

To: Jennifer.Kumiyama@longbeach.gov

ADA Compliance Coordinator

CACoD Liason

From: Frances Emily Dawson Harris

Re: Public Comment for CACoD meeting October 12, 2023

(I will bring copy of my speech to meeting
Unfortunately I spent 5+ hours at L.B. Public
Library + + + on Oct. 11, 2023 was unable
to complete it. I will complete at home).

Note: These documents are being sent as refe-
rence for CACoD Chair, Commissioners
and the City.

Hopefully, CACoD will help and be
successful : make a difference.

I'll see you at CACoD.

This is the only way I can speak approx. 3 minutes
and hand over the Projects to CACoD.

Jennifer, thank you. God Bless!

Frances Emily Dawson Harris

C. Dolores Nason, Director DRC, Inc. (d.nason@drcinc.org)

ATTACHMENTS: Frances Emily Dawson Harris' Project

_CACoD's Commission meeting scheduled on October 12, 2023

I. Grants Aim To Boost Transit: 2023 AARP \$30,000 Grant for Long Beach's Healthy Aging Center

Note: Frances' Public Comment- L.B. Transit Board of Directors' Chair David Sutton, Board Members, CEO/ President Kenneth Mc Donald and The City : Sept. 28, 2023 Attachment

2. City of Long Beach's Elevator and Enforcement Ordinance:

- a. **December 23, 2009:** date Notice of Inspection: Elevator Out of Order posted by L.B. Development Services
- b. **June 20, 2017:** Long Beach City Council approved CD 1,2,5- Reliable Elevators Agenda Item 17-0506
- c. **November 10, 2017:** Elevators Maintenance and Enforcement
- d. **November 7, 2018: Elevator Repair Rules, Regulations and the Need for Change:**(former) Congressman Alan Lowenthal via Shane Trimmer; Senior Legislative Assistant sent Frances this info. Why?
- e. **Recommended amendments to the Federal Code Of regulations 28 (revised July 2009) Part 0 to 42: Section 35.133 (b): revisions by Frances Emily Dawson Harris (a work in progress)**
- f. **August 31, 2021:** L. B.'s Elevator Maintenance/ Enforcement report
- g. **Code of Federal Regulations 28: revised July 1, 2009 Part 0 to 42**

3. Leaf Blowers in Long Beach: Unhealthy Particles blasted by Leaf Blowers up to 185 mph; Healthy/Medical Complications due to emissions

Frances Emily Dawson Harris



GET MORE STORIES Scan this code with your smartphone camera to link to the AARP California page for more stories and resources, or go to aarp.org/ca.



GRANTS AIM TO BOOST TRANSIT

Roads, sidewalks, bus stops all targeted

Susan Park knows firsthand how language barriers can make it difficult to access public transportation in Los Angeles.

The daughter of South Korean immigrants who speak limited English, Park often had to seek help from others when traveling around the city as a child.

Today, she's director of Asian Americans for Housing and Environmental Justice, and the nonprofit—which provides support and aid to at-risk and unhoused Asian Americans—is using a \$50,000 2023 AARP Community

Challenge grant to increase public transportation use and mobility for older Asian American and Pacific Islanders in Los Angeles. Park's goal is to reduce language, cultural and technological barriers to access.

In June, AARP awarded more than \$155,000 in grants to 11 organizations across California. The grants, given annually nationwide, fund quick-action projects to make communities more livable. Projects are designed to serve people of all ages, but particularly those 50 and older. They must be completed by Nov. 30.

This year, AARP expanded its grant categories to include \$2,500 microgrants to improve walkability and to start or expand a community garden, as well as grants to improve transportation and expand the use of accessory dwelling units to support more housing options.

GREENLIGHT ON TRANSPORTATION

AARP received nearly 200 grant applications for shovel-ready projects in California. The grants “can help bring something to life” that has promise but lacks funding, says Jennifer Berdugo, AARP California's strategic planning director. Several grants focus on transportation and mobility.

Park's nonprofit, for example, is educating residents with limited language skills on ways to navigate the fragmented transportation system in Los Angeles. The grant will support outreach activities, such as one-on-one travel

training sessions, pop-up events at transit hubs, and group presentations on using public transportation and mobility services.

