
HOUSE BILL 2051

State of Washington

68th Legislature

2024 Regular Session

By Representative Walen

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1 AN ACT Relating to reducing emissions from small off-road
2 engines; amending RCW 70A.65.260; adding a new section to chapter
3 70A.30 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 polluting small
2 off-road engine equipment.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 70A.30
4 RCW to read as follows:

5 (1) Pursuant to the federal clean air act, the legislature adopts
6 the California small off-road engine and equipment standards in Title
7 13 of the California Code of Regulations, as they existed as of the
8 effective date of this section and upon approval by the United States
9 environmental protection agency of California's standards, except as
10 provided in subsection (2) of this section. The department of ecology
11 may adopt rules to implement the small off-road engine and equipment
12 standards of the state of California, and may amend the rules from
13 time to time, to maintain consistency with the California standards.
14 The rules may only apply to small off-road engines and equipment
15 produced on or after January 1, 2027, or as soon as the department
16 determines that it is feasible and allowed under the federal clean
17 air act, whichever is later. Nothing in this section restricts the
18 use of small off-road engines or equipment produced prior to January
19 1, 2027.

20 (2)(a) The rules adopted by the department under subsection (1)
21 of this section may not restrict:

- 22 (i) Chainsaws; and
- 23 (ii) Generators.

24 (b) In addition to the exemptions specified in (a) of this
25 subsection, the department may temporarily delay the effective start
26 date of the restrictions under this section for specific categories
27 of or use cases of small off-road engines and equipment upon
28 determining that suitable zero emissions small off-road engine or
29 equipment technology does not exist to satisfy the needs of the
30 specific use case or category of engine or equipment.

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

33 (a) "Small off-road engine" means any engine that produces a
34 gross horsepower less than 25 horsepower (at or below 19 kilowatts
35 for 2005 and later model year), or is designed (e.g., through fuel
36 feed, valve timing, etc.) to produce less than 25 horsepower (at or
37 below 19 kilowatts for 2005 and later model year), that is not used
38 to propel a licensed on-road motor vehicle, an off-road motorcycle,
39 an all-terrain vehicle, a marine vessel, a snowmobile, a model

1 airplane, a model car, or a model boat. If an engine family has
2 models below 25 horsepower (at or below 19 kilowatts) and models at
3 or above 25 horsepower (above 19 kilowatts), only the models under 25
4 horsepower (at or below 19 kilowatts) would be considered small off-
5 road engines. Uses for small off-road engines include, but are not
6 limited to, applications such as lawn mowers, weed trimmers,
7 chainsaws, golf carts, specialty vehicles, generators, and pumps. All
8 engines and equipment that fall within the scope of the preemption of
9 section 209(e)(1)(A) of the federal clean air act, as amended, and as
10 defined by regulation of the United States environmental protection
11 agency, are specifically not included within this category. Any
12 compression-ignition engine, as defined in Title 13, Section 2421,
13 California Code of Regulations, produced during the 2000 and later
14 model years may not be defined as a small off-road engine.

15 (b) "Small off-road equipment" means any off-road equipment
16 powered by a small off-road engine or comparable electric motor, or
17 other power source.

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

20 (1) The department must administer an outdoor power equipment
21 grant program for local governments that use outdoor power equipment.
22 Grants issued under this section may only be used to replace
23 existing, working-condition outdoor power equipment powered by liquid
24 or gaseous or fossil fuels with zero emissions outdoor power
25 equipment.

26 (2) Among grants that are issued under this section, the
27 department must prioritize grants that will result in the greatest
28 benefits to vulnerable populations or that will reduce the most
29 hazardous or frequent occupational exposures caused by outdoor power
30 equipment.

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

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

36 (a) "Outdoor power equipment" means equipment designed or
37 marketed for use in an outdoor setting in the management of
38 vegetation, landscaped outdoor spaces, or built spaces that is
39 powered by an engine that produces a gross horsepower of less than 25

1 or is designed to produce less than 25 horsepower. "Outdoor power
2 equipment" includes vegetation cutting equipment, leaf blowers, leaf
3 vacuums, mulchers, edgers, pressure washers, and snowblowers.

4 (b) "Vegetation cutting equipment" includes lawn mowers, riding
5 lawn mowers, hedge trimmers, string trimmers, brush cutters, pole
6 trimmers, pole saws, and log splitters.

7 (c) "Vulnerable populations" has the same meaning as defined in
8 RCW 70A.02.010.

9 (d) (i) "Zero emissions outdoor power equipment" means outdoor
10 power equipment that is powered by a source that does not produce
11 exhaust gas other than water and that is powered by an engine that
12 produces a gross horsepower of less than 25 horsepower at or below 28
13 kilowatts or is designed to produce less than 25 horsepower.

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

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

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

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

24 (2) Each seller of outdoor power equipment is encouraged to
25 notify potential customers of the effective zero percent sales tax
26 rate established in this section for zero emissions outdoor power
27 equipment.

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

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

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

1 (a) "Outdoor power equipment" has the same meaning as defined in
2 section 3 of this act.

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

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

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

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

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

13 (2) The definitions in section 4 of this act apply to this
14 section.

