
HOUSE BILL 1868

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By Representatives Walen, Berry, Ramel, Duerr, Slatter, Reed, Kloba, Macri, Street, Gregerson, Hackney, Pollet, and Davis

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1 AN ACT Relating to reducing emissions from outdoor power
2 equipment; amending RCW 70A.65.260; adding a new section to chapter
3 70A.15 RCW; adding a new section to chapter 43.21A RCW; adding a new
4 section to chapter 82.08 RCW; adding a new section to chapter 82.12
5 RCW; creating a new section; and providing expiration dates.

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

7 NEW SECTION. **Sec. 1.** (1) The legislature finds that gasoline-
8 powered and diesel-powered landscaping and other outdoor power
9 equipment emit a host of air pollutants, including nitrogen oxides,
10 particulate matter, carbon dioxide, and other pollutants,
11 contributing to climate change and negatively impacting public
12 health. The air quality, climate change, and other environmental
13 impacts of outdoor power equipment are significant no matter how you
14 measure them, including:

15 (a) According to one calculation by the United States
16 environmental protection agency, gas-powered mowers contribute five
17 percent of United States air pollution and estimates indicate more
18 than 17,000,000 gallons of fuel, mostly gasoline, is spilled each
19 year while refueling lawn equipment;

20 (b) Nationally, the department of transportation data shows that
21 in 2018, Americans used nearly 3,000,000,000 gallons of gasoline

1 running lawn and garden equipment, equivalent to the annual energy
2 use of more than 3,000,000 homes;

3 (c) One hour of running a gas lawnmower can contribute as much
4 smog-forming pollution as driving a passenger car 300 miles; and

5 (d) One hour of running a gas leaf blower can contribute as much
6 smog-forming pollution as driving a passenger car 1,100 miles.

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

18 (3) The legislature further finds that the technology and
19 consumer markets are ready for the transition to cleaner, all-
20 electric lawn and garden equipment. In some instances, electric and
21 battery-operated equipment are just as powerful as gas, and more
22 efficient. The market share of battery-powered lawn equipment is
23 growing at a rate three times faster than gas, and already, many
24 homeowners, businesses, cities, and universities have converted to
25 all-electric landscaping equipment. It is estimated that the volume
26 of electric-powered lawn equipment that North American manufacturers
27 shipped jumped from about 9,000,000 units in 2015 to over 16,000,000
28 in 2020, an increase of more than 75 percent in only five years, and
29 during that time, electric equipment went from roughly 32 percent to
30 44 percent of the overall lawn equipment market. Some manufacturers
31 already have plans to cease the production of gas-powered equipment,
32 and numerous other governments, including the state of California,
33 has already found technological progress on electric and battery-
34 powered equipment has made it feasible to restrict gas-powered
35 outdoor power equipment.

36 (4) Therefore, the legislature intends to establish temporary
37 sales and use tax relief and a temporary grant program for zero
38 emissions landscaping equipment to accelerate the phase out of super-
39 polluting fossil fuel-powered equipment in transitioning to cleaner

1 alternatives, and to restrict the introduction of new fossil fuel-
2 powered outdoor landscaping equipment.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 70A.15
4 RCW to read as follows:

5 (1) The department must adopt rules to prohibit engine exhaust
6 and evaporative emissions from new outdoor power equipment. The rules
7 must apply to equipment produced on or after January 1, 2026, or as
8 soon as the department determines is feasible, whichever is later.

9 (2)(a) The rules adopted by the department under subsection (1)
10 of this section may not restrict outdoor power equipment to be used
11 by a federal, state, or local government agency or entity or its
12 contractor for emergency management or response purposes including,
13 but not limited to, wildfires, oil spills, or other natural or human-
14 caused emergency events.

15 (b) In addition to the exemptions specified in (a) of this
16 subsection, the department may temporarily exempt specific use cases
17 of commercial or residential outdoor power equipment with engine
18 exhaust or evaporative emissions from the restrictions adopted by
19 rule under this section upon determining that a suitable zero
20 emissions outdoor power equipment technology does not exist to
21 satisfy the needs of the specific use case.