Park says outreach will help first-generation Asian American and Pacific Islander immigrants who don't feel empowered or know how to work the system. “Even when there's a repair that needs to be done on public transportation, they don't know where to report it,” she says.

Among other grants:

► **Long Beach:** The city's **Healthy Aging Center** will use **\$30,000** to provide free transportation to residents 55 and older to access essential services, coordinator Sofia Poulsen Hodjat says. The center, which offers case management services, will book rides with a taxicab company to locations ranging from doctors' offices to social service agencies.

► **Ventura County:** Gold Coast Transit District, the largest public transportation operator in Ventura County, received nearly \$17,000 to partner with the city of Oxnard to install seating and lighting at 10 bus stops. Gold Coast transit planner Martin Rodriguez says the seating can make waiting for a bus more comfortable, and better lighting helps ensure buses don't drive by waiting riders—especially at night.

► **Orosi:** The Rural Communities Resource Center in this Central Valley town of about 8,300 is using a \$2,500 microgrant to conduct six walk audits of two busy travel corridors. The nonprofit hopes to convince local officials to improve road safety by adding speed bumps and increasing traffic monitoring, says Director Mary Jane Galvisio.

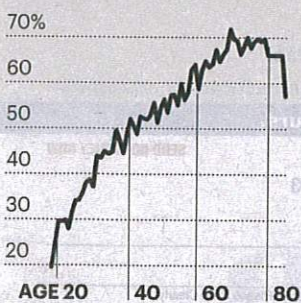
To learn about grant winners in California, see states.aarp.org/california/cc2023. — *Julie Rasicot*

DATABANK USA

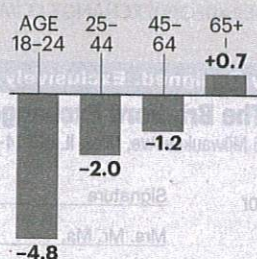
FOR OLDER VOTERS, 2022 MIDTERM SEES TURNOUT BOOST

Midterm elections have been historically low-turnout affairs, but 2018 saw the highest midterm turnout in four decades—and 2022 nearly matched it. (Turnout in presidential years is consistently higher.) One group stood out: voters 65 and older, whose turnout rose from 2018 to 2022 as that of other groups fell.

VOTING TURNOUT BY AGE



CHANGE IN TURNOUT, PERCENTAGE POINTS, 2018 TO 2022

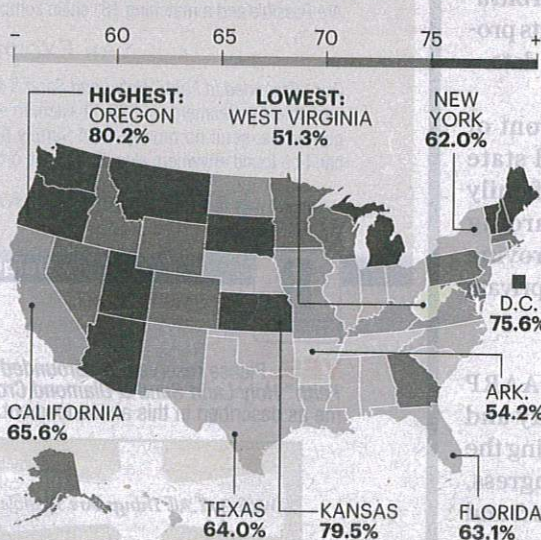


VOTING METHOD FOR AGE 65+



NOTE: ALL DATA FOR NOVEMBER 2022 UNLESS OTHERWISE NOTED. AFTER AGE 79, RESPONSES ARE GROUPED AS 80-84 AND 85 AND OLDER.