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

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

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

20 (1) The climate commitment account is created in the state
21 treasury. The account must receive moneys distributed to the account
22 from the climate investment account created in RCW 70A.65.250. Moneys
23 in the account may be spent only after appropriation. Projects,
24 activities, and programs eligible for funding from the account must
25 be physically located in Washington state and include, but are not
26 limited to, the following:

27 (a) Implementing the working families' tax credit in RCW
28 82.08.0206;

29 (b) Supplementing the growth management planning and
30 environmental review fund established in RCW 36.70A.490 for the
31 purpose of making grants or loans to local governments for the
32 purposes set forth in RCW 43.21C.240, 43.21C.031, 36.70A.500, and
33 36.70A.600, for costs associated with RCW 36.70A.610, and to cover
34 costs associated with the adoption of optional elements of
35 comprehensive plans consistent with RCW 43.21C.420;

36 (c) (i) Programs, activities, or projects that reduce and mitigate
37 impacts from greenhouse gases and copollutants in overburdened
38 communities, including strengthening the air quality monitoring

1 network to measure, track, and better understand air pollution levels
2 and trends and to inform the analysis, monitoring, and pollution
3 reduction measures required in RCW 70A.65.020;

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

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

14 (e) Programs, activities, or projects that increase the energy
15 efficiency or reduce greenhouse gas emissions of industrial
16 facilities including, but not limited to, proposals to implement
17 combined heat and power, district energy, or on-site renewables, such
18 as solar and wind power, to upgrade the energy efficiency of existing
19 equipment, to reduce process emissions, and to switch to less
20 emissions intensive fuel sources;

21 (f) Programs, activities, or projects that achieve energy
22 efficiency or emissions reductions in the agricultural sector
23 including:

24 (i) Fertilizer management;

25 (ii) Soil management;

26 (iii) Bioenergy;

27 (iv) Biofuels;

28 (v) Grants, rebates, and other financial incentives for
29 agricultural harvesting equipment, heavy duty trucks, agricultural
30 pump engines, tractors, and other equipment used in agricultural
31 operations;

32 (vi) Grants, loans, or any financial incentives to food
33 processors to implement projects that reduce greenhouse gas
34 emissions;

35 (vii) Renewable energy projects;

36 (viii) Farmworker housing weatherization programs;

37 (ix) Dairy digester research and development;

38 (x) Alternative manure management; and

39 (xi) Eligible fund uses under RCW 89.08.615;

1 (g) Programs, activities, or projects that increase energy
2 efficiency in new and existing buildings, or that promote low carbon
3 architecture, including use of newly emerging alternative building
4 materials that result in a lower carbon footprint in the built
5 environment over the life cycle of the building and component
6 building materials;

7 (h) Programs, activities, or projects that promote the
8 electrification and decarbonization of new and existing buildings,
9 including residential, commercial, and industrial buildings;

10 (i) Programs, activities, or projects that improve energy
11 efficiency, including district energy, and investments in market
12 transformation of high efficiency electric appliances and equipment
13 for space and water heating;

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

19 (i) Programs, activities, or projects that directly improve
20 energy affordability and reduce the energy burden of people with
21 lower incomes, as well as the higher transportation fuel burden of
22 rural residents, such as bill assistance, energy efficiency, and
23 weatherization programs;

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

27 (iii) Programs, activities, or other worker-support projects for
28 bargaining unit and nonsupervisory fossil fuel workers who are
29 affected by the transition away from fossil fuels to a clean energy
30 economy. Worker support may include, but is not limited to: (A) Full
31 wage replacement, health benefits, and pension contributions for
32 every worker within five years of retirement; (B) full wage
33 replacement, health benefits, and pension contributions for every
34 worker with at least one year of service for each year of service up
35 to five years of service; (C) wage insurance for up to five years for
36 workers reemployed who have more than five years of service; (D) up
37 to two years of retraining costs, including tuition and related
38 costs, based on in-state community and technical college costs; (E)
39 peer counseling services during transition; (F) employment placement

1 services, prioritizing employment in the clean energy sector; and (G)
2 relocation expenses;

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

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

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

10 (v) Transportation, municipal service delivery, and technology
11 investments that increase a community's capacity for clean
12 manufacturing, with an emphasis on communities in greatest need of
13 job creation and economic development and potential for commute
14 reduction;

15 (k) Programs, activities, or projects that reduce emissions from
16 landfills and waste-to-energy facilities through diversion of organic
17 materials, methane capture or conversion strategies, installation of
18 gas collection devices and gas control systems, monitoring and
19 reporting of methane emissions, or other means, prioritizing funding
20 needed for any activities by local governments to comply with chapter
21 70A.540 RCW;

22 (l) Carbon dioxide removal projects, programs, and activities;
23 and

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

31 (2) Moneys in the account may not be used for projects or
32 activities that would violate tribal treaty rights or result in
33 significant long-term damage to critical habitat or ecological
34 functions. Investments from this account must result in long-term
35 environmental benefits and increased resilience to the impacts of
36 climate change.

37 (3) During the 2023-2025 fiscal biennium, the legislature may
38 appropriate moneys from the climate commitment account for activities
39 related to environmental justice, including implementation of chapter
40 314, Laws of 2021.

1 NEW SECTION. **Sec. 7.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

--- **END** ---