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Item No.
Environment and Sustainability Standing Committee
September 7th, 2023

TO: Chair and Members of Environment and Sustainability Standing Committee

SUBMITTED BY:



Cathie O'Toole, Chief Administrative Officer

DATE: July 5th, 2023

SUBJECT: Gas-Powered Leaf Blowers in HRM

INFORMATION REPORT

ORIGIN

December 1, 2022 Environment and Sustainability Standing Committee motion 12.3.1:

MOVED by Deputy Mayor Austin, seconded by Councillor Morse

THAT the Environment and Sustainability Standing Committee request a staff report on restricting or banning the use of gasoline powered leaf blowers.

MOTION PUT AND PASSED

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, SNS 2008, c 39:

7A The purposes of the Municipality are to (a) provide good government; (b) provide services, facilities and other things that, in the opinion of the Council, are necessary or desirable for all or part of the Municipality; and (c) develop and maintain safe and viable communities.

188(1) The Council may make by-laws, for municipal purposes, respecting (a) the health, wellbeing, safety and protection of persons... (d) nuisances, activities and things that, in the opinion of the Council, may be or may cause nuisances, including noise, weeds, burning, odours, fumes and vibrations...

BACKGROUND

In June 2020, Halifax Regional Council passed HalifACT: Acting on Climate Together, which sets emission reduction targets of 75% below 2016 levels by 2030 and net zero emissions by 2050. Reducing reliance on fossil fuels is critical to achieving this goal.

On December 1st, 2023, the Environment & Sustainability Standing Committee passed a motion requesting a staff report on restricting or banning the use of gasoline powered leaf blowers. This motion was brought forward due to complaints received by Councillors from community members concerning the noise produced by gas-powered leaf blowers as well as their environmental impacts.

Gas-powered leaf blowers, along with other lawn care equipment, are considered highly polluting. Litre for litre, they pollute at a higher rate than most passenger vehicles. It is estimated that an average gas-powered leaf blower produces as much air pollution in an hour as driving an average car nearly 1,800 kilometers¹. In Canada, emission standards for gas-powered leaf blowers are regulated by the *Off-Road Small Spark-Ignition Engine Emission Regulations*. These regulations were updated in 2018 to implement more stringent air pollutant emission standards for spark-ignition engines². Additionally, Environment and Climate Change Canada lists gas-powered lawn care equipment as a contributing source of air pollution in Canada³.

DISCUSSION

The use of gas-powered leaf blowers is currently regulated through HRM's by-law *N-200 Respecting Noise*. This by-law enforces the reduction of noise deemed as unreasonable and disturbing the peace. Through by-law *N-200*, the use of gas-powered leaf blowers is prohibited during the following hours:

“On a Monday, Tuesday, Wednesday, Thursday, or Friday until seven o'clock in the a.m. (7:00 a.m.) and after nine thirty o'clock in the afternoon (9:30 p.m.). On a Saturday until eight o'clock in the a.m. (8:00 a.m.) and after seven o'clock in the afternoon (7:00 p.m.). On a Sunday, Statutory Holiday, Civic Holiday, or Remembrance Day until nine o'clock in the a.m. (9:00 a.m.) and after seven o'clock in the afternoon (7:00 p.m.).”

HRM receives approximately 300-400 noise complaints a year from members of the public. From 2017 to the date of this report, five complaints concerning noise from gas-powered leaf blowers were documented. There was also one request for additional leaf blowing in a Municipal Park. The Supervisor of Regional Compliance has also relayed that no enforcement officers recalled dealing with any recent complaints relating to leaf blowers. Based on this information, gas-powered leaf blowers make up only a small portion of noise complaints received by HRM.

Jurisdictional Scan

Typically, gas-powered leaf blowers are regulated through noise by-laws in other jurisdictions across Canada. Some jurisdictions however have taken specific steps towards a full ban, including West End Vancouver, British Columbia, and Oak Bay, Ontario. The ban in West End Vancouver was implemented through the noise by-law, with the goal of reducing noise in a densely populated neighbourhood. Since this by-law was enacted, there have been numerous complaints around a lack of enforcement and continued use of gas-powered leaf blowers in West End Vancouver. Staff in Oak Bay are still in the preliminary stages of reviewing regulatory options to implement this ban.

Outside of Canada, California has implemented regulations restricting the sale of gas-powered equipment that use small off-road engines (SORE). This includes gas-powered leaf blowers as well as most lawn care

¹ California Air Resources Board. <https://ww2.arb.ca.gov/>

² Government of Canada. <https://pollution-waste.canada.ca/environmental-protection-registry/regulations/view?id=61>

³ Government of Canada. <https://www.canada.ca/en/environment-climate-change/services/air-pollution/sources/transportation.html>

equipment. To achieve this, they are mandating emission standards for smog-forming pollutants to zero for all SORE equipment with a model year of 2024 or later. Older models produced prior to these regulations will still be able to be sold, purchased, and used within the state⁴.

