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**BALTIMORE CITY COUNCIL
HEALTH, ENVIRONMENT AND TECHNOLOGY
COMMITTEE**

Mission Statement

On behalf of the Citizens of Baltimore City, the mission of the Health, Environment, and Technology (HET) Committee is to study, review, and recommend policies to improve overall public health and welfare, achieve environmental justice and sustainability, and promote the adoption of, and equitable access to, technology to better meet the needs of all City residents.

**The Honorable Danielle McCray
Chair**

PUBLIC HEARING

**WEDNESDAY, JUNE 26, 2024
10:01 AM**

COUNCIL CHAMBERS

Council Bill 23-0367

Gas-Powered Debris Removal Equipment

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BILL SYNOPSIS

Committee: Health, Environment, and Technology

Council Bill: 23-0367

Gas-Powered Debris Removal Equipment

Sponsor: Councilmember Dorsey

Introduced: December 4, 2023

Purpose:

For the purpose of prohibiting the use of gas-powered debris removal equipment in Baltimore City; defining certain terms; establishing procedures for reporting the use of gas-powered debris removal equipment; establishing certain penalties; and providing for a special effective date.

Agency Reports

Department of Public Works	None as of writing
Department of General Servies	None as of writing
Baltimore City Solicitor	Favorable
Environmental Control Board	No objection
Department of Health	None as of writing
Department of Recreation and Parks	None as of writing
Department of Transportation	None as of writing
Commission on Sustainability	None as of writing

Analysis

Background

This bill proposes a significant legislative measure aimed at prohibiting the use of gas-powered debris removal equipment within Baltimore City. Introduced by Councilmembers Dorsey, Burnett, and Ramos, the bill outlines stringent regulations under a new subtitle within the Baltimore City Revised Code. The legislation defines gas-powered debris removal equipment broadly, encompassing devices like leaf blowers and vacuums, powered by internal combustion engines using fuels such as gasoline or alcohol. Violations of the prohibition would incur penalties, with fines escalating for subsequent offenses, and enforcement procedures include civil citations issued by designated officers.

This ordinance holds substantial importance for Baltimore City due to its direct implications for environmental health and sustainability. By targeting gas-powered equipment, which contributes significantly to air pollution through emissions and noise, the bill aligns with the city's efforts to mitigate environmental impacts and improve air quality. Baltimore, like many urban areas, faces challenges related to pollution and public health, particularly in densely populated neighborhoods where such equipment is commonly used. Thus, this legislative initiative reflects a proactive approach by city officials to safeguard public health and enhance the quality of life for residents, underscoring its relevance and significance to Baltimore City's environmental and community health strategies.

Additional Information

Fiscal Note: None.

Information Source(s): Reporting Agencies, Bill 23-0367.

Deontre Hayes

Analysis by: Deontre Hayes
Analysis Date: June 20, 2024

Direct Inquiries to: (410) 396-1260

**HEALTH, ENVIRONMENT, AND
TECHNOLOGY COMMITTEE**

AGENCY REPORTS

SEE ATTACHED

CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW
EBONY M. THOMPSON, CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

June 24, 2024

The Honorable President and Members
of the Baltimore City Council
Attn: Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 23-0367 – Prohibition – Gas-Powered Debris Removal
Equipment

Dear President and City Council Members:

The Law Department reviewed City Council Bill 23-0367 for form and legal sufficiency. The bill is for the purpose of prohibiting the use of gas-powered debris removal equipment in Baltimore City; defining certain terms; establishing procedures for reporting the use of gas-powered debris removal equipment; and establishing certain penalties. The bill would take effect one year after the date of enactment. Council Bill 23-0367 creates a new subtitle 3 in the City Health Code which prohibits the use of gas-powered debris removal equipment, and renumbers and expands existing Subtitle 3 of the Health Code regarding penalties for violating the provision. The bill also adds the violation to City Code Art. 1, § 41-4.

City Charter Art. II, §§ 27 and 47 provide that the Mayor and City Council may “exercise within the limits of Baltimore City all the power commonly known as the Police Power to the same extent as the State has or could exercise that power within the limits of Baltimore City,” and may “pass any ordinance, not inconsistent with the provisions of this Charter or the laws of the State, which it may deem proper in the exercise of any of the powers, either express or implied, enumerated in this Charter, as well as any ordinance as it may deem proper in maintaining the peace, good government, health and welfare of Baltimore City.”