PERCENT OF CITIZENS 65 AND OLDER WHO SAID THEY VOTED IN THE NOVEMBER 2022 ELECTION



SOURCE: U.S. CENSUS BUREAU; FIGURES ARE FOR CITIZENS VOTING

* **LB Transit Board of Directors:** Chair David Sulton, Board Members, CEO and President Kenneth Mc Donald and the City: **meeting** September 28, 2023

Citizen Advisory Commission on Disabilities (CACoD): Chair Kim Vuong, CACoD Members and The City: **meeting** October 12, 2023

Access Service Board of Directors: Chair Theresa DeVera and Members; **meeting** October 23, 2023

Sofia Poulsen Hodjat: Long Beach's Healthy Aging Center, Coordinator

PUBLIC COMMENT by Frances Emily Dawson Harris

"Live for Today because yesterday is gone and cannot be relieved. Today is the day to help make a better tomorrow for mankind; especially, the children, our future. Act now, do not waste precious time!"

"Just like a colorful rainbow beautifies the sky after a storm, believe, mankind's soul has the capacity and will connect and achieve oneness."

Poems by: Frances Emily Dawson Harris

"Good Afternoon!"

Congratulations, Sofia Poulsen Hodjat for being awarded a 2023 AARP \$30,000 Grant for Long Beach's Healthy Aging Center to provide free transportation for residents 55 and older: will book rides with a taxi cab company to locations ranging from doctors' offices to social service agencies.

Please refer to Attachment: **Your AARP California: Grants Aim To Boost Transit**

Of concern, Long Beach's rating in the USA's findings 2023 Best and Worst Places to Live for People with Disabilities is **58 out of 150** cities.

Bravo, providing Same Day Transportation helps living for today.

Sofia Paulsen Hodjat's planned taxi service appears fantastic; unfortunately, is quite concerning. **Why?** Unless there is a "miracle", Long Beach Taxis' are not equipped to provide safe, inclusionary accessibility required by "senior" residents with disabilities. Surely, a rider must not be required to provide a

caretaker or attendee i.e. place a manual wheelchair in/out a taxi's trunk. Unfortunately, people who navigate with a cane, crutches, walker; and/or, visually impaired and who may use a sight cane and/or service animal have less probability of an accident or injury by usage of an accessible a vehicle with a ramp. All people must have equal rights and opportunities.

Thus, I implore the City's: Long Beach's Healthy Aging Center affiliated with the Department of Health and Human Services to consider; that is, must provide mandatory, safe, and accessible "taxi-type transportation" by qualified entities: such as Access Services and Long Beach Transit's Dial a Lift service. We urgently need a **pilot** Same Day Essential Transportation Service which requires necessary financial assistance **ASAP!**

Thank you for your proficient, professional, and personable assistance.

This project is a human "life saver!"

1. Thank you, Maggie (LBT Customer Service Downtown) for making copies of the *on the schedules* LBT buses I more frequently ride in slightly larger print.
2. No longer printing the LBT Route & Schedule Guide helps protect the environment.
3. Passengers not paying the bus fare is very concerning. Is this a type of trespassing?
4. Please consider adding to your LBT bus verbal message, if an LBT driver is assaulted it may also result in federal charges since bus transportation is also a federal entity.
5. There is a concern with the zero-emission bus ramps not deploying straight, but with a bent angle; thus, challenging for wheelchairs and scooters.
6. Thank you for keeping artificial intelligence on a leash. Keep humans who have a soul, spirit and diplomatic resolution abilities.

You are a blessing! Happy Fall season! God bless!

Respectfully submitted: Frances Emily Dawson Harris

Frances Emily Dawson Harris

- City of Long Beach Citizen Advisory Commission of Disabilities (CACoD) Commissioner: former
- Access Service rider
- LB Transit Dial A Lift & bus rider

INSPECTOR'S OFFICE HOURS 4:00 - 5:00 P.M. DAILY
LONG BEACH DEVELOPMENT SERVICES

CITY of LONG BEACH

INSPECTION REQUEST 570-6105

NOTICE OF INSPECTION

JOB ADDRESS: [REDACTED]

PROJECT NUMBER: [REDACTED]

#551114

ELEVATOR OUT OF SERVICE SINCE
NOVEMBER 18, 2009

YOU ARE IN VIOLATION OF
THE CALIFORNIA BUILDING STANDARDS
CODE, ADA, FEDERAL FAIR HOUSING
ACT & FIRE & LIFE SAFETY CODES.

YOU ARE REQUIRED TO
PROVIDE AN ACCESSIBLE MEANS
OF ACCESS/EGRESS OR EQUIVALENT
FACILITATION TO EXISTING
TENANTS WITH PHYSICAL
LIMITATIONS IN THIS INSTANCE
A WORKING ELEVATOR.

