



Environmental Quality and Energy Conservation Commission

The Environmental Quality and Energy Conservation Commission is an advisory body to the City Council on matters pertaining to oil, animal, energy conservation, and other environmental matters. Regular meetings are scheduled on the first Thursday of the month at 7:00 p.m. in the West Annex Commission Meeting Room.

Staff reports are available for review at the Community Development Department, Civic Center Main Library, and the City Clerk's Office. Direct questions or concerns to Deputy Director Linda Cessna at 310.618.5930. Agendas and Minutes are posted on the City of Torrance Home Page – www.TorranceCA.Gov.

Decisions by the Environmental Quality and Energy Conservation Commission may be appealed to the City Council. Such appeals shall be in writing, accompanied by the filing fee, and shall be filed with the City Clerk within fifteen (15) calendar days following the decision of the Environmental Quality and Energy Conservation Commission.

In compliance with the Americans with Disabilities Act, if special assistance is needed to participate in this meeting, please contact the City Manager's Office at 310.618.5880. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28CFR 35.102-104 ADA Title II].

HOURS OF OPERATION

**Monday through Friday from
7:30 a.m. to 5:30 p.m.**

Offices are closed alternate Fridays.

City Hall will be closed:

Wednesday, February 12, 2020*

Friday, February 14, 2020

Monday, February 17, 2020*

Friday, February 28, 2020

***Denotes City Holiday**

ENVIRONMENTAL QUALITY AND ENERGY CONSERVATION COMMISSION

**WEST ANNEX COMMISSION MEETING ROOM
CITY HALL, 3031 TORRANCE BOULEVARD
TORRANCE, CALIFORNIA 90503**

**THURSDAY, FEBRUARY 6, 2020
7:00 P.M.**

AGENDA

- 1. CALL TO ORDER**
- 2. ROLL CALL/MOTIONS FOR EXCUSED ABSENCE**
- 3. FLAG SALUTE**
- 4. REPORT ON POSTING OF AGENDA**
- 5. ORAL COMMUNICATIONS FROM THE PUBLIC**
- 6. APPROVAL OF MINUTES: December 5, 2019**
- 7. ENVIRONMENTAL MATTERS:**
 - A. LUS19-00005/City of Torrance (Vaping/Flavored Tobacco Products Regulation)**
- 8. ORAL COMMUNICATION**
- 9. ADJOURNMENT: March 5, 2020**

**MINUTES OF A REGULAR MEETING OF
THE ENVIRONMENTAL QUALITY AND
ENERGY CONSERVATION COMMISSION**

1. CALL TO ORDER

The Torrance Environmental Quality and Energy Conservation Commission convened in a regular session at 7:00 p.m. on Thursday, December 5, 2019 in the West Annex meeting room, Torrance City Hall.

2. ROLL CALL:

Present: Commissioners Deemer, DeWitt, Endo-Roberts, Martin, Stecker, and Chairperson Montgomery.

Absent: Commissioner Wright.

Also Present: Deputy Community Development Director Cessna and Senior Environmental Quality Officer Duncan.

MOTION: Commissioner Martin moved to approve the excused absence of Commissioner Wright from the meeting of December 5, 2019. Commissioner Endo-Roberts seconded the motion; a roll call vote reflected 6-0 approval (absent Commissioner Wright).

3. SALUTE TO THE FLAG

Commissioner Stecker led the Pledge of Allegiance.

4. POSTING OF THE AGENDA

Deputy Director Cessna reported the agenda for this meeting was properly posted on the Public Notice Board.

5. ORAL COMMUNICATIONS FROM THE PUBLIC

None.

6. APPROVAL OF MINUTES: NOVEMBER 7, 2019

MOTION: Commissioner DeWitt moved to approve the November 7, 2019 Commission meeting minutes as presented. Commissioner Deemer seconded the motion; a roll call vote reflected 6-0 approval (absent Commissioner Wright).