The intent of the bill is to reduce air pollution which positively affects the health and welfare of City residents. The Law Department notes that new § 8-403, entitled “Criminal Penalties: Gas-powered Debris Removal Equipment,” refers only to the issuance of a civil citation. The Law Department is unclear on whether the Council intended that § 8-403 further discuss criminal penalties, or alternatively whether the title of this section does not accurately reflect that § 8-403 concerns civil penalties. The Law Department recommends that either the title of § 8-403 be amended to accurately reflect the subject of the section, or if it was intended that the section further address criminal penalties, then it should be amended as such.


The Law Department can approve Council Bill 23-0367 for form and legal sufficiency with the recommended amendment.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Michele Toth", written in black ink on a white background.

Michele Toth
Assistant Solicitor

cc: Stephen Salsbury
Nina Themelis
Tiffany Maclin
Elena DiPietro
Hilary Ruley
Ashlea Brown

FROM	NAME & TITLE	Paul O'Malley, Esq., Deputy Director	CITY of BALTIMORE <i>MEMO</i>	
	AGENCY NAME & ADDRESS	Environmental Control Board 1 North Charles Street, 13th Floor, Baltimore, Maryland 21201		
	SUBJECT	City Council Bill # 23-0367 Prohibition – Gas-Powered Debris Removal Equipment		

April 5, 2023

TO: The Honorable President and Members
Of the Baltimore City Council

Dear Mr. President and Members:

The Baltimore City Environmental Control Board (ECB) has been requested to review City Council Bill # 23-0367, Prohibition – Gas-Powered Debris Removal Equipment. The purpose of the bill is to prohibit the use of gas-powered debris removal equipment in Baltimore City; defining certain terms; establishing procedures for reporting the use of gas-powered debris removal equipment; establishing certain penalties; and providing for a special effective date.

The ECB is an independent administrative hearing board that adjudicates contested environmental citations. Environmental citations are issued by various City agencies for violations listed under Article 1, § 40-14.

Under § 8-301 of the Health Code of Baltimore City, ECB currently hears appeals of citations issued by the Health Department. ECB can only hear appeals of the Health Code violations listed in § 40-14(e)(7). That section grants ECB the jurisdiction and authority of the provisions specified therein with penalties enumerated. Under the proposed new § 8-401 of Council Bill # 23-0367, it is presumed that ECB will also offer an appeal process for persons issued citations for violating the proposed law. However, the current bill does not include any proposed amendment of § 40-14 to give ECB the jurisdiction and authority to hear appeals of citations issued for violations of the proposed law. If the proposed bill intends to issue environmental citations for such violations, then the bill needs to include an amendment to Article 1, § 40-14 to grant ECB the jurisdiction and authority with the penalty enumerated for violation of the proposed law.

Notwithstanding the above recommendation, the ECB has no objection to the passage of this bill.


 Paul O'Malley, Esq.
 Deputy Director
 Environmental Control Board

**HEALTH, ENVIRONMENT, AND
TECHNOLOGY COMMITTEE**

PUBLIC TESTIMONY

SEE ATTACHED



Maryland Office
2901 E. Baltimore St
Baltimore, MD 21214

June 16, 2024

To: Baltimore City Council: Health, Environment and Technology Committee

From: Audubon Mid-Atlantic

Subject: Favorable Testimony for Council Bill 23-0367 Gas-Powered Leaf Blower Ban

Audubon Mid-Atlantic submits this testimony in support of Baltimore City Council Bill 23-0367. Audubon Mid-Atlantic is the regional office of National Audubon Society, representing over 35,000 Marylanders who advocate for the protection of birds, bird habitat, and policies aiming to protect both birds and human communities in the face of increasing environmental challenges, habitat loss, pollution, and climate change. We work with partner organizations, government agencies, and local communities to protect birds and the places they need to survive now, and into the future. Council Bill 23-0367 will help the city of Baltimore join over 100 other American cities in phasing out polluting gas-powered garden equipment for the benefit of residents' air quality, Baltimore's wildlife, and our broader climate and environment. Supporting Council Bill 23-0367 will help Baltimore meet the goals in the recently adopted Baltimore Climate Action Plan, Sustainability Plan, and as a signatory of the Urban Bird Treaty Program with the U.S. Fish and Wildlife Service.