PROVIDE UPDATES TO ALL TENANTS
ON ESTIMATED COMPLETION OF REPAIRS
TO ELEVATOR & PROVIDE IMMEDIATE
AS NEEDED ASSISTANCE OF ACCESS &
EGRESS TO ANY TENANTS WITH PHYSICAL
LIMITATIONS REQUIRING ASSISTANCE

12/23/09

DATE

RAY WOOLFEATHER

INSPECTOR'S SIGNATURE

PHONE # 570-6287

Protected version

due to fear of
retaliation by
tenant confined
to a wheelchair:
(power/manual)

Note:

Elevator

was
out of order
73 days

Note:

Tenant
unfortunately
developed a
4th serious
auto immune
disorder
with frequent
flare-ups

City of Long Beach- Meeting of City Council on 6/20/2017 at 5:00 PM; 333 W. Ocean Boulevard Council Chamber: Agenda

<u>17-0506</u>	1	26.	CD 1,2,5 - Reliable Elevators	Agenda Item	Recommendation to request City Attorney to draft an ordinance to regulate elevator repairs related to equipment failure. This ordinance should include verbiage that requires repairs due to equipment failure be completed within 7 days for residential and commercial buildings that house or serve seniors, people living with disabilities, and/or people with health conditions that make it difficult to navigate stairwells, and 14 days for all additional residential and commercial buildings; Request City Manager, or designee, to report within 120 days: a. A report of current elevator code enforcement procedures, number of violations for elevator failures due to faulty equipment, the initial number of days granted to repair and any extensions granted. b. Incentives for property owners with elevators to modernize equipment. c. Policy recommendations for hardship reimbursements to disabled persons who spend money on medical and quality of life services during the time an elevator is out of service.	approve recommendation	Pass
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File #: 17-0506 Version: 1

Type: Agenda Item

Title: CD 1,2,5 - Reliable Elevators

Mover: Councilwoman Gonzalez Second: Councilmember Uranga

Result: Pass

Agenda note:

Minutes note: Councilwoman Gonzalez spoke.
Councilmember Uranga spoke.
Councilmember Pearce spoke.
Councilman Austin spoke.
Councilwoman Mungo spoke.
Councilman Andrews spoke.
Councilwoman Gonzalez spoke.

Frances Emily Dawson Harris spoke; and submitted correspondence.
Karen Reside spoke.
Ben Rockwell spoke.

Delores Nason spoke.
 Richard Hernandez spoke.
 Mary Zendejas spoke.
 Unidentified woman spoke.
 Larry Goodhue spoke.

Vice Mayor Richardson spoke.
 Councilwoman Gonzalez spoke.

Action: approve recommendation

Action text: A motion was made by Councilwoman Gonzalez, seconded by Councilmember Uranga, to approve recommendation, as amended, to request staff to look at requiring emergency evacuation sleds in multi-story buildings; conduct the study, during which time the City Attorney would look into the options that are available to the City Council for an ordinance. The motion carried by the following vote:

- Votes (9:0)
- 9 records
- Group
- Export

<u>Person Name</u>	<u>Vote</u>
<u>Councilwoman Gonzalez</u>	Yes
<u>Councilmember Pearce</u>	Yes
<u>Councilwoman Price</u>	Yes
<u>Councilman Supernaw</u>	Yes
<u>Councilwoman Mungo</u>	Yes
<u>Councilman Andrews</u>	Yes
<u>Councilmember Uranga</u>	Yes
<u>Councilman Austin</u>	Yes
<u>Vice Mayor Richardson</u>	Yes



City of Long Beach
Working Together to Serve

Document 2:c

Memorandum

Date: November 10, 2017
To: Patrick H. West, City Manager *T.H.W.*
From: Amy J. Bodek, Director of Development Services *AJB*
For: Mayor and Members of the City Council
Subject: **Elevators Maintenance and Enforcement**

Earlier this year, the City Council requested a report concerning current requirements for elevator enforcement procedures; the number of violations for elevator failures due to faulty equipment; and the total number of days granted to repair them (and any extensions granted). The City Council also requested incentives to property owners that would result in timely elevator repairs, including reimbursement opportunities, during elevator outages.