Policy Consideration

HRM cannot ban the sale of gas-powered leaf blowers. When Victoria attempted to implement a similar ban on the sale of single use plastic bags, the by-law was challenged and overturned in the British Columbia Court of Appeal. It is possible that HRM could draft a by-law prohibiting the use of gas-powered leaf blowers under section 188 (1) of the *HRM Charter*, which states that:

The Council may make by-laws, for municipal purposes, respecting

(a) the health, well being, safety and protection of persons...

(d) nuisances, activities and things that, in the opinion of the Council, may be or may cause nuisances, including noise, weeds, burning, odours, fumes and vibrations...

When considering any regulatory solution, staff are to utilize the Regulatory Impact Assessment (RIA) tool adopted under Administrative Order 2017-002-ADM Charter of Governing Principles for Regulation in February 2018. This applies when considering and developing new by-laws or by-law amendments to address a policy issue. The RIA tool is used to support the Administrative Order and help staff determine if regulation is the right policy action for a given issue by evaluating the scale of the issue.

A ban on gas-powered leaf blowers would cause financial impacts to both residents and businesses. Lawn care companies operating in HRM would also be required to purchase new equipment, along with additional batteries. They may also need to increase staff hours to accommodate for the short battery life of the electric leaf blowers. This added cost would in turn be passed down to consumers. Banning the use of gas-powered leaf blowers within HRM would also create difficulties for businesses operating in multiple municipalities in Nova Scotia.

While there are emissions associated with using gas-powered leaf blowers, a full ban would require additional staff resources and time to develop, implement, and enforce the by-law. In order to enforce the by-law, Compliance Officers would need to determine if the leaf blower in question was gas or electric powered, which may prove difficult. For these reasons, along with the low number of documented complaints, the RIA recommends against banning the use of gas-powered leaf blowers in HRM as it would not be an effective policy solution for this issue, at this time. The RIA tool encourages consideration of other policy actions such as education or partnerships, for example, for issues that would benefit from a non-regulatory approach. If Halifax Regional Council were to request a full ban, a Business Impact Assessment would be required to understand the full implications on business.

Municipal Operations

While a full ban on gas-powered leaf blowers is not recommended, the Municipality is transitioning to electric lawncare equipment when operationally suitable. Parks & Recreation currently use 37 gas-powered leaf blowers and 7 electric leaf blowers. Other small lawncare equipment like mowers, hedge trimmers etc. will also be transitioned at the end of their life. However, most of the lawn care maintenance for parks and right-of-ways is contracted to outside companies. At this time, HRM does not specify whether the proponents should use gas or electric equipment for this purpose. However, all procurement processes take environmental and social impacts into account when evaluating bids.

Numerous municipalities (including Ottawa, Vancouver, and Toronto) are phasing out gas-powered lawn care equipment in their own operations. Feedback from municipalities trialing electric lawn care equipment (including leaf blowers) as part of this transition indicates that while staff are excited to use more environmentally-friendly equipment, the battery power of the equipment is limiting (requiring multiple battery

⁴ California Air Resources Board. <https://ww2.arb.ca.gov/>

changes each day), and the equipment does not perform well in wet conditions where the leaves are heavier. While electric leaf blowers are often quieter than gas-powered leaf blowers, staff still found that they needed to wear hearing protection while using electric leaf blowers.

Conclusion

Gas-powered leaf blowers, along with other gas-powered lawn care equipment, are considered highly polluting and can be a nuisance to residents. However, the documented number of complaints concerning gas-powered leaf blowers is low, and the use of gas-powered leaf blowers is already restricted to certain hours through by-law *N-200 Respecting Noise*.

Based on feedback from other jurisdictions, a total ban on the use of gas-powered leaf blowers can be difficult to enforce. Given the low number of complaints and potential impacts to local businesses, the Regulatory Impact Assessment tool recommends against additional regulation of gas-powered leaf blowers at this time. Other Canadian municipalities are choosing to lead by example and transition their own equipment to fully electric, including HRM.

While there are emissions associated with using gas-powered leaf blowers, a full ban would require additional staff resources and time. Therefore, efforts are best used to advance the higher impact decarbonization targets of HalifACT, which focus on buildings and transportation sectors.

FINANCIAL IMPLICATIONS

The financial implications of a by-law to regulate or prohibit the use of gas-powered leaf blowers is unknown at this time but would be determined during the development of the regulatory framework.

COMMUNITY ENGAGEMENT

No community engagement has taken place to date. If a ban on gas-powered leaf blowers was pursued, staff would conduct engagement with residents as well as the local business community.

ATTACHMENTS

None

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

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