7. ENVIRONMENTAL MATTERS

7A. LEAF BLOWER RECOMMENDATIONS

Deputy Director Cessna introduced this item referred by City Council and called attention to supplemental correspondence received after agenda packets were prepared. She reported the City has considered various options in regards to the use of leaf blowers in the City that include: a complete ban; a ban only on gas leaf blowers; and restrictions on hours or days of operation. She stated concerns regarding leaf blower use include noise pollution, greenhouse gas

emissions, and dust blown into the air. She discussed some of staff's concerns: 1) Park Services has been testing electric leaf blowers but have found they are not powerful enough and do not have a long enough charge; and 2) ability to enforce a ban. She noted in the City of Redondo Beach Code Enforcement officers are tasked with enforcement but have written few citations. She explained an officer would need to see the person actually using the leaf blower, and added Torrance only has four Code Enforcement officers. She stated the City of Manhattan Beach uses the Police Department for enforcement; however, Torrance Police Department does not have the time or manpower to do that.

She presented staff's recommendation to consider restricting hours of operation, similar to residential construction hours (Attachment 1). She suggested engaging in extensive public education, demonstrating electric blowers at the Environmental Fair, and working with South Bay Cities Council of Government and South Coast Air Quality Management District (AQMD) to promote incentives encouraging transition to electric blowers. She indicated a ban on gas blowers would be more effective if people were given a period of time to transition to electric.

Commissioner Endo-Roberts expressed concern for quality of life and burdensome restrictions on primarily people of color who make their living by gardening. Responding to her inquiry, Deputy Director Cessna stated some Redondo Beach residents are unhappy that few citations have been written, adding when an ordinance is passed there is an expectation it will be enforced.

In response to Commissioner Deemer's inquiries, Deputy Director Cessna stated several cities in Los Angeles County have banned leaf blowers and, because the Courts do not like hearing quality of life issues, staff is looking into the possibility of implementing an administrative citation program.

Commissioner Stecker stated he would be concerned if City workers did not take the lead, and he speculated a large percentage of individuals would obey regulations even without enforcement.

Chairperson Montgomery questioned which makes and models of electric blowers Park Services tested, the number of hours per day a typical gardener uses a blower, and the number of blowers in the City's inventory. He stated Jet Propulsion Laboratory has converted to electric blowers and has a 77-acre campus.

Commissioner DeWitt proposed issuing citations to residents who employ gardeners who use gas blowers, maintaining they should be held accountable. He stated the City should change its practices by converting to electric blowers, and that homeowners associations could set an example.

Commissioner Martin recommended researching how technology continues to improve.

Commissioners Endo-Roberts and Deemer voiced their support for giving residents at least one year to transition to electric blowers.

Dennis Piotrowski stated noise is his primary concern and recommended the City start the process of a gas blower ban, perhaps only in residential areas. He mentioned the City of Hermosa Beach has a complete ban of leaf blowers and it is effective

Tim Johnson discussed noise and air pollution as well as particulate matter blown into the atmosphere. He stated banning gas blowers would take care of the first two issues, and asked the Commission to at least ban them on weekends in residential neighborhoods. He maintained just because a law is difficult to enforce is no reason not to adopt it, adding citations could be complaint driven. He described carbon emissions from two stroke engines and noted the average gas blower produces noise levels of 70 decibels at 50 feet away, noting gardening equipment has an exemption.

Steve Shulz expressed his support for banning all leaf blowers, or gas blowers at a minimum, and discussed the dangers of particulate matter in the air.

Julie Dojiri stated New Horizons is 55 acres and employs seven gardeners who use gas blowers. She noted residents complain about noise and dust, and she would like to see the City require gardeners to transition to electric blowers.

Pete Martini provided information about pollution generated from two stroke engines. He stated it is not required to have leaf blowers to keep Torrance clean, there are local "green" gardening firms, and Torrance should take the lead in transitioning.

Commissioner DeWitt expressed concern there would be complaints that other gardening tools such as lawn mowers and hedge trimmers are not being banned.

Deputy Director Cessna recommended the Commission try to reach a consensus on a framework she could take to City Council for its consideration.