The Development Services Department has been assembling this information as well as examining potential opportunities for timely elevator repairs. A comprehensive memorandum will be provided before the end of this year.

Should you have questions regarding this matter, please contact Oscar W. Orci, Deputy Director, at (562) 570-6369 or oscar.orci@longbeach.gov.

AJB:00:KQ

P:\BUILDING\ADMINISTRATION\CLERICAL INFORMATION\TO_FROM_FOR MEMOS\2017\ELEVATOR TFF\ELEVATOR TFF (v1).DOCX

CC: CHARLES PARKIN, CITY ATTORNEY
LAURA L. DOUD, CITY AUDITOR
TOM MODICA, ASSISTANT CITY MANAGER
KEVIN JACKSON, DEPUTY CITY MANAGER
REBECCA GARNER, ASSISTANT TO THE CITY MANAGER
OSCAR W. ORCI, DEPUTY DIRECTOR
DAVID KHORRAM, SUPERINTENDENT OF BUILDING AND SAFETY
KURT KEATING, CODE ENFORCEMENT BUREAU MANAGER
CRAIG BECK, DIRECTOR OF PUBLIC WORKS
MONIQUE DE LA GARZA, CITY CLERK (REF. FILE 17-0506)



Search mail

Nov. 11-7-18

Document 2: D

* date sent: 11-7-18
to Frances

Compose

Inbox 2

Starred

Snoozed

Sent

Drafts 2

More



Frances +

Elevator Repair Rules, Regulations, and the Need for Change Inbox x

Trimmer, Shane <Shane.Trimmer@mail.house.gov>

to me, Emily, Ngoc, Justine

Good Afternoon Ms. Frances Dawson Harris:

It was nice talking with you earlier today regarding the issues in and around untimely elevator repairs and its effect understanding, after a number of inquiries, that the timing and manner by which properties are required to repair a t

If you wished, you and others can challenge a broken elevator as a violation of the Fair Housing Act:

§ 100.65 Discrimination in terms, conditions and privileges and in services and facilities.

(a) It shall be unlawful, because of race, color, religion, sex, handicap, familial status, or national origin, to i sale or rental of a dwelling.

(b) Prohibited actions under this section include, but are not limited to:

(2) Failing or delaying maintenance or repairs of sale or rental dwellings because of race, color, religion, se
§ 103.30 How should I bring a claim that I am the victim of discrimination?

(a) You can file a claim by mail or telephone with any of HUD's Offices of Fair Housing and Equal Opportun

(b) You can call or go to any other HUD office for help in filing a claim. These offices will send your claim to

Further, I will look into what other options can be taken here and the best way that appropriate changes can be mac responsible for costs associated with medical or emergency transportation expenses, and are not the victims of retr

Regards,

Shane Trimmer

Senior Legislative Assistant | Congressman Alan Lowenthal, CA-47

125 Cannon House Office Building, Washington, DC 20515

Office: (202) 225-7924 | Fax: (202) 225-7926

Connect with Congressman Lowenthal online:

No recent chats

Start a new one

AMEND FEDERAL CODE OF REGULATIONS 28 (revised July 1, 2009) Part 0 to 42: Section 35.133 (b)

PURPOSE of amendment: provide better and guaranteed access for people with disabilities, as well as, for seniors; pregnant individuals; people with strollers and/or young children, luggage or shopping carts, large and/ or heavy packages; signature required mail or package deliveries; and, move ins or outs for residential or commercial properties.

What is the problem or deficiency in the existing law?

This law does not define or indicate a statute of limitations; that is, actual number of days which will clarify the definition of "temporary interruptions of services." (Please refer to Federal Code of Regulations: below) Non-compliance of a City or State's Notice of Inspection regarding a non-operable elevation "demanding" the provision of access and egress assistance, etc. can easily be ignored because no federal compliance deadline exists. (Please refer to Attachment: Notice of Inspection)

What will this amended Federal bill do?