22 (3) A violation of the requirements of this section is subject to
23 penalties as provided in this chapter, including as provided in RCW
24 70A.15.3150 and 70A.15.3160. The department is solely responsible for
25 enforcing the requirements of this section, including through the use
26 of powers enumerated in RCW 70A.15.3140.

27 (4) The definitions in this subsection apply throughout this
28 section unless the context clearly requires otherwise.

29 (a) "Outdoor power equipment" means equipment designed or
30 marketed for use in an outdoor setting in the management of
31 vegetation, landscaped outdoor spaces, or built spaces that is
32 powered by an engine that produces a gross horsepower of less than 25
33 or is designed to produce less than 25 horsepower. "Outdoor power
34 equipment" includes vegetation cutting equipment, leaf blowers, leaf
35 shredders, leaf vacuums, soil tillers, soil cultivators, augers,
36 mulchers, edgers, wood chippers, stump grinders, pressure washers,
37 snowblowers, tampers, and compactors.

1 (b) "Vegetation cutting equipment" includes lawn mowers, riding
2 lawn mowers, hedge trimmers, string trimmers, brush cutters,
3 chainsaws, pole trimmers, polesaws, and log splitters.

4 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.21A
5 RCW to read as follows:

6 (1) The department must administer an outdoor power equipment
7 grant program for local governments that extensively use outdoor
8 power equipment. Grants issued under this section may only be used to
9 replace existing, working-condition outdoor power equipment powered
10 by liquid or gaseous or fossil fuels with zero emissions outdoor
11 power equipment.

12 (2) Among grants that are issued under this section, the
13 department must prioritize grants that will result in the greatest
14 benefits to vulnerable populations or that will reduce the most
15 hazardous or frequent occupational exposures caused by outdoor power
16 equipment.

17 (3) It is the intent of the legislature to dedicate \$5,000,000
18 per year to the outdoor power equipment grant program, beginning in
19 calendar year 2025 and ending in calendar year 2029.

20 (4) The definitions in this subsection apply throughout this
21 section unless the context clearly requires otherwise.

22 (a) "Outdoor power equipment" has the same meaning as defined in
23 section 2 of this act.

24 (b) "Vulnerable populations" has the same meaning as defined in
25 RCW 70A.02.010.

26 (c)(i) "Zero emissions outdoor power equipment" means outdoor
27 power equipment, as that term is defined in section 2 of this act,
28 that is powered by a source that does not produce exhaust gas other
29 than water and that is powered by an engine that produces a gross
30 horsepower of less than 25 horsepower at or below 28 kilowatts or is
31 designed to produce less than 25 horsepower.

32 (ii) "Zero emissions outdoor power equipment" includes, but is
33 not limited to, equipment powered by batteries, battery packs, fuel
34 cells, or electricity through an electric power cord and also
35 includes lawn mowers powered solely by human effort.

36 (5) This section expires January 1, 2030.

37 NEW SECTION. **Sec. 4.** A new section is added to chapter 82.08
38 RCW to read as follows:

1 (1) Beginning January 1, 2023, the tax imposed by
2 RCW 82.08.020 does not apply to the sale of zero emissions outdoor
3 power equipment.

4 (2) Each seller of outdoor power equipment is encouraged to
5 notify potential customers of the effective zero percent sales tax
6 rate established in this section for zero emissions outdoor power
7 equipment.

8 (a) A seller of outdoor power equipment in a physical location,
9 including a store or booth, is encouraged to satisfy this subsection
10 by affixing a notice, label, or sign to the outdoor power equipment
11 or in a prominent manner adjacent to the product, in arial font and
12 at least 14-point type.

13 (b) A seller of outdoor power equipment that uses an electronic
14 place, including an internet website or dedicated sales software
15 application, is encouraged to satisfy this subsection through a
16 prominent notice that appears both in any electronic spaces
17 advertising or displaying the product, and at the time of payment.

