas-powered equipment^[L]_[SEP]
- Wholesale Purchasing of equipment for City departments^[L]_[SEP]

In passing this legislation, we are taking a crucial step in implementing our Climate Action Plan goals and protecting the health of the workers who use this dirty, polluting equipment.

Invest in a greener, more sustainable San Francisco today!

San Francisco Climate Emergency Coalition



[Website](#) | [Twitter](#)

From: [Nancy Haber](#)
To: [Jalipa, Brent \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Ronen, Hillary](#); [Asha.Safai@sfgov.org](#); [Melgar, Myrna \(BOS\)](#)
Cc: [Imperial, Megan \(BOS\)](#)
Subject: Support for FILE NO. 220199 - The Healthier, Cleaner, Quieter Communities Act
Date: Monday, April 25, 2022 9:45:24 PM

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

Dear Budget & Finance Committee,

I write to you in strong support of Supervisor Melgar's "Healthier, Cleaner, Quieter Communities Act," and urge you to vote yes on this important legislation.

We are in the midst of a climate emergency which grows ever more dire. We also have increasing evidence of the terrible toll exacted on human health by air pollution and noise pollution and the greater the exposure, the more severe the health consequences. Through the adoption of our City's climate action goals, we have committed to phase out sources of fossil fuel pollution. This thoughtful legislation presents an opportunity to move forward effectively in making a just transition away from polluting energy to clean electric power.

This ordinance will prohibit the use of gas-powered landscaping equipment when there is an electric alternative available. It will support the replacement of this equipment for micro and small businesses through a city-sponsored transition fund program covering:

- A public education campaign
- A gas-powered small engine buy-back program
- Disposal of gas-powered equipment
- Wholesale purchase of equipment for City departments

Gas-powered equipment is a major source of pollution that disproportionately affects communities of color. Workers using gas-powered tools are uniquely exposed and suffer lung and heart ailments from constant exposure. Further, all SF residents are exposed to the dangers of increased pollution from the use of this equipment. According to the California Air Resources Board (CARB), smog-forming pollution from using a gas-powered leaf blower for 1 hour equals pollution from driving a car 1100 miles - the distance from San Francisco to Santa Fe. As we stop using gas-powered equipment and switch to cleaner alternatives, San Francisco

residents will benefit with reduced noise and air pollution in their neighborhoods.

In passing this legislation, we are taking a crucial step in implementing our Climate Action Plan goals and protecting the health of the workers who use this dirty, polluting equipment.

Invest in a greener, more sustainable San Francisco today!

Sincerely,

Nancy Haber 73 Hazelwood Ave San Francisco, CA 94112

From: [Melgar, Myrna \(BOS\)](#)
To: [Sarah Boudreau](#)
Cc: [Imperial, Megan \(BOS\)](#); [Jalipa, Brent \(BOS\)](#)
Subject: Re: Supervisor Melgar's Healthier, Cleaner, Quieter Communities Act
Date: Friday, April 22, 2022 11:32:18 PM

Thank you Sarah. Adding [@Jalipa, Brent \(BOS\)](#), Clerk of the Committee, so your comment can be included in the official file.

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From: Sarah Boudreau <boudreau.sarah.m@gmail.com>
Sent: Friday, April 22, 2022 8:50:35 AM
To: Ronen, Hillary <hillary.ronen@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Melgar, Myrna (BOS) <myrna.melgar@sfgov.org>
Subject: Supervisor Melgar's Healthier, Cleaner, Quieter Communities Act

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Hello Supervisors,

I couldn't figure out how to email in public comment for next week's meeting so I decided to email your offices directly. I wanted to say that I strongly support this legislation to ban gas-powered small engines. Gas-powered equipment is a major source of pollution; workers using such tools are uniquely at risk, suffering lung and heart ailments from constant exposure. By requiring (and financially supporting) the transition to electric or manual tools, this ordinance would help alleviate the unjust burden of pollution placed on this mostly immigrant workforce, and the resulting health care costs borne by their families and communities. I hope you will support it!

Thanks,

Sarah Boudreau, West Side SF Resident & Climate Action Supporter

--

Sarah Boudreau

she/her

boudreau.sarah.m@gmail.com

www.linkedin.com/in/sarahboudreau



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**

**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

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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

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

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: 4/27/2022

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. _____

(Primary Sponsor)

Title. _____

From: _____ Committee

To: _____ Committee

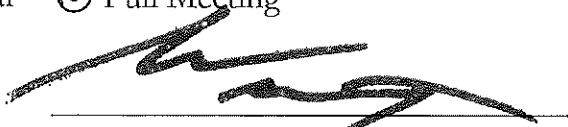
☒ Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor: Melgar Replacing Supervisor: Mar

For: 4/27/2022 Budget & Finance Meeting
(Date) (Committee)

Start Time: _____ End Time: _____

Temporary Assignment: ☐ Partial ☒ Full Meeting


Shamann Walton, President
Board of Supervisors

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):

Supervisors Melgar, Chan, Mar, Stefani

Subject:

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

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