It will enable States and Cities to have improved authority or jurisdiction to site the owner(s) of the property with actual consequences; for instance, fines; civil and/ or criminal charges if applicable; and, reduce potential retaliation. (Reference: 35.134)

Urgency: as soon as possible

Likely Positions:

Approval by people with disabilities; seniors and the majority of people in the United States of America
Opposition by residential or commercial owners and management companies

Current Code of Federal Regulations 28 (revised July 1, 2009) Part 0 to 42 35.133 Maintenance of accessible features (page 551)

- (a) A public entity shall maintain in operable working conditions those features of facilities and equipment that are required to be readily accessible to and usable by people with disabilities by the act or this part
- (b) This section does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs (56 FR 35716, July 26, 1991, as amended by Order No.1694-93, 58-2010 Calif. Fire Code page 177)

35.134 Retaliation

No private or public entity shall discriminate against any individual because that individual has opposed any act or practice made unlawful by this part or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing under the act or this part

FR 17521, April 5, 1003 (found on page 551) **Accessible Means of Egress:**

continuous and unobstructed way of egress travel from any accessible point in a building or facility to a public way elevators used as an accessible means of egress in accordance with Section 1000.7

California Residential Code: Section R 321 (Page 101) Where provided, passenger elevators, limited-use/ limited application, elevators or private residential elevators shall comply with ASME A 17.1

AMEND FEDERAL CODE OF REGULATIONS 28 (revised July 1, 2009) Part 0 to 42: Section 35.133 (b)

PURPOSE of amendment: provide better and guaranteed access for people with disabilities

Note: seniors; pregnant individuals; people with strollers or young children, luggage or shopping carts; delivery or moving people or companies also will benefit.

What is the problem or deficiency in the existing law?

This law does not define or indicate a statute of limitations; that is, an actual number of days which will clarify the definition of temporary interruptions of services. Surely, an elevator out of order for 73 days is unacceptable.

What will this amended Federal bill do?

It will enable States and Cities to have improved authority or jurisdiction to site the owner(s) of the property with actual consequences; for instance, fines; civil and/ or criminal charges if applicable; and, reduce potential retaliation. (reference: 35.134)

Urgency: as soon as possible

Likely Positions;

Approval by people with disabilities; seniors and the majority of the citizens of the United States of America
Opposition by residential or commercial owners and management companies

Current Code of Federal Regulations 28 (revised July 1, 2009) Part 0 to 42

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California Residential Code: Section R 321 (Page 101)

Where provided, passenger elevators, limited-use/ limited application, elevators or private residential elevators shall comply with ASME A 17.1

Date: August 31, 2021

To: Thomas B. Modica, City Manager *TBM*

From: Oscar W. Orci, Director of Development Services *OW*

For: Mayor and Members of the City Council

Subject: **Elevator Maintenance and Enforcement**

On June 20, 2017, the City Council requested a report on the requirements for elevator operation and maintenance and information on: (1) enforcement of procedures; (2) the number of violations for elevator failures due to faulty equipment; and, (3) the total number of days granted to repair them (and any extensions granted). The City Council also requested that staff identify incentives for property owners that would result in timely elevator repairs, including reimbursement opportunities.

In response to this request, the Development Services Department and the City Attorney's Office have examined State and local building codes and explored best practices for timely elevator repair provisions. It was determined that there are no current local regulations regarding elevator operations, maintenance, or timely repairs.

The Elevator Unit of the California Department of Industrial Relations, Division of Occupational Safety and Health (DOSH), has jurisdiction over elevator construction and license issuance and revocation, as well as the responsibility to secure unsafe and/or unlicensed elevators. DOSH is also responsible for inspection oversight, elevator safety inspections, and maintenance and operability compliance. If a DOSH inspector finds a code violation that is considered an imminent hazard, they will secure the elevator rather than run the risk of a possible injury or accident. Although DOSH is charged with ensuring safe elevator operations, there are no provisions in State regulations requiring or providing guidelines for timely repair of inoperable elevators. (Additionally, DOSH has informed staff that elevator repair timeframes are not tracked.)

The Code Enforcement Bureau of the Development Services Department will report calls concerning elevator operation issues to DOSH. Staff will send a courtesy notification to the property manager/owner to advise them that the elevator has been reported as not functioning properly. Over the last five years (2016-2021), Development Services received two elevator-related complaints. (Though the elevator repair timeframes were not tracked, staff estimates the repairs took approximately three to eight weeks to complete.)