Chairperson Montgomery stated technology is improving, dangerous emissions come from two stroke engines, operators are exposed to carcinogens, and a battery backpack is available that has a three-hour run time. He noted the AQMD approved an additional 25% discount on zero emission lawn and garden equipment, with \$750,000 allocated to manufacturers participating in an exchange program. He stated regulations are coming, we should listen to the public, and Torrance should phase out gas blowers entirely over six months or a year and look into procuring AQMD funding.

Commissioner DeWitt relayed a suggestion to allow leaf blower use one day a week.

Commissioner Stecker recommended engaging in a public education program, transitioning to electric blowers in one year for residential and possibly longer for the City and commercial, limit hours of operation, and ban weekend use for all blowers.

Deputy Director Cessna pointed out that many residents do their own gardening on weekends and if funds are available the City would move quickly.

Commissioner Deemer suggested the City eliminate the noise exemption for gardening equipment, and Deputy Director Cessna stated they could encourage gardeners to use electric blowers that have a lower decibel level.

MOTION: Commissioner Endo-Roberts moved to recommend City Council consider: 1) ban gas leaf blowers and transition to electric leaf blowers in one year 2) examine the possibility of procuring South Coast Air Quality Management District funding; 3) limit hours of operation to 9:00 a.m. to 5:00 p.m. on Monday through Saturday; and 4) public education outreach.

Commissioner Stecker seconded the motion; a roll call vote reflected 6-0 approval (absent Commissioner Wright).

The Commission was in recess from 8:22 p.m. to 8:28 p.m.

7B. RAIL TO TRAILS PRESENTATION AND DISCUSSION

Deputy Director Cessna stated this evening staff would share some preliminary ideas based on what the City owns, the new Transit Center, and where it makes the most sense to start this type of a program. She asked for the Commission's feedback, and direction on whether it is a viable proposal to pursue.

With the aid of an Open Corridor Study map, Senior Environmental Quality Officer Duncan described the Sustainability Team's study of a long-term strategy to look at underutilized rail and electrical transmission line right-of-ways throughout the City. She stated these right-of-ways could potentially provide connective corridors for e-bikes and e-scooter modes of active transportation, pedestrians, and open space for native species including pollinators. She noted the first area of focus would be around the future Transit Center in order to facilitate first and last mile solutions through connections to areas such as Downtown Torrance or Civic Center. She described an area (#4) across Crenshaw Boulevard from the Transit Center on Dominguez Way acquired by the Water Department that may provide opportunities for shared benefits. She stated another opportunity (#3) is a spur going from the Transit Center to the Civic Center. She pointed out yellow areas on the map that are Southern California Edison property that would be looked at in the future if they are abandoned. She stated the Team would continue to look for opportunities to facilitate these connections, through grants for design and land acquisition.

Commissioner Deemer inquired why the Traffic Commission is not considering this item, and Deputy Director Cessna explained it is related to sustainability efforts and is separate from the streets. He stated Southern California Edison would most likely sell any surplus land just south of 190th Street to developers to put in housing.

Chairperson Montgomery voiced his support for creating more green space, connectivity, and encouraging people to be more mobile. He suggested the Team partner with the South Bay Parklands Conservancy that shares the same vision and has identified some of the same opportunities.

Mark Bodziak expressed his support for the Rail to Trails idea.

MOTION: Commissioner Montgomery moved for staff to continue working on the Rail to Trails program. Commissioner Deemer seconded the motion; a roll call vote reflected 6-0 approval (absent Commissioner Wright).

8. ORAL COMMUNICATION

It was decided the Commission would go dark in January 2020.

Commissioners Endo-Roberts, Martin, DeWitt, and Stecker spoke.

Chairperson Montgomery distributed "Climate Crisis News."

Commissioner Deemer distributed Green Horizon Magazine's "Bicycles Lead to Greener Pastures."

9. **ADJOURNMENT**

MOTION: At 9:12 p.m., Commissioner Deemer moved to adjourn the meeting to February 6, 2020 at 7:00 p.m. in the West Annex meeting room, Torrance City Hall. Commissioner Stecker seconded the motion and, hearing no objection, Chairperson Montgomery so ordered.

