



October 25, 2021

TO: California Air Resource Board
FR: John Fernandez/Garvey Equipment Company
RE: December 9, 2021 Hearing (SORE)

As a Southern California authorized dealer for outdoor power equipment over the last forty-one (41) years, our industry has experienced many changes operating in the State.

Issue One – Disposal of Hazardous Waste (Used Batteries)

In response to the recent passing of AB1346 and the “one size fits all” approach to creating this legislation and now how to implement it, concerns should center on the disposal of used batteries. It is well documented that our State has a serious problem with the concept of recycling. Fewer recycling centers are available and like cardboard, it is an industry with growing pains. Essentially, there is way too much by-product to recycle or up-cycle and much of it is going into landfills. Additionally, the general public is either unwilling or not prepared to address the issue of personal convenience over ecological impact.

So, now with AB1346 and the introduction of equipment powered by batteries, what is the plan to responsibly dispose of used batteries which is hazardous waste. As a generator of used gas (cradle to grave manifests), used oil (consolidated manifests) and by-product from an aqueous parts washer (consolidated manifests) it is necessary to pose the question, what is the industry standard to dispose of used batteries. And what is a responsible tracking method for knowing where each and every battery associated with a piece of equipment is disposed of in its' after-life.

AB1346 may be a lofty goal but there is a distinction between a weekend warrior and commercial/agency application that should be understood and supported. The “one size fits all” approach is unrealistic and unsustainable and should be tailored to address what is happening in the State. The State of California is a fire zone and an energy challenged area that requires all hands on deck from the commercial/agency to the homeowner in defending and maintaining property with equipment that is designed to get the job done. Endless batteries, charging stations, and an extension cord scenario isn't the way to go as battery-operated equipment is slower in performance and isn't designed to address emergency or unscheduled work. It is ironic for the State to adopt an “out of sight, out of mind” mentality based on what AB1346 is defined to off-set but

instead creates an ecological wasteland in the making with hazardous waste from used batteries.

Battery-operated generators do not exist nor do we see this as a viable option so again the "one size fits all" approach is perplexing. To charge a battery one must plug into the grid assuming the grid is up and running. A medical device requiring electricity is normally "plugged into" the wall and transfer switches are not uncommon to insure a continuous power source should the grid go down. A transfer switch is associated with a gas powered generator to kick in when the power is down. Without power one is unable to charge a battery-operated generator hence a disruption in delivering a source of energy to the generator to power a medical device. And water pumps drawing a source of water from an irrigation source, holding pond, lake, stream or a swimming pool also require an energy source other than a battery due to a remote location. A property owner or fire agency also relies on water pumps to defend structures or land when faced with fire protection issues.

AB1346 should be limited to a select number of products that are geared for the homeowner or weekend warrior. This approach will support a segment of the population who will embrace battery-operated equipment without compromising the commercial/agency user. It should be a choice that allows individuals to evaluate their respective needs based on the application and circumstances of location and personal resources. In that AB1346 only regulates the sale of product in California, and doesn't prohibit an end-user from bringing product into California, usage of gas outdoor power equipment will continue. Therefore, it would be prudent and responsible for the State to regulate the after-life of batteries while limiting the number of the products found in AB1346. The battery industry creates its' own set of hazardous issues that can't be conveniently ignored because it is popular or a quick fix.

Issue Two - Air Pollution – Formation and Retention of Air Pollution

According to the San Joaquin Valley Air Pollution Control District, the basin is a narrow bowl bordered by mountain ranges on both the sides and southern boundary. This land mass is "conducive to the formation and retention of air pollutants. The bowl-shaped Valley collects and holds emissions caused by the activities of the Valley's four million residents and their three million vehicles, as well as vehicles from other areas traveling on Highway 99 and Interstate 5. In addition, pollutants are also transported into the Valley from the Bay Area and the Sacramento Valley. These characteristics cause the San Joaquin Valley to be unusually susceptible to significant air pollution problems."

The idea that AB1346 is based on protecting the air we breathe but is now compromising the land we walk-on is a contradiction that requires a reality check. It is more than a "tit for tat" scenario but one that requires an understanding that AB1346 is short-sided as it was based on erroneous data that sounded convincing but lacked

objectivity. A review of the San Joaquin Valley Air Pollution Control District's "Frequently Asked Questions" site lists numerous contributing factors and the list is lengthy. Therefore, the "one size fits all" approach must be re-evaluated to insure that moving forward legislation doesn't put individuals in harm ways or limit an individual's ability to defend/protect property or ties the hands of agencies to look out for the public's interests. The State must walk-back the tone and content of AB1346 to allow those impacted by the legislation to support a Bill that will contribute and not undercut individuals, businesses and end-users from utilizing gas powered outdoor power equipment.

Summary

Thank you for the opportunity to express our concerns and bring to your attention what must be incorporated into AB1346 to effectively contribute but not burden the State of California with yet add another layer of waste in our landfills and unrealistic expectations. The legislation as presented will put individuals in harms-way due to not understanding the expressed needs of end-users and recognizing the limitations of battery-operated equipment as well as the hazardous waste associated with them.