To respond to City Council's request, staff also examined federal, State, and local regulations to identify best management practices in this area. A myriad of elevator regulations were identified that governed licensing requirements, oversight, and maintenance responsibilities. Staff's research did not identify any programs that would provide assistance and/or incentives to modernize and/or replace elevator equipment. Rather, limited local regulations in communities such as Berkeley, CA, and Ontario (Canada), included provisions for timely elevator repair, coupled with regulations requiring regular maintenance as a means to prevent service outages.

Given the limited number of calls for service resulting from inoperable elevators in buildings over the past five years, as well as the lack of local enforcement authority, staff do not recommend further actions at this time and will continue to report these calls to DOSH to ensure safe elevator operations.

If you have questions regarding this matter, please contact Karl Wiegelman, Code Enforcement Bureau Manager, at (562) 570-6336.

CC: CHARLES PARKIN, CITY ATTORNEY
DOUGLAS P. HAUBERT, CITY PROSECUTOR
LAURA L. DOUD, CITY AUDITOR
LINDA F. TATUM, ASSISTANT CITY MANAGER
KEVIN JACKSON, DEPUTY CITY MANAGER
TERESA CHANDLER, DEPUTY CITY MANAGER
REBECCA G. GARNER, ADMINISTRATIVE DEPUTY CITY MANAGER
MONIQUE DE LA GARZA, CITY CLERK (REF. FILE 17-0506)
DEPARTMENT HEADS

Code of Federal Regulations 28(revised July 1, 2009) Part 0 to 42

35.133 Maintenance of accessible features (page 551)

- (a) a public entity shall maintain in operable working conditions those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities by the act or this part
- (b) This section does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs (56 FR 35716, July 26, 1991, as amended by Order No. 1694-93, 58 2010 Calif. Fire Code page 177)

35.134 Retaliation

No private or public entity shall discriminate against any individual because that individual has opposed any act or practice made unlawful by this part or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing under the act or this part

FR 17521, April 5, 1003 (found on page 551):

Accessible Means of Egress: a continuous and unobstructed way of egress travel from any accessible point in a building or facility to a public way elevators used as an accessible means of egress in accordance with Section 1007.4

California Residential Code: Section R 321 (Page 101)

Where provided, passenger elevators, limited-use/limited application, elevators or private residential elevators shall comply with ASME A 17.1

UNHEALTHY PARTICLES BLASTED BY LEAF BLOWERS UP TO 185 MPH

- hydrocarbons from gasoline
- benzene
- nitrous oxide: causes acid rain
- formaldehyde
- animal and human wastes esp. feces
- pollen
- pesticides
- fertilizers
- brake lining dust
- fire residue
- heavy metals, like lead
- toluene
- 1,3-butadiene

HEALTH/MEDICAL COMPLICATIONS DUE TO EMISSIONS and/or USAGE

- * increase the risk of intrauterine inflammation linked to negative health outcomes for children:
 - like neurodevelopmental disorders and
 - asthma (last a lifetime)
 - permanent hearing loss (OSHA determined due to decibel levels over 85)
- * Excessive Noise implicated in higher
 - heart attack rates, GI problems
 - Cognitive Impairment (social discord)
 - Sleep Problems; Stress Levels:
 - Psychological Problems (according to the U.S. E.P.A.)

Documents Used For Leaf Blower Project:

- 1. Alternatives to Gas-Powered Leaf Blowers (updated Dec. 13, 2017)
- 2. Leaf Blowers- A Quality of Life and Public Health Issue May 4, 2017
- 3. Air District Report: Leaf Blowers present health risks May 31, 2015
- 4. Blower Bans Are Working in California Cities: interview Oct. 1997
- 5. Qualitative Risk Assessment on Leaf Blowers: Board of Health and Human Service's Report per Long Beach City Council Request on May 10, 2016
- 6. Report and Recommendations on Leaf Blowers; Jan. 10, 2017; for Mayor and members of L.B. City Council; by Kelly Colopy: Director of Health and Human Services (notations on report by Frances Emily Dawson Harris' research)



