

Government Maplewood Salon

Letter: Maplewood Summer Commercial Leaf Blower Ban Is Government Overreach

By [James Nathenson](#) [Apr-02-2017](#)

The following letter to the editor was submitted by Maplewood resident James Nathenson, who serves as an alternate on the Maplewood Planning Board. Nathenson is writing here as a private individual and not as a representative of the Maplewood Planning Board.

The proposed Maplewood Ordinance ([#2854-17](#)) regarding the use of gas powered leaf blowers is an excessive and unwarranted overreach of governmental action. This Ordinance will, amongst other provisions, ban the use of all gas powered leaf blowers from May 15 – Sept. 30 by all commercial businesses (landscapers, gutter cleaning companies, tree services, paving companies, contractors, etc.) Homeowners will still be permitted to use gas powered leaf blowers on their own properties. The stated rationales for the Ordinance are that gas powered leaf blowers are an annoyance to Maplewood residents and a health hazard, yet neither rationale has been substantiated. This Ordinance is an example of governance in which emotion and ideology replace rational thought and due process. My observations are summarized below.

1. An outright ban by a municipality of a commonly used item permitted by both Federal and State regulation is an extreme action. If the Maplewood Township Committee feels compelled to do this, it should be held to a high standard in demonstrating the need for such action. That has not been done here. No objective criteria were clearly defined as to what would constitute a legitimate annoyance or a legitimate health hazard sufficient in either case to justify a ban, and due diligence to prove the point was totally inadequate.
2. A number of residents alleged intrusive levels of noise caused by the gas powered leaf blowers used by landscape companies. But such testimony, heard at two Township Committee meetings, was purely anecdotal, not given under oath, and was accepted at face value by Members of the TC without any skepticism or effort to verify the assertions.
 - No eyewitness corroboration of such reports was attempted by municipal code enforcement or other employees.

- No objective evidence was sought with regard to dates, times, and locations of the alleged intrusive noise events nor was any record made of the identities of the offending lawn maintenance companies. No comparable objective evidence was sought regarding intrusive noise caused by other commercial applications or businesses.
- No consideration was given to the science regarding how sound dissipates over distance and that the reports of constant high levels of noise permeating entire neighborhoods for long periods of time were highly improbable.
- The number of residents who gave such testimony was extremely small relative to the total number of residences in Maplewood. No effort was made to survey Maplewood residents on a broader basis to see whether the concern about intrusive noise is widespread.

As a result of the total lack of due diligence by the Township Committee, the rationale that gas powered leaf blowers are a nuisance due to excessive noise cannot withstand reasonable objective scrutiny. Instead, the Township Committee allowed the subjective, unsubstantiated, and ideologically driven views of a small but vocal minority to control the narrative.

3. There is also no objective basis to conclude that gas powered leaf blowers pose a health hazard. As in the case of noise, the Township Committee's due diligence was totally inadequate.

- No consideration was given to the fact that the US EPA promulgated new regulations pertaining to small engine machinery which are imposed at the manufacturer level and which went into effect in 2011/2012.
- The alleged health hazards were based on research that predated the new regulations.
- No effort was made to ascertain what equipment actually is in use by landscapers in Maplewood and whether such equipment complies with the new EPA regulations.
- The members of the Township Committee do not have the technical expertise to evaluate the alleged health hazards, and they are unqualified to substitute their judgment for that of the EPA.

4. The proposed Ordinance applies to all Commercial businesses. While the owners of several landscape companies were interviewed, no input was sought from the many other types of businesses that utilize leaf blowers.

5. Most significantly, there is an existing Municipal ordinance that limits the decibels of gas powered leaf blowers used by landscape/lawn maintenance companies during the summer months and also mandates compliance with the latest EPA regulations on emissions. The 65-decibel noise level permitted by the existing ordinance is consistent with NJ DEP standards, and is much quieter than the noise level of blowers typically used by the landscapers. Low decibel gas powered blowers that comply with this standard are readily available. But this existing ordinance has not been enforced.

Enforcement of the existing ordinance would have highlighted the extent of both the alleged noise and health issues and might have addressed them. Municipal officials have said that enforcement of the existing Ordinance is impossible. But with some minor adjustments (e.g. annual registration of equipment with appropriate documentation of manufacturers specs, stickering of approved equipment, occasional spot checks, and a steep schedule of fines) the existing ordinance could have been enforced and could have been effective.

6. The Township Committee formed an ad-hoc sub-committee of residents to study the issue. The composition of the sub-committee was heavily weighted toward individuals who were strongly opposed to the use of gas powered leaf blowers from the outset. I served on that sub-committee and was one of two residents who opposed most of the provisions of the proposed Ordinance. All of the above points were raised with the sub-committee either verbally or in writing and were ignored. In my opinion, the sub-committee process simply provided cover for a narrative and major conclusions and recommendations that were effectively pre-determined on Day 1.

Summary:

The real point here is not about leaf blowers per se. It is about an over-bearing and over-reaching governmental action based on emotion and ideology rather than objective criteria and evidence. The Maplewood Township Committee undoubtedly believes it is acting in the best interest of the citizens of Maplewood. But it did not do its job. It did not try to enforce a less restrictive existing ordinance that might have been effective. And it did not do the work required to justify more extreme regulation. If it had done these things, one might find justification for this action. But as it stands, in my opinion, this Ordinance is nothing more than ideological grandstanding. It is excessive and unwarranted and should not be approved.

Jim Nathenson

Maplewood