18 (3) The definitions in this subsection apply throughout this
19 section unless the context clearly requires otherwise.

20 (a) "Outdoor power equipment" has the same meaning as defined in
21 section 2 of this act.

22 (b) "Zero emissions outdoor power equipment" has the same meaning
23 as defined in section 3 of this act.

24 (4) The provisions of RCW 82.32.805 and 82.32.808 do not apply to
25 subsection (1) of this section.

26 (5) This section expires January 1, 2030.

27 NEW SECTION. **Sec. 5.** A new section is added to chapter 82.12
28 RCW to read as follows:

29 (1) Beginning January 1, 2025, the tax imposed by
30 RCW 82.12.020 does not apply to the use of zero emissions outdoor
31 power equipment.

32 (2) The definitions in section 4 of this act apply to this
33 section.

34 (3) The provisions of RCW 82.32.805 and 82.32.808 do not apply to
35 subsection (1) of this section.

36 (4) This section expires January 1, 2030.

37 **Sec. 6.** RCW 70A.65.260 and 2023 c 475 s 939 are each amended to
38 read as follows:

1 (1) The climate commitment account is created in the state
2 treasury. The account must receive moneys distributed to the account
3 from the climate investment account created in RCW 70A.65.250. Moneys
4 in the account may be spent only after appropriation. Projects,
5 activities, and programs eligible for funding from the account must
6 be physically located in Washington state and include, but are not
7 limited to, the following:

8 (a) Implementing the working families' tax credit in RCW
9 82.08.0206;

10 (b) Supplementing the growth management planning and
11 environmental review fund established in RCW 36.70A.490 for the
12 purpose of making grants or loans to local governments for the
13 purposes set forth in RCW 43.21C.240, 43.21C.031, 36.70A.500, and
14 36.70A.600, for costs associated with RCW 36.70A.610, and to cover
15 costs associated with the adoption of optional elements of
16 comprehensive plans consistent with RCW 43.21C.420;

17 (c) (i) Programs, activities, or projects that reduce and mitigate
18 impacts from greenhouse gases and copollutants in overburdened
19 communities, including strengthening the air quality monitoring
20 network to measure, track, and better understand air pollution levels
21 and trends and to inform the analysis, monitoring, and pollution
22 reduction measures required in RCW 70A.65.020;

23 (ii) Programs, activities, or projects that reduce and mitigate
24 impacts from greenhouse gases and pollutants on vulnerable
25 populations, including the outdoor power equipment grant program
26 established in section 3 of this act, or transfers to the general
27 fund to offset revenue losses from the tax preferences established in
28 sections 4 and 5 of this act;

29 (d) Programs, activities, or projects that deploy renewable
30 energy resources, such as solar and wind power, and projects to
31 deploy distributed generation, energy storage, demand-side
32 technologies and strategies, and other grid modernization projects;

33 (e) Programs, activities, or projects that increase the energy
34 efficiency or reduce greenhouse gas emissions of industrial
35 facilities including, but not limited to, proposals to implement
36 combined heat and power, district energy, or on-site renewables, such
37 as solar and wind power, to upgrade the energy efficiency of existing
38 equipment, to reduce process emissions, and to switch to less
39 emissions intensive fuel sources;

1 (f) Programs, activities, or projects that achieve energy
2 efficiency or emissions reductions in the agricultural sector
3 including:

4 (i) Fertilizer management;

5 (ii) Soil management;

6 (iii) Bioenergy;

7 (iv) Biofuels;

8 (v) Grants, rebates, and other financial incentives for
9 agricultural harvesting equipment, heavy duty trucks, agricultural
10 pump engines, tractors, and other equipment used in agricultural
11 operations;

12 (vi) Grants, loans, or any financial incentives to food
13 processors to implement projects that reduce greenhouse gas
14 emissions;

15 (vii) Renewable energy projects;

16 (viii) Farmworker housing weatherization programs;

17 (ix) Dairy digester research and development;