Gas-powered leaf blowers, more so than other gas-powered equipment or vehicles produce significant air and noise pollution. Using a commercial gas-powered leaf blower for one hour emits as much pollution as driving a car for 1,100 miles, almost four times as much as operating a commercial lawn mower for the same amount of time. These pollutants include fine particulate matter, which lead to a wide range of health issues from asthma and mental health problems to cancer and premature deaths. Nitrogen oxides and volatile organic compounds, the main ingredients in smog; Carbon dioxide, the leading contributor to climate change; as well as benzene, 1,3-butadiene, and formaldehyde, all toxic, are among the gaseous cocktail in these machines' exhaust. The humans who operate these machines are often hourly workers with limited access to healthcare. Baltimore's residents and workers deserve better air quality, especially when there are effective and affordable alternatives available.

Air pollution and climate change harm more than just Baltimore's human residents. Climate change is also the single greatest threat to birds, whose populations have plummeted by almost 3 billion since 1970. Numerous studies show that birds are significantly affected by noise, including while trying to attract mates via song, establish nests, or listen for predators. Noise pollution can increase birds' stress levels, reduce their body size and feather growth, lower their hatching success, and ultimately reduce their life span. This comes from studies compiling over 3 million observations of 140 different species across North America, as well as several international studies. As a result of human-caused noise pollution, birds were seen to delay nesting, particularly for species with lower-frequency songs, which are more difficult to hear among background noise. Another study showed that chicks born in the noisiest places in a city were smaller than those from parents who bred without noise. And, blood samples of fledged adolescent birds showed changes in their chromosomes that are associated with reduction in life span. Adolescence in birds is a crucial time for learning how to communicate with each

other, which is more difficult in a noisy environment. Several areas of Baltimore City provide critical migratory stopover habitat for over 200 bird species twice each year, and nesting sites for a documented 137 species that breed in Baltimore.

Luckily, electric and battery-powered lawn equipment is both effective, affordable, and easy to find at local retailers. Electric lawn equipment saves money over time, without the need to purchase gasoline or maintain the engine. Consumer Reports shows that an average-price electric lawn mower, for example, is guaranteed to save money over five years compared to a similarly priced gas model. In performance, Consumer Reports noted that the best electric models of leaf blowers earned scores identical to the best gasoline models.

Baltimore City Council Bill 23-0367 will create the groundwork for reducing the threats that birds and people face as a result of pollution. The law will hold Baltimore up as a leader in conservation planning for healthy ecosystems, protecting birds now and into the future.

Audubon Mid-Atlantic respectfully urges a favorable review of this legislation.

Thank You,

Jim Brown
Policy Director
Audubon Mid-Atlantic

Erin Reed Miller
Senior Coordinator of Urban Conservation
Audubon Mid-Atlantic

JOHN R. GRAYSON
5409 SPRINGLAKE WAY
BALTIMORE, MD 21212
605-659-1553 :: JOHNGRAYSON@GMAIL.COM

13 June 2024

Councilman Ryan Dorsey
100 Holliday Street, Room 523
Baltimore, Maryland 21202

Re: File #23-0367 Prohibition – Gas-Powered Debris Removal Equipment

Dear Councilman Dorsey:

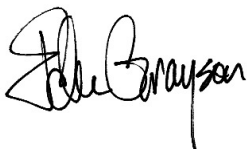
Please accept this letter as my unreserved **support** for Council Bill 23-0367 prohibiting gas-powered leaf blowers (GPLB). I applaud your efforts to improve the quality of life for all Baltimoreans by forbidding their use. As I write to you, I am again confined inside our house. The windows tightly shut on a mild June morning. We are swamped, on three sides, by commercial lawn crews blasting away with their industrial gas blowers. The exhaust fumes are nauseating. The toxic dust clouds are blowing indiscriminately. The overpowering noise is inescapable.