###

Subject to Approval

AGENDA ITEM NO. 7A

TO: Members of the Environmental Quality and Energy Conservation Commission

FROM: Planning Division

SUBJECT: Land Use Study LUS19-00005/City of Torrance (Vaping/ Flavored Tobacco Products Regulation)

LOCATION: City-wide

This is an item related to information requested regarding vaping and flavored tobacco products regulation. The Community Development Director has recommended to City Council that staff include regulation of vaping and flavored tobacco products as part of the previous Council Direction to examine prohibition of smoking in multi-family residential units. The following is an analysis of such policies and regulation of vaping and flavored tobacco products as requested by the City Council and deferred to the Torrance Environmental Quality and Energy Conservation Commission.

BACKGROUND AND ANALYSIS

On October 15, 2019 Community Development Director Danny E. Santana recommended to City Council that staff include regulation of vaping and flavored tobacco products as part of the previous Council Direction to examine prohibition of smoking in multi-family residential units. This item was brought up during Council Orals and was deferred to the Torrance Environmental Quality and Energy Conservation Commission meeting in February of 2020.

As of December 19, 2019 officials from the Food and Drug Administration (FDA) have counted 2,506 cases of vaping-related injuries nationwide, 54 cases being fatal, including 4 in California. The vaping illness is called EVALI which is an abbreviation for E-Cigarette or Vaping product use Associated Lung Injury and can cause symptoms that resemble pneumonia or the flu. Two-thirds of the patients are between the ages of 18-34 and the majority of them are male. The studies conducted on the patients' lung samples indicated that THC vaping products obtained off the street or from other informal sources (e.g., friends, family members, or illicit dealers) are linked to most of the cases. However, the liquids used in vaping devices associated with the lung illness EVALI include nicotine, THC, and CBD.

The prevalent use of vaping amongst youth has been steadily increasing over recent years. According to a study done by the Centers for Disease Control and Prevention, 5.4 million middle and high school students in 2019 have reported using electronic cigarettes in the last 30 day period, an increase from 3.6 million the year before. Of the 5.4 million students who participated in the study, 1 million students reported daily use and estimated that nearly two-thirds of students who use electronic cigarettes do so with menthol or mint flavors. The study also indicated that roughly 81% of current youth e-cigarettes users cited the availability of appealing flavors as the primary reason of use. The surge has

been driven to a great degree by the immense success of Juul, the most popular vaping product by far.

Research was conducted on cities within Southern California that have recently adopted ordinances regarding a ban on vaping and flavored tobacco products. The cities that were used for research purposes are: Manhattan Beach, Redondo Beach, Hermosa Beach, Long Beach, Culver City, and Beverly Hills. Additionally, the County of Los Angeles was included which encompasses 88 cities and all aforementioned cities are within County limits. Lastly, both federal and state regulation have been included in this staff report to provide a more comprehensive report.

Vaping/ Flavored Tobacco Products Regulation:

The Trump administration has announced plans as of January 2nd for a temporary ban on many candy/fruit-flavored electronic cigarettes. Additionally, manufacturers of certain vaping products, such as youth-friendly flavor pods, must stop selling their products within 30 days of the ban. If they wish to resume sales of their vaping products, they will need to convince the FDA that the pod flavors are safe and appropriate for the public. The state of California has taken it a step further as they propose to prohibit flavored products not covered by the federal ban in Senate Bill 793. These products include: menthol-flavored cartridges and refillable tank-based vaping systems that can be filled with chemicals. Additionally, it would outlaw flavors for traditional combustible cigarettes and cigars as well as for chewing tobacco and hookah pipes.