City of Long Beach
Working Together to Serve

Attachment 3 pg 1

Memorandum

Date: January 10, 2017
To: Patrick H. West, City Manager *T.M.*
From: Kelly Colopy, Director of Health and Human Services
For: Mayor and Members of the City Council

Subject: Report and Recommendations on Leaf Blowers

On May 10, 2016, the City Council requested the Board of Health and Human Services (Board) to produce a detailed report, within six months, on any past discussions, memorandums, codes, ordinances, and/or regulations on leaf blowers. The Board was requested to provide input on any studies or documented health and safety impacts that have been identified by researchers, and to provide any data available on complaints and potential impacts. Finally, the City Council requested the Board to include recommendations that it could consider on this matter as a next step.

In response to the City Council request, the Board formed a Subcommittee to study the issue. The Subcommittee worked closely with the Health and Human Services Department's Bureau of Environmental Health and environmental consultants, Mearns Consulting, LLC, to coordinate the attached report.

The following key areas are addressed in the report:

- Potential hazards
- Regulatory approaches in other jurisdictions
- Detailed overview of Santa Monica's leaf blower ordinance
- Cost impacts of banning leaf blowers on gardeners and landscape companies
- Practicable considerations for leaf blower use

* Alternatives for City Council consideration, including:

1. A complete ban of all motorized leaf blowers (including electric).
2. A ban on gasoline-powered leaf blowers (only allowing electric, i.e., zero emissions models).
- * 3. A requirement that gasoline-powered leaf blowers be model year 2007 or newer (meeting current emissions standards) and operating at 65 dBA or less.
4. Education - informing and educating the public regarding leaf blower hazards and alternatives.

Report and Recommendations on Leaf Blowers
January 10, 2017
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Board of Health Recommendations:

*The Board recommends alternative three – require all gasoline-powered leaf blowers, for commercial or residential use, to be model year 2007 or newer and produce 65 dBA of noise or less. This alternative would comply with current exhaust and noise standards. Dust emissions would be generated; however, the dust emissions would be in compliance with current California Air Resources Board (CARB) standards. This alternative would be used in conjunction with the existing leaf blower exchange program offered by the South Coast Air Quality Management District (SCAQMD). Retail costs on new model leaf blowers are currently between \$300 and \$475. SCAQMD exchange programs offer new model leaf blowers at \$200 per unit. In addition to residential users, this requirement would impact approximately 350 licensed landscape and garden businesses in the city of Long Beach.

A public education and outreach approach would be developed by the Health and Human Services Department to educate operators, regulators and the public on health and safety issues associated with leaf blowers. Compliance with the requirement for newer model leaf blowers would be administered and enforced as a condition of the business license, (while residential adherence could be addressed on a complaint-driven basis) *→ too problematic*

The Board also recommends:

1. Consideration of regulations that urge users of leaf blowers to comply with the manufacturer's personal protective equipment and use recommendations;
2. Education of operators, regulators and the public about leaf blower safety and health impact issues;
3. Further evaluation of the health effects, particularly on operators, and air pollution impacts due to the use of leaf blowers; and,
4. Review of emerging leaf blower technology in five years to determine additional practical alternatives to gas-powered leaf blowers.

Should you have any questions, please contact me at (562) 570-4016 or Nelson Kerr, Environmental Health Bureau Manager, at (562) 570-4170.

ATTACHMENT

CC: CHARLES PARKIN, CITY ATTORNEY
LAURA L. DOUD, CITY AUDITOR
TOM MODICA, ASSISTANT CITY MANAGER
ARTURO SANCHEZ, DEPUTY CITY MANAGER
ROBERT LUNA, CHIEF OF POLICE
AMY J. BODEK, DIRECTOR OF DEVELOPMENT SERVICES
CRAIG BECK, DIRECTOR OF PUBLIC WORKS
MARIE KNIGHT, DIRECTOR OF PARKS, RECREATION AND MARINE
JOHN GROSS, DIRECTOR OF FINANCIAL MANAGEMENT
REBECCA JIMENEZ, ASSISTANT TO THE CITY MANAGER
CITY CLERK (REF. FILE #16-0407)