

**Statement of Dr. Brent Blackwelder, President Emeritus
of Friends of the Earth, to the D.C. Council's Committee
of the Whole**

**In Support of B22-234, the Leaf Blower Regulation
Amendment Act of 2017**

I am Dr. Brent Blackwelder, President Emeritus of Friends of the Earth, and DC resident since 1948. I am submitting this written testimony for the hearing record on B22-234, The Leaf Blower Regulation Amendment Act of 2017.

Since 1970 to the present my job has been to improve the health and environmental protections in D.C., the United States, and also internationally with global treaties to safeguard the Earth's atmosphere. In the mid-1990s I helped start the DC Environmental Network which has succeeded in securing health and environmental victories and protections in every ward in the City.

A list of my credentials appears at the end of this testimony.

I grew up in Cleveland Park and still reside in Ward 3. In recent years noise pollution has worsened in our neighborhood and in the city. On most summer days we cannot sit on our back porch. My wife Terry and I never know when a barrage of leaf blowers will drive us inside. Leaf blowers are the most serious of those noise problems we face when we try to use the front yard or back porch.

I was present at the July 2 hearing and listened to Mr. Mustico argue on behalf of the Outdoor Power Equipment Institute (OPEI) in favor of allowing "market forces" to work. My testimony is focused on pointing to the flaws in OPEI's arguments. Mr. Mustico specifically mentioned OPEI's published guidelines for the "safe and courteous" use of leaf blowers, as a

remedy for what's causing so many citizens to demand that gas blowers be prohibited. Those guidelines are intended to instruct users of the tools that OPEI members manufacture on how to use them in a "safe and courteous" manner.¹ The largest category of users are lawn-maintenance and landscaping contractors.

While the OPEI guidelines sound very good on paper, today's economic incentives push the purchasers and users of gas-powered leaf blowers to disregard these very guidelines. In other words, relying on "market forces" is exactly what we have today, and it isn't working. For instance:

- OPEI guidelines (top of Page 9) state that there are "two main types of leaf blowers," and go on to describe them. But they're both gas-powered models, the two-stroke variety and the four-stroke variety. The fact that OPEI doesn't even mention that battery-powered leaf blowers are available points to the unwillingness of OPEI to make full disclosure of the effectiveness of battery-powered leaf blowers in reducing noise while retaining the blowing functions.
- On Page 11, the guidelines tell the reader to make sure that "bystanders, including other operators, are at least 50 feet away." And on Page 19 the guidelines say "Avoid using more than one blower at a time." Yet, it's in the economic interest of the contractor to service as many clients as possible each day. That means instead of having a single operator take an hour to work a client's property, for example, the contractor could put three operators on that same property and complete the job in one-third the time; even if that means the three operators will be working in close proximity to each

¹ Here's a link to the OPEI guidelines document:
<http://leafblowernoise.com/LeafBlowerTraining.pdf>

other, much less than 50 feet apart. That approach enables the team to move to the next client's property sooner and maximizes the number of clients whose properties can be served by the team in a single day. This is commonly what we all observe: lawn-maintenance contractors deploy teams of two, three, even four or more operators to work on a single property, irrespective of its size, working within 50 feet of each other in direct contravention of the OPEI guidelines, because it makes the most economic sense for the contractor's business. That is "market forces" at work.

- The guidelines (Page 11) caution, "Stop blowing if you are approached." I've witnessed that from the more alert and more courteous operators. But I've also witnessed operators wearing eye protectors and hearing protectors that the guidelines recommend (same page), which may interfere with the very ability of those operators to detect the presence of nearby persons; often, the operators keep running their blowers at full blast, even as a person is approaching. Keep in mind that the operators are under instructions to serve as many client properties as possible in a single day; interrupting their operation of their gas blowers as a courtesy to someone approaching doesn't align with that incentive. It is rare when I can take a relaxing walk in my neighborhood without encountering very noisy leaf blowers.

In 2015 Dr. Jamie Banks of Quiet Communities filmed a leaf-blower scene at a mall in Lincoln, Massachusetts. Dr. Banks testified last June, 2018, before this Committee. His video depicts an elderly woman with a shopping cart standing at the edge of a parking lot.

Here is a quick summary of the video: a team of four operators are shown clearing the hard-surface parking lot of some leaves and a lot of dust and debris. Two of them are using back-pack leaf blowers, one is using a wheeled leaf blower, and the other is using a broom and then a shovel. One or two of the operators are

wearing eye protection, one uses a breathing mask, none appear to be using hearing protectors. The dust and debris that the blowers kick up rise into the breathable airspace in a visible cloud of filth. The woman, who appears to be within 50 feet of at least some members of the team, waits patiently. Finally, she can wait no more and proceeds to approach the team, entering the nasty cloud, by which time one of the team members has abandoned the wheeled blower and commenced operating a third back-pack blower. The combined noise from the three blowers, operating simultaneously at different pitches that rise and fall, is deafening.

An interesting exercise is to count the number of violations of the OPEI guidelines exhibited in this less-than-three-minutes-long video. Here are the ones that I have witnessed here in DC:

- “Make sure bystanders, including other operators, are at least 50 feet away.” (Page 11)
- Stop blowing if you are approached.” (Page 11)
- “Never point the nozzle or blow debris toward people, pets, cars or houses.” (Page 17)
- “Always be considerate of people passing by” (Page 17)
- “Avoid using more than one blower at a time,” (Page 19)
- “Start with the nozzle close to the ground at first – then raise it to a height where it does not generate dust.” (Page 21)
- “Never use a leaf blower to move excessively dusty materials.” (Page 21)
- “Wear hearing protection when using a leaf blower” (Page 11)
- “Wear goggles that meet eye protection standards.” (Page 11)
- “In dusty conditions, wear a respirator or dust mask as appropriate.” (Page 11)

- “Work carefully. You need to be safe, courteous, and responsible.” (Page 11)

The video demonstrates what I and many others have seen. Market forces work in a perverse way when it comes to gas-powered leaf blowers: they incentivize the operation of gas-powered leaf blowers in the least safe, least courteous, and least healthy manner. We urge swift passage of B22-234 to correct the situation.

Credentials of Dr. Brent Blackwelder

President Emeritus of Friends of the Earth
Founding Chairman of American Rivers 1973
Steward of the Planet, *Vanity Fair* magazine 2005
Former Chairman of the Board of the League of Conservation Voters 1980s.
Testified over 100 times before Congress

Education

AB Duke University 1964 *summa cum laude*
MA Yale University (mathematics) 1966
PHD University of Maryland (philosophy) 1975
Honorary Doctor of Humane Letters, Virginia Theological Seminary 2014

Publications

Disasters In Water Development
A Survey of Water Conservation Programs in the 50 States & Model Water Conservation Program for the Nation
Bankrolling Successes: A Portfolio of Sustainable Development Projects