The City of Beverly Hills was the first U.S. city to have an ordinance adopted banning the sale of most tobacco products including: cigarettes, cigars, dissolvable products, electronic cigarettes, chewing tobacco, and water pipes. The ban is expected to go into effect on January 1st, 2021 to allow for storefronts who sell tobacco products that will soon be prohibited enough time to clear their shelves. The City of Beverly Hills has 28 establishments with permits to sell tobacco products including 3 cigar lounges. Hotels and cigar lounges are exempt from the ordinance; hotels are allowed to sell certain tobacco products to guests such as traditional cigarettes and cigars. Businesses that demonstrate that the ban would cause undue hardship may also be exempt from the ordinance.

The City of Culver City passed a city-wide ordinance banning all flavored tobacco products including menthol. They have granted tobacco retailers such as grocery/convenience stores and gas stations a 6-month grace period to clear their shelves of these prohibited products. Retailers qualified as a tobacco store have an additional six months to comply with the ban. The City of Culver City has a hookah lounge that is exempt from the ban.

The City of Hermosa Beach passed a city-wide ordinance banning all flavored tobacco products including swisher sweets and cigarillos and any electronic smoking device that went into effect immediately. They have granted a six month grace period to all tobacco retailers to clear their shelves of any flavored tobacco products. They have enacted a

tobacco retailing license which permits tobacco shops/retailers to sell tobacco products not included in the ban. The license costs \$404 and is valid for one year after being processed and the renewal fee is \$344. The license must be posted in a publicly visible location at the permitted location.

The City of Long Beach passed a city-wide ordinance banning certain flavored tobacco products that went into effect immediately. The certain flavored tobacco products that are prohibited include: menthol cigarettes, flavored vaping products, flavored electronic devices, flavored cigarillos, and refillable tank-based vaping systems that can be filled with flavored chemicals. The ordinance lasts for a year after the adoption unless further extended by Council. They have granted a 180 day grace period from the adoption of the ordinance for tobacco shops to clear their shelves of prohibited products. The City of Long Beach has enacted a local tobacco retailing license that is required to sell tobacco products not prohibited under the ordinance. The local tobacco retailing license costs \$585 and is valid for one year after being processed and the renewal fee is also \$585.

The City of Manhattan Beach passed a city-wide urgency ordinance outlawing electronic cigarettes and other vaping products. Additionally, the city also banned the sale of all flavored tobacco products except for mint, menthol, spearmint, and wintergreen. There are 18 retailers in Manhattan Beach that sell tobacco and vaping products. Businesses that sell e-cigarettes will have 10 days to apply for a hardship extension, at which the City will give them a certain amount of time to sell their remaining inventory. The length of the extension will be determined on a case-by-case basis. The Manhattan Beach City Council voted to postpone the ban until late January or early February to ensure that all tobacco products including: cigarettes, cigars, and chew are banned.

The City of Redondo Beach passed a city-wide ordinance banning all flavored tobacco and vaping products effective immediately. There are 43 tobacco retailers in Redondo Beach and they will have a year-long grace period to get rid of all flavored tobacco and vaping products in their inventory. The City of Redondo Beach has a hookah lounge that is exempt from this ordinance. Additionally, the City of Redondo Beach is moving to be smoke-free through a series of ordinances passed by their City Council to ban smoking in most public places and requiring retailers to get licenses to sell tobacco. The ban on public smoking includes: streets, sidewalks, parks as well as private places open to the general public such as bars, restaurants, and stores. However, they allow property owners to create designated smoking areas for commercial uses only through a site plan review. The price of the tobacco retailing license has not yet been established but is estimated to be from 250-400 dollars.

County of Los Angeles Board of Supervisors voted unanimously to ban flavored tobacco products including menthol. The ordinance took effect 30 days after the adoption of the ordinance. Tobacco retailers were granted 180 days to obtain new licenses required under the ordinance and to clear shelves of flavored tobacco products. Online sales will not be prohibited and users will not be punished for purchasing/possessing banned flavored tobacco products under the ordinance. The ordinance requires a county business license which has an initial fee of \$778 with an additional fee due every two years in the

amount of \$142. For tobacco retailers that strictly sell electronic cigarettes and vaping products, they have to maintain their tobacco retail license annually and it costs \$235 a year.

