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**SENATE BILL 5543**

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**State of Washington 67th Legislature 2022 Regular Session**

**By** Senators Carlyle, Das, Hunt, Liias, Lovelett, Lovick, Mullet, Nguyen, Pedersen, Randall, Rolfes, Stanford, C. Wilson, and J. Wilson

AN ACT Relating to a zero-emission landscaping equipment incentive program; adding new sections to chapter 70A.15 RCW; creating new sections; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  (1) The legislature finds that gasoline-powered and diesel-powered landscape equipment emit a host of air pollutants, including nitrogen oxides, particulate matter, carbon dioxide, and other pollutants, contributing to the global climate crisis and negatively impacting public health. According to the United States environmental protection agency, gas-powered mowers contribute five percent of United States air pollution and estimates indicate more than 17,000,000 gallons of fuel, mostly gasoline, is spilled each year while refueling lawn equipment. Nationally, the department of transportation data shows that in 2018, Americans used nearly 3,000,000,000 gallons of gasoline running lawn and garden equipment, equivalent to the annual energy use of more than 3,000,000 homes. One hour of running a gas lawnmower can contribute as much smog-forming pollution as driving a passenger car 300 miles, and one hour of running a gas leaf blower can contribute as much smog-forming pollution as driving a passenger car 1,100 miles.

(2) The legislature further finds that the small gas engines used in lawn and garden equipment are not only bad for the environment and contributing to climate change, but they can also cause asthma, hearing loss, and other health issues for workers who use them. Going electric can generate health benefits and protect those who have to hear, handle, and inhale gas engines for hours on end. Additionally, the noise from gas-powered equipment can be a nuisance, with many communities enacting restrictions on the use of commercial lawn equipment. Residents value the quiet of electric equipment, especially during a time when many are working from home.

(3) The legislature further finds that the technology and consumer markets are ready for the transition to cleaner, all-electric lawn and garden equipment. In some instances, electric and battery-operated equipment are just as powerful as gas, and more efficient. The market share of battery-powered lawn equipment is growing at a rate three times faster than gas, and already, many homeowners, businesses, cities, and universities have converted to all-electric landscaping equipment. It is estimated that the volume of electric-powered lawn equipment that North American manufacturers shipped jumped from about 9,000,000 units in 2015 to over 16,000,000 in 2020, an increase of more than 75 percent in only five years, and during that time, electric equipment went from roughly 32 percent to 44 percent of the overall lawn equipment market. Some manufacturers even have plans to cease the production of gas-powered equipment.

(4) Therefore, the legislature intends to establish a zero-emission landscaping equipment incentive and exchange pilot program to accelerate the phase out of super-polluting gas-powered equipment by assisting residents and businesses in transitioning to cleaner alternatives.

NEW SECTION. **Sec.**  A new section is added to chapter 70A.15 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, a zero-emission landscaping equipment incentive and exchange pilot program is established in order to help residents and professional landscapers and gardeners make the switch from gasoline-powered or diesel-powered landscaping equipment to new all-electric landscaping equipment.

(2) The goal of the program is to improve air quality by exchanging older, polluting gasoline-powered or diesel-powered landscaping equipment for new zero-emission electric equipment for operation by commercial businesses and residents in Washington.

(3) The program must be administered by the department and the department may coordinate with local clean air agencies and regional offices, where a local clean air agency does not exist, to administer the program.

(4)(a) Incentives must be offered in the form of a rebate and go towards the replacement of gasoline-powered or diesel-powered landscaping equipment with new all-electric landscaping equipment.

(b) The program may provide an award of:

(i) One hundred dollars for any equipment with a purchase price of up to $300, including any sales and use tax; and

(ii) Two hundred dollars for any equipment with a purchase price over $300, including any sales and use tax.

(5)(a) Eligible recipients include:

(i) Residential owners and operators of gasoline-powered or diesel-powered landscaping equipment; and

(ii) Commercial landscaping businesses.

(b) Reimbursement awards are limited to a maximum of one award per residential applicant and three awards per business applicant.

(6) Eligible equipment includes:

(a) Edgers, trimmers, chainsaws, and pole saws;

(b) Leaf blowers and vacuums;

(c) Walk-behind mowers;

(d) Ride-on or stand-ride mowers;

(e) Additional batteries and chargers; and

(f) Other equipment approved by the department.

(7) Rebates for purchase must go towards new all-electric equipment, which has not been previously used or previously owned, and equipment must be purchased from a retail store or online retailer.

(8) Eligible applicants must currently own and operate a working gasoline-powered or diesel-powered piece of landscaping equipment.

(9) At least one operable gasoline-powered or diesel-powered piece of landscaping equipment must be scrapped to qualify for a rebate on the purchase of all-electric replacement equipment, but a rebate award may go toward the purchase of any eligible piece of equipment or any combination of eligible equipment.

(10)(a) The department must establish and publish an approved list of retailers where purchases of new all-electric equipment are eligible for rebate awards.

(b) Any retailer that agrees to take old gasoline-powered or diesel-powered equipment from residents or businesses for recycling or disposal is an approved retailer.

(11)(a) The department must track the effectiveness of the program by estimating emissions reductions from the exchange of landscaping equipment.

(b) If the program is effective in reducing emissions from landscaping equipment, the legislature intends to continue the program.

NEW SECTION. **Sec.**  A new section is added to chapter 70A.15 RCW to read as follows:

The zero-emission landscaping equipment incentive account is created in the custody of the state treasurer. The program established in section 2 of this act is considered an eligible program for funding by the climate commitment account established in RCW 70A.65.260 and receipts from the climate commitment account may be deposited into the zero-emission landscaping equipment incentive account for this purpose. Expenditures from the zero-emission landscaping equipment incentive account may be used only for the purposes of section 2 of this act. Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. **Sec.**  Sections 2 and 3 of this act may be known and cited as the cash for lawn clunkers act.

NEW SECTION. **Sec.**  This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

**--- END ---**