It's basic common sense that GPLBs don't remove debris. They just blow it around making it everyone else's problem. Anyone who's painting outside while these machines are blowing debris everywhere knows this. And forget those plans to grill and dine on the patio. Everything's covered in dust. Anecdotes aside, credible scientific evidence is abundant. The data are easy to find. And shocking. For your proposal to have reached this stage, I needn't reiterate the figures here.

Operationally, the only people who benefit from these infernal devices are the entrepreneurs who deploy them. It's all about maximizing efficiency and profits. Everyone else must suffer. Especially the workers. We cannot wait for the market to influence change. **The decision before the City Council is a prime example of when legislation for the public good is necessary and appropriate because it outweighs the private benefits for the few.**

These machines are not merely a menacing nuisance. They are a **public health crisis** that, for more than two decades, has grown uncontrolled like an invasive garden weed. Baltimore will be much better by joining the numerous other municipalities across the country that have vanquished GPLBs. Here's looking forward to cleaner, quieter air and an improved quality of life in our city.

With kindest thanks -



John Grayson, MPA

Cc: Councilman Mark Conway

CITY OF BALTIMORE
COUNCIL BILL 23-0367
(First Reader)

Introduced by: Councilmembers Dorsey, Burnett, Ramos
Introduced and read first time: March 13, 2023
Assigned to: Health, Environment, and Technology Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Baltimore City Health Department, Environmental Control Board, Commission on Sustainability, Department of Public Works, Department of General Services, Department of Recreation and Parks, Department of Transportation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Prohibition – Gas-Powered Debris Removal Equipment**

3 FOR the purpose of prohibiting the use of gas-powered debris removal equipment in Baltimore
4 City; defining certain terms; establishing procedures for reporting the use of gas-powered
5 debris removal equipment; establishing certain penalties; and providing for a special effective
6 date.

7 BY repealing and re-ordaining with amendments
8 Article 1. Mayor, City Council, and Municipal Agencies
9 Section 41-14(6)
10 Baltimore City Revised Code
11 (Edition 2000)

12 BY renumbering
13 Health Article
14 Sections 8-301 and 8-302
15 to be new sections 8-401 and 8-402, to be under the new subtitle designation,
16 “Subtitle 4. Penalties”
17 Baltimore City Revised Code
18 (Edition 2000)

19 BY adding
20 Health Article
21 New sections 8-301 to 8-303, to be under the new subtitle designation,
22 “Subtitle 3. Gas-Powered Debris Removal Equipment”
23 Baltimore City Revised Code
24 (Edition 2000)

25 BY adding
26 Health Article
27 Section 8-403
28 Baltimore City Revised Code
29 (Edition 2000)

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Council Bill 23-0367

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the
Laws of Baltimore City read as follows:

Baltimore City Revised Code

Article 1. Mayor, City Council, and Municipal Agencies

***SUBTITLE 41
CIVIL CITATIONS***

§ 41-14. Offenses to which subtitle applies – Listing.

...

(6) Health Code

...

Title 8: Air Pollution \$100

SUBTITLE 3: GAS-POWERED DEBRIS REMOVAL EQUIPMENT

§ 8-303. PROHIBITION OF GAS-POWERED DEBRIS REMOVAL
EQUIPMENT

SUBSEQUENT OFFENSE \$250

ALL OTHER OFFENSES \$1,000

...

Baltimore City Revised Code

Article – Health

***SUBTITLE 3
GAS-POWERED DEBRIS REMOVAL EQUIPMENT.***

§ 8-301. DEFINITIONS

(A) *IN GENERAL.*

IN THIS SUBTITLE, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) *AIR POLLUTION.*

“AIR POLLUTION” HAS THE MEANING STATED IN § 8-101(B) OF THIS TITLE.

(C) *DEBRIS.*

(1) *IN GENERAL.*

“DEBRIS” MEANS ANY SOLID MATERIAL OR PORTION OF A SOLID MATERIAL INTENDED
FOR DISPOSAL.

Council Bill 23-0367

1 (2) *INCLUSIONS.*

2 “DEBRIS” INCLUDES:

3 (I) MANUFACTURED OBJECTS;

4 (II) PLANT MATERIALS;

5 (III) ANIMAL MATERIALS; AND

6 (IV) NATURAL GEOLOGIC MATERIALS.

