[Date]

Transmitted via-email

RECIPIENTS LIST (Municipal Representatives or State Senate/Assembly Members)

**Re: OPPAA Comments on REFERENCE CODE OR BILL – Relating to ISSUE**

Dear RECIPIENTS,

The Outdoor Power Parts and Accessories Association (“OPPAA”) opposes BILL OR CODE which will ISSUE and negatively impact OPPAA members and hardworking professionals throughout STATE.

For over 35 years, OPPAA continues to promote quality of replacement parts and accessories as an equivalent and economical means for the maintenance and repair of power equipment. As a member-driven organization our ultimate purpose is to facilitate the growth and availability of quality replacement parts and accessories to the outdoor power equipment industry.

However, due to the wide range of powered equipment types and use cases, *there is currently no one-size-fits-all power-source approach*. Codes and bills that propose gas-powered equipment bans and dictate equipment purchase choices ignore technical feasibility challenges, particularly for landscape and construction professionals. Supply chain, electrical grid infrastructure, and product recycling also present significant concerns. These trends will continue without legislative action. BILL OR CODE is unnecessary.

**Zero Emissions Equipment Technology Feasibility Challenges**

Today’s battery technology is not without limitations. In its recent Small Off-Road Engine rulemaking the California Air Resources Board (CARB) compared on-line (marketing) performance of a gas-powered and electric-powered blower. However, in real-world testing, industry testing shows that the battery-powered unit’s performance[[1]](#footnote-1) dropped more than 40% as the battery discharged. In “turbo” mode the battery lasted just 18 minutes. On the other hand, the gas-powered equipment maintained full performance for over an hour, until the unit ran out of gas.

Additionally, consideration must be given to the availability of grid power in many instances when / where outdoor power equipment is used. Generators, water pumps and chain saws used off-the-grid and in emergency response situations require continuous power alternatives not possible with electric equipment options.

These performance differences raise significant concerns for landscape and construction professionals, and emergency respondents who demand steady, reliable and continuous performance.

**Zero Emissions Equipment Cost Challenges**

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

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

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

**Emissions Are Already Federally Regulated**

Emissions are a common discussion point surrounding lawn and garden outdoor power equipment (“OPE”). “Facts” comparing outdoor power equipment emissions to automobiles are not rooted in sound data and are untrue or misleading.

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

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

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

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

**A Robust Enforcement Program is Necessary**

A robust enforcement program for CODE OR BILL will be necessary to ensure fairness to compliant manufacturers, retailers, and end-users. Resources will be needed at state and local levels to assure compliance with and to enforce the ban proposed by CODE OR BILL. Amid a patchwork quilt of state regulations, such an enforcement and compliance program will undoubtably be cost and resource intensive, and in OPPAA’s opinion unworkable.

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For these reasons, OPPAA opposes CODE OR BILL.

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

Respectfully submitted,

SIGNATURE

**ANNEX A – Outdoor Power Equipment Facts**

***Technical Feasibility Challenges with Power Technology and Innovation:***

* There is currently no “one-size-fits-all” option for the wide portfolio of OPE products and uses.
  + There is wide range OPE products – Electric power source options do not exist for all categories of equipment.
  + ZEE is widely accepted for residential lawn and garden applications, however, further advancements are necessary for ZEE to deliver the performance needed and a cost competitive with gas-powered equipment in many commercial applications.

***OPPAA and Industry Overview:***

* OPPAA represents over 35 industry members – Most original equipment manufacturers that produce *both* gas and electric-powered parts and accessories.
* OPPAA members market a guaranteed quality product that builds customer confidence in parts and accessories.
* OPPAA members encourage a system of free enterprise and oppose all invasions of our rights and privileges to do business.
* The industry provides tools for a national network of nearly 8M landscape and construction professionals, many of which are sole proprietors.
* OPE is ubiquitous in American households and businesses, with an estimated 40M products sold annually and a total in-service fleet exceeding 250 million.
* OPPAA members have a long history of consumer safety and environmental protection through standards development and government engagement.

***OPE Industry Principles on ZEE Policymaking***

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

1. Measured as blower force in Newtons in accordance to ANSI/OPEI B175.2 standard. [↑](#footnote-ref-1)