18 (x) Alternative manure management; and

19 (xi) Eligible fund uses under RCW 89.08.615;

20 (g) Programs, activities, or projects that increase energy
21 efficiency in new and existing buildings, or that promote low carbon
22 architecture, including use of newly emerging alternative building
23 materials that result in a lower carbon footprint in the built
24 environment over the life cycle of the building and component
25 building materials;

26 (h) Programs, activities, or projects that promote the
27 electrification and decarbonization of new and existing buildings,
28 including residential, commercial, and industrial buildings;

29 (i) Programs, activities, or projects that improve energy
30 efficiency, including district energy, and investments in market
31 transformation of high efficiency electric appliances and equipment
32 for space and water heating;

33 (j) Clean energy transition and assistance programs, activities,
34 or projects that assist affected workers or people with lower incomes
35 during the transition to a clean energy economy, or grow and expand
36 clean manufacturing capacity in communities across Washington state
37 including, but not limited to:

38 (i) Programs, activities, or projects that directly improve
39 energy affordability and reduce the energy burden of people with
40 lower incomes, as well as the higher transportation fuel burden of

1 rural residents, such as bill assistance, energy efficiency, and
2 weatherization programs;

3 (ii) Community renewable energy projects that allow qualifying
4 participants to own or receive the benefits of those projects at
5 reduced or no cost;

6 (iii) Programs, activities, or other worker-support projects for
7 bargaining unit and nonsupervisory fossil fuel workers who are
8 affected by the transition away from fossil fuels to a clean energy
9 economy. Worker support may include, but is not limited to: (A) Full
10 wage replacement, health benefits, and pension contributions for
11 every worker within five years of retirement; (B) full wage
12 replacement, health benefits, and pension contributions for every
13 worker with at least one year of service for each year of service up
14 to five years of service; (C) wage insurance for up to five years for
15 workers reemployed who have more than five years of service; (D) up
16 to two years of retraining costs, including tuition and related
17 costs, based on in-state community and technical college costs; (E)
18 peer counseling services during transition; (F) employment placement
19 services, prioritizing employment in the clean energy sector; and (G)
20 relocation expenses;

21 (iv) Direct investment in workforce development, via technical
22 education, community college, institutions of higher education,
23 apprenticeships, and other programs including, but not limited to:

24 (A) Initiatives to develop a forest health workforce established
25 under RCW 76.04.521; and

26 (B) Initiatives to develop new education programs, emerging
27 fields, or jobs pertaining to the clean energy economy;

28 (v) Transportation, municipal service delivery, and technology
29 investments that increase a community's capacity for clean
30 manufacturing, with an emphasis on communities in greatest need of
31 job creation and economic development and potential for commute
32 reduction;

33 (k) Programs, activities, or projects that reduce emissions from
34 landfills and waste-to-energy facilities through diversion of organic
35 materials, methane capture or conversion strategies, installation of
36 gas collection devices and gas control systems, monitoring and
37 reporting of methane emissions, or other means, prioritizing funding
38 needed for any activities by local governments to comply with chapter
39 70A.540 RCW;

1 (1) Carbon dioxide removal projects, programs, and activities;
2 and

3 (m) Activities to support efforts to mitigate and adapt to the
4 effects of climate change affecting Indian tribes, including capital
5 investments in support of the relocation of Indian tribes located in
6 areas at heightened risk due to anticipated sea level rise, flooding,
7 or other disturbances caused by climate change. The legislature
8 intends to dedicate at least \$50,000,000 per biennium from the
9 account for purposes of this subsection.

10 (2) Moneys in the account may not be used for projects or
11 activities that would violate tribal treaty rights or result in
12 significant long-term damage to critical habitat or ecological
13 functions. Investments from this account must result in long-term
14 environmental benefits and increased resilience to the impacts of
15 climate change.

16 (3) During the 2023-2025 fiscal biennium, the legislature may
17 appropriate moneys from the climate commitment account for activities
18 related to environmental justice, including implementation of chapter
19 314, Laws of 2021.

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