If the commission believes that this is an item worth further research; there are suggestions from staff on potential issues of implementation. First, adults who smoke flavored tobacco products may have an issue with the ban as they seek alternative methods of smoking nicotine. Second, the business owners who sell flavored tobacco products may face undue hardship and be forced to open their business outside of city limits unless exemptions will be granted for severe cases.

The Commission at this point has several options in which to direct Staff. The Environmental Commission may:

- A. Direct Staff to forward to Council with a recommendation of no action;
- B. Direct Staff to conduct further research in a specified area and present at a future TEQECC meeting;
- C. Direct Staff to forward the matter to the City Council for consideration with any recommendations for action from the Commission.
- D. Place the item on hold awaiting further action from the State on a potential ban of flavored tobacco and vaping products.

Based on the results of the research and pending State action, the Community Development Director recommends that the Environmental Quality and Energy Conservation Commission await the direction of the State and recommend Council adopt a resolution in support of State legislation AB793.

Prepared by,

Respectfully submitted,

Louis Ortega Jr.
Planning Intern II

Linda Cessna
Deputy Community Development Director

Attachments:

1. Assembly Bill 793

MOTION BY SUPERVISORS HILDA L. SOLIS AND
SHEILA KUEHL

January 21, 2020

Supporting a Ban of Flavored Tobacco Products in California

Flavored tobacco products, including e-cigarettes and e-liquids used in vape devices, continue to drive the current vaping epidemic among youth, encouraging experimentation that could lead to lifelong nicotine addiction and increased risk for life-threatening acute lung injury. As of December 27, 2019, a total of 2,561 hospitalized lung injury cases associated with the use of e-cigarette or vaping products have been reported to the U.S. Centers for Disease Control and Prevention (CDC). Fifty-five deaths have been confirmed nationwide, including one fatality in Los Angeles County.

Flavoring represents a major draw for would-be users of tobacco products as they tend to mask the harsh taste of tobacco and related chemicals, making it easier for youth to initiate both conventional tobacco as well as e-cigarette use. Sweet flavors such as watermelon, cherry, chocolate, mint, and gummy bear appeal to youth and are heavily marketed to this group.

MOTION

SOLIS _____

RIDLEY-THOMAS _____

KUEHL _____

HAHN _____

BARGER _____

According to a 2019 report by the CDC and the Federal Drug Administration (FDA), over 5 million middle and high school students now use e-cigarettes. Overall use of tobacco products by middle and high school students climbed to 6.2 million in 2019, with nearly 70% reporting that they used flavored products. In LA County, more than 30% of high school students have used e-cigarettes and at least 1 in 10 are currently using them.

Last week, State Senator Jerry Hill introduced Senate Bill 793 (SB 793) which aims to ban the sale of all flavored tobacco products in brick-and-mortar stores, including menthol cigarettes and flavored e-cigarettes. California's ban would apply to many more tobacco products than FDA's recently announced partial ban of flavored e-cigarettes. The FDA ban applies to e-cigarettes only and, within that category, exempts some types of flavored e-cigarettes. The federal ban also does not apply to menthol cigarettes.

This past fall, this Board unanimously approved an ordinance to require a tobacco retail license for businesses to sell electronic smoking devices and to prohibit the sale of flavored tobacco products in unincorporated Los Angeles County. Over thirty other California jurisdictions have already adopted similar ordinances to ban flavored tobacco products, including the cities of Beverly Hills, Hermosa Beach, Manhattan Beach and West Hollywood in Los Angeles County.

Massachusetts is the first state in the nation to enact a ban on flavored tobacco products, which was signed into law in November of last year and will take effect in June 2020. It is imperative to the health of Los Angeles County residents that the California State Legislature passes SB 793 and become the second state to prohibit the

sale of all flavored tobacco products.

WE, THEREFORE, MOVE that the Board of Supervisors direct the Chief Executive Officer, through the Legislative Affairs and Intergovernmental Relations Branch, to send a five-signature letter to the author and the Los Angeles County delegation in Sacramento in support of SB 793.

#

HLS:jvall