

# SENATE BILL REPORT

## SB 5543

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As of January 11, 2022

**Title:** An act relating to a zero-emission landscaping equipment incentive program.

**Brief Description:** Concerning a zero-emission landscaping equipment incentive program.

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

**Brief History:**

**Committee Activity:** Environment, Energy & Technology: 1/11/22.

### Brief Summary of Bill

- Establishes a zero-emission landscaping equipment incentive and exchange pilot program to assist residents and professional landscapers in transitioning from the use of gasoline or diesel-powered landscaping equipment to new all-electric landscaping equipment.

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## SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY

**Staff:** Gregory Vogel (786-7413)

**Background:** Clean Air Act. The federal Clean Air Act (CAA) is a comprehensive set of laws designed to control air pollution. The United States Environmental Protection Agency (EPA) is responsible for establishing and enforcing standards and limits on air pollutants. Individual states and tribes have delegated authority to implement the federal program and may adopt their own rules and regulations at least as stringent as those set by EPA.

Under the Washington State Clean Air Act, the authority of the Department of Ecology (Ecology) includes adopting rules to establish minimum air quality and emission standards for the state. Ecology enforces the state and federal rules, except where a local clean air agency has been established.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

Air Quality. Ecology and local clean air agencies monitor and track emissions to ensure levels of outdoor air pollutants meet federal and state air quality standards. Monitoring is focused on criteria pollutants and other chemicals broadly known as air toxics. Ecology's programs and strategies are intended to prevent air pollution from reaching levels that are unhealthy for people or the environment.

Criteria Pollutants. The CAA requires EPA to set National Ambient Air Quality Standards for six common air pollutants. Ecology and local clean air agencies monitor these pollutants and take action if levels become unhealthy. The pollutants are:

- carbon monoxide;
- lead;
- nitrogen dioxide;
- ozone;
- particulate matter; and
- sulfur dioxide.

Climate Commitment Account. The Climate Commitment Account is an account created as part of the state's cap and invest program. The account receives distributions from auction revenues under the cap and invest program and revenues may go towards implementing the working families tax credit and environmental and clean energy programs, activities, or projects.

**Summary of Bill:** A zero-emission landscaping equipment incentive and exchange pilot program is established to help residents and professional landscapers and gardeners make the switch from gasoline or diesel-powered landscaping equipment to new all-electric landscaping equipment.

Ecology must administer the program and may coordinate with local clean air agencies to do so. Incentives are provided in the form of a rebate and go towards the replacement of gas or diesel-powered equipment with new all-electric equipment. Rebate awards are \$100 for equipment with a purchase price up to \$300, and awards are \$200 for equipment with a purchase price over \$300, including any sales and use tax.

Eligible rebate recipients include:

- residential owners and operators of gas or diesel-powered landscaping equipment; and
- commercial landscaping businesses.

Awards are limited to one per residential applicant and three per business applicant.

Eligible landscaping equipment includes:

- edgers, trimmers, chainsaws, and pole saws;
- leaf blowers and vacuums;

- walk-behind mowers;
- ride-on or stand-ride mowers; and
- additional batteries and chargers.

At least one operable gas or diesel-powered piece of equipment must be scrapped to qualify for a rebate, but a rebate award may go toward the purchase of any eligible piece of equipment or any combination of eligible equipment.

Ecology must establish and publish an approved list of retailers. Any retailer that agrees to take old equipment for recycling or disposal is an approved retailer.

Ecology must track the effectiveness of the program by estimating emissions reductions from the exchange of landscaping equipment. If the program is effective in reducing emissions from landscaping equipment, the Legislature intends to continue the program.

The Zero-Emission Landscaping Equipment Incentive Account is established to fund the program. The program is considered an eligible use of funding by the Climate Commitment Account.

The act may be known and cited as the Cash for Lawn Clunkers Act.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Staff Summary of Public Testimony:** PRO: The program has benefits beyond reducing greenhouse gas emissions, including reducing air and noise pollution, and promoting environmental health and equity. These pollutants are well documented as causing adverse health impacts, and the equipment is used near schools, parks, and other public places. Exposure to high noise levels can also damage hearing, and noise pollution degrades quality of life in communities.

The bill is an indicator that we have an overreliance on fossil fuels. Fossil fuel lawn equipment is often overlooked as a source of climate pollution and criteria pollutants. These are the small things we can do that make us think about the big things—mitigating climate change and reducing fossil fuel use. These types of bills are ultimately transformational in changing individual behavior.

OTHER: Ecology appreciates the sponsor's attention to environmental harm caused by gas-powered equipment. The bill supports state goals of reducing climate pollution and

reducing criteria air pollution. We believe the program will be popular with Washington people and an effective way to reduce air pollution. Since the program is not supported for in the Governor's budget, the agency is signed in as other.

**Persons Testifying:** PRO: Senator Reuven Carlyle, Prime Sponsor; Martin Gibbins, League of Women Voters of Washington; Leah Missik, Climate Solutions; Clifford Traisman.

OTHER: Carrie Sessions, Dept. of Ecology.

**Persons Signed In To Testify But Not Testifying:** No one.