

## Emission Reduction Requirements for Lawn and Garden Equipment

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### **PART A Emission Reduction Requirements for Lawn and Garden Equipment**

- I. Applicability and general provisions
  - I.A. This part applies to any person who sells, supplies, offers for sale, distributes for sale, manufactures for sale, or uses lawn and garden equipment, as defined in Section II., in the ozone nonattainment area.
  - I.B. This part does not apply to lawn and garden equipment
    - I.B.1. Manufactured or sold in Colorado solely for shipment and use outside of the ozone nonattainment area.
    - I.B.2. Used for the purpose of abating or preventing damage during a declared emergency or equipment used by first responders to provide emergency services.
    - I.B.3. Used for the purpose of fire hazard reduction activities in or near the wildland areas or the wildland urban interface.
  - I.C. Severability. If any section, clause, phrase, or standard contained in these regulations is for any reason held to be inoperative, unconstitutional, void, or invalid, the validity of the remaining portions thereof will not be affected and the Commission declares that it severally passed and adopted these provisions separately and apart.
- II. Definitions
  - II.A. “Commercial activity” means activities, the end result of which is the supply of a service undertaken with the goal of profit-making. Commercial activity does not apply to attempts at profit-making by a person under the age of 18, provided the commercial entity is not owned, controlled, or directed by someone over the age of 18.
  - II.B. “Commercial entity” means any corporation, partnership, limited partnership, proprietorship, sole proprietorship, firm, enterprise, or association that maintains an outdoor property in the ozone nonattainment area or that performs a commercial activity relating to providing lawn and garden services for compensation within the ozone nonattainment area.
  - II.C. “Engine sale” means when equitable or legal title passes to the purchaser or the engine is placed into service, whichever comes first.
  - II.D. “Landscaping” means decorative or protective vegetation that enhances appearance surrounding buildings or roadways; areas that enhance appearance and create useable space for outdoor activities around a home; a planned outdoor space set aside for cultivation, display, and enjoyment of herbs, fruits, flowers, vegetables, trees, or ornamental shrubs.

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- II.E. “Lawn and garden equipment” means equipment whose primary purpose is to assist with cleanup or maintenance of a lawn or garden area of a property. Examples of this type include, but are not limited to
- II.E.1. Aerators.
  - II.E.2. Brush cutters.
  - II.E.3. Chainsaws.
  - II.E.4. Dethatchers.
  - II.E.5. Edgers.
  - II.E.6. Generators, when used for lawn and garden services (e.g., charging or operating electric equipment).
  - II.E.7. Grass trimmers.
  - II.E.8. Hedge trimmers.
  - II.E.9. Leaf blowers.
  - II.E.10. Power washers.
  - II.E.11. Push lawn mowers.
  - II.E.12. Pruners.
  - II.E.13. Rotary tillers.
  - II.E.14. String trimmers.
  - II.E.15. Wood splitters.
- II.F. “Lawn and garden services” means landscaping services, grass/lawn mowing, weeding, grass/lawn trimming, removal and disposal of debris and trash, leaf cleanup and removal, planting or maintenance of any plants (e.g., trees, bushes, hedges, shrubs, flowers, other plants). Lawn and garden services do not include activities such as forest or grassland management.
- II.G. “New non-road engine” means an engine as defined in 40 C.F.R. 1054.801 (January 24, 2023).
- II.H. “Online sale” means when equitable or legal title to a new non-road engine is transferred via an online channel.
- II.I. “Ozone nonattainment area” means an area within Colorado designated by the Commission and approved by the U.S. Environmental Protection Agency under the Code of Federal Regulations Title 40, § 81.306 (November 30, 2021), in which ambient air concentrations exceed the National Ambient Air Quality Standards for ozone.

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- II.J. “Public entity” means an organization or body providing service to the public on behalf of the government or another public entity. Examples of public entities in Colorado include, but are not limited to
  - II.H.1. State government agencies.
  - II.H.2. Municipal and county governments.
  - II.H.3. Federal government agencies.
  - II.H.4. Institutes of higher education such as colleges and universities.
  - II.H.5. Local parks departments and municipal golf courses.
  - II.H.6. Public schools.
  - II.H.7. Water districts.
  - II.H.8. Contracted entities that provide lawn and garden services to a public entity.
- III. Standards
  - III.A. Beginning January 1, 2025, no person or entity shall offer for sale in the ozone nonattainment area any gasoline-powered push and hand-held lawn and garden equipment with an internal combustion engine smaller than 19kw (25 horsepower).
  - III.B. Beginning June 1, 2025, all public entities within the ozone nonattainment area are prohibited from using gasoline-powered push and hand-held lawn and garden equipment with an internal combustion engine smaller than 19kw (25 horsepower) from June 1 to August 31. This restriction applies to contracted entities that provide lawn and garden services to a public entity.
  - III.C. Beginning June 1, 2026, all commercial entities within the ozone nonattainment area are prohibited from using gasoline-powered push and hand-held lawn and garden equipment with an internal combustion engine smaller than 19kw (25 horsepower) from June 1 to August 31.
- IV. Recordkeeping
  - IV.A. A person or entity that sells, supplies, offers for sale, distributes for sale, or manufactures for sale lawn and garden equipment must maintain the following records for five (5) years and make them available to the Division upon request.
    - IV.A.1. The company name of the responsible party, address, telephone number, and designated contact person.
    - IV.A.2. Records demonstrating that lawn and garden equipment sold in the ozone nonattainment area beginning January 1, 2025, complies with Section III.A including, but not limited to, equipment type, horsepower, manufacturer, and model number of equipment sold.
  - IV.B. Public entities must maintain records for five (5) years demonstrating compliance with Section III.B. Records must be made available to the Division upon request.

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IV.C. Commercial entities must maintain records for five (5) years demonstrating compliance with Section III.C. Records must be made available to the Division upon request.

V. Reporting

V.A. On or before June 1, 2025, and June 1 of each year thereafter, all public entities within the ozone nonattainment area using lawn and garden equipment from June 1 to August 31 must submit a report using a Division-approved format. The report must include

V.A.1. A list of all gasoline-powered push and hand-held lawn and garden equipment used or potentially used in the ozone nonattainment area from June 1 to August 31.

V.A.2. For the equipment listed in Section V.A.1., the lawn and garden equipment type, horsepower, manufacturer, and model number.

V.A.3. The company name and designated contact person for the lawn and garden services contractor, if applicable.

V.B. On or before June 1, 2026, and June 1 of each year thereafter, all commercial entities within the ozone nonattainment area using lawn and garden equipment from June 1 to August 31 must submit a report using a Division-approved format. The report must include

V.B.1. A list of all gasoline-powered push and hand-held lawn and garden equipment used or potentially used in the ozone nonattainment area from June 1 to August 31.

V.B.2. For the equipment listed in Section V.B.1., the lawn and garden equipment type, manufacturer, model number, and horsepower.

V.C. Each report must be accompanied by a certification by a responsible official that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.