

## I. Introduction

Good afternoon, Council Members.

My name is **Matt Fegan**. I'm a resident and small-business operator in Montgomery County. I submit this testimony to request that enforcement of the gas-powered leaf-blower ban be suspended until the County complies with its own procedural and evidentiary standards.

## II. The Problem with the Current Law

This ordinance was passed in the name of progress, yet it rests on contradictions:

- It claims to protect the environment but increases emissions when trucks idle ten to twelve hours daily to charge batteries.
- It claims to promote equity but places the greatest burden on minority-owned landscaping crews.
- It claims to be data-driven, yet no sufficient fiscal, climate, or equity data were completed before enforcement.

## III. Real-World Consequences

-A two-person crew must invest \$5,000+ in new electric equipment, truck chargers, and batteries.

-Because these batteries cannot last a full workday, trucks must idle to recharge — directly violating Montgomery County's own anti-idling law.

-The result: **more emissions, not fewer.**

## IV. Procedural Deficiencies and Missing Impact Studies

While Montgomery County produced partial analyses for Bill 18-22 and its subsequent amendments (19-25 and 30-25), none met the full evidentiary standards required by County Code § 2-81B and § 11B-45.

Each gap leaves the legislative record incomplete and the enforcement process legally vulnerable.

### 1. Fiscal Impact Statement – Incomplete and Non-Analytical

The staff packet for Bill 18-22 included a short fiscal note: “According to the Office of Management and Budget (OMB), over a six-year period, Bill 18-22 could increase expenditures by up to \$1,489,546.”<sup>1</sup>

This figure covered administrative and rebate costs but contained **no cost-benefit analysis, revenue projections, or funding-source detail**, falling short of § 2-81B's requirement for a “comprehensive estimate of expenditures, revenues, and long-term fiscal effects.”

### 2. Small-Business (Economic) Impact Statement – Indeterminate and Data Deficient

The Office of Legislative Oversight's *Economic Impact Statement for Bill 18-22 (March 7 2023)* concluded:

“The Office of Legislative Oversight (OLO) anticipates that enacting Bill 18-22 will have an indeterminate impact on economic conditions in the County... OLO lacks data to determine whether these effects will be significant overall.”<sup>2</sup>

That acknowledgment confirms the County enacted the ban **without measurable evidence of small-business feasibility or transition costs**, violating § 11B-45's intent to safeguard local enterprises from unassessed burdens.

### 3. Climate Assessment – Negative Finding, No Mitigation

The OLO *Climate Assessment for Expedited Bill 19-25 (2025)* found:

“OLO anticipates that Expedited Bill 19-25 will have a small, negative impact on the County's contribution to addressing climate change because it would permit continued use of gas-powered leaf blowers during peak season.”<sup>3</sup>

Despite acknowledging environmental harm, no emissions offset or updated climate analysis was produced for Bill 18-22 or 30-25, leaving the County without proof that the ban improves net emissions—especially since trucks now idle 10–12 hours daily to recharge batteries.

### 4. Racial Equity and Social Justice (RESJ) Statement – Adverse Findings Ignored

The RESJ *Impact Statement for Bill 19-25* warned:

“Latinx-owned businesses may disproportionately benefit from a seasonal exemption ... preventing widening of the profit gap between Latinx and White-owned businesses.”<sup>4</sup>

It also reported Latinx workers constitute 20 percent of landscaping employees vs 6 percent county-wide.

Yet the *Bill 30-25 Staff Report* stated:

“The Racial Equity and Social Justice Impact Statement was not available at the time of publication.”<sup>5</sup>

Proceeding without an updated RESJ review violates § 2-81C and demonstrates disregard for known inequities.

### 5. Legal Implications

Maryland administrative law requires full fiscal, economic, climate, and equity analyses before enforcement.

By relying on incomplete, indeterminate, or missing assessments, Montgomery County breaches its own procedural code—rendering Bills 18-22 and 30-25 susceptible to administrative and judicial challenge.

## V. The Broader Issue

This law prioritizes perception over reality. It replaces fairness with complaint-based enforcement and burdens those least able to absorb new costs. If the Council can bypass required studies once, it sets precedent to do so again — for any tool, trade, or technology.

## VI. Conclusion

Montgomery County cannot claim environmental leadership while ignoring its own fiscal, climate, and equity safeguards.

This is not progress; it is **government overreach disguised as virtue.**

Respectfully,  
Matt Fegan

### Footnotes

1 Montgomery County Council Staff Report, Feb 13 2023, p. 3.

2 Office of Legislative Oversight, *Economic Impact Statement for Bill 18-22*, Mar 7 2023, pp. 1–2.

3 OLO, *Climate Assessment for Expedited Bill 19-25*, Apr 2025, p. 2.

4 OLO, *Racial Equity and Social Justice Impact Statement for Bill 19-25*, Jul 14 2025, p. 2.

5 Montgomery County Council Staff Report for Bill 30-25, Oct 2025, p. 1.