7 (D) ENFORCEMENT OFFICER.

8 “ENFORCEMENT OFFICER” HAS THE MEANING STATED IN CITY CODE ARTICLE 1 § 41-1(C)
9 {“DEFINITIONS: ENFORCEMENT OFFICER”}.

10 (E) GAS-POWERED DEBRIS REMOVAL EQUIPMENT.

11 (1) *IN GENERAL.*

12 “GAS-POWERED DEBRIS REMOVAL EQUIPMENT” MEANS ANY DEVICE POWERED BY AN
13 INTERNAL COMBUSTION OR ROTARY ENGINE USING GASOLINE, ALCOHOL, OR ANY
14 OTHER FUEL THAT IS USED TO BLOW, VACUUM, DISPLACE, OR GATHER DEBRIS.

15 (2) *INCLUSIONS.*

16 “GAS-POWERED DEBRIS REMOVAL EQUIPMENT” INCLUDES:

17 (I) LEAF BLOWERS; AND

18 (II) LEAF VACUUMS.

19 (3) *EXCLUSIONS.*

20 “GAS-POWERED DEBRIS REMOVAL EQUIPMENT” DOES NOT INCLUDE:

21 (I) LAWN MOWERS;

22 (II) LAWN TRIMMERS;

23 (III) SNOW BLOWERS; OR

24 (IV) PRESSURE WASHERS.

Council Bill 23-0367

1 **§ 8-302. PROHIBITION OF GAS-POWERED DEBRIS REMOVAL EQUIPMENT.**

2 A PERSON MAY NOT USE GAS-POWERED DEBRIS REMOVAL EQUIPMENT IN BALTIMORE CITY.

3 ***SUBTITLE 4 [3]***
4 ***PENALTIES.***

5 **§ 8-401 [8-301]. Enforcement by citation.**

6 (a) *In general.*

7 In addition to any other civil or criminal remedy or enforcement procedure, this title may
8 be enforced by issuance of:

9 (1) an environmental citation under City Code Article 1, Subtitle 40 {"Environmental
10 Control Board"}; or

11 (2) a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.

12 (b) *Process not exclusive.*

13 The issuance of a citation to enforce this title does not preclude pursuing any other civil
14 or criminal remedy or enforcement action authorized by law.

15 **§ 8-402 [8-302]. Criminal penalties: \$1,000.**

16 (a) *In general.*

17 Except as otherwise specified, any person who violates any provision of this title is guilty
18 of a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000 for each
19 offense.

20 (b) *Each day a separate offense.*

21 Each day that a violation continues is a separate offense.

22 **§ 8-403. CRIMINAL PENALTIES: GAS-POWERED DEBRIS REMOVAL EQUIPMENT.**

23 (A) *IN GENERAL.*

24 EXCEPT AS OTHERWISE SPECIFIED IN THIS SUBTITLE, AN ENFORCEMENT OFFICER MAY
25 ISSUE A CIVIL CITATION FOR THE USE OF GAS-POWERED DEBRIS REMOVAL EQUIPMENT IF
26 THE ENFORCEMENT OFFICER:

27 (1) WITNESSES THE VIOLATION; OR

28 (2) RECEIVES FROM AT LEAST 1 WITNESS A WRITTEN COMPLAINT ACCOMPANIED BY
29 PHOTOGRAPHIC EVIDENCE.

Council Bill 23-0367

1 (B) *WARNING TO CEASE AND DESIST.*

2 AN ENFORCEMENT OFFICER WHO FINDS ANY PERSON VIOLATING THIS SUBTITLE SHALL
3 ORDER, ON A FIRST OFFENSE, THAT THE PERSON CEASE AND DESIST THE USE OF GAS-
4 POWERED DEBRIS REMOVAL EQUIPMENT.

5 (C) *SUBSEQUENT OFFENSE.*

6 A PERSON WHO COMMITS A SUBSEQUENT OFFENSE IS SUBJECT TO A FINE OF \$250 FOR EACH
7 SUBSEQUENT OFFENSE.

8 **SECTION 2. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect 1 year after the
9 date it is enacted.