

In compliance with Governor Newsom's Executive Order N-29-20, which suspended portions of the Brown Act, Governor Newsom's Executive Order N-33-20 (Stay At Home Order issued March 19, 2020), and the County of Los Angeles Public Health Officer's Reopening Safer at Work and in the Community for Control of COVID-19 Blueprint for a Safer Economy – Red Tier Risk Reduction Measures (issued March 12, 2021), members of the Torrance Environmental Quality Energy and Conservation Commission and staff will participate in this meeting via teleconference or other electronic means in our continuing effort to practice social distancing to reduce the spread of COVID-19.

MEMBERS OF THE PUBLIC MAY VIEW AND PARTICIPATE IN THE HEARING via Zoom at <https://zoom.us/join>

OR

To access the Zoom meeting, use the following credentials online (<https://zoom.us>) or via phone (Phone number: 669-900-9128)

Meeting ID: 991 4547 8767

Passcode: 324924

MEMBERS OF THE PUBLIC MAY PARTICIPATE BEFORE THE HEARING by emailing EnvironmentalCommission@TorranceCA.Gov and write "Public Comment" in the subject line. In the body of the email, include the item number "7A" and/or title of this item with your comments. All comments emailed by 2:00 p.m. on the date of the meeting will be included as a "Supplemental" and uploaded to <https://www.torranceca.gov/government/city-clerk/commissions-and-advisory-boards/environmental-quality-and-energy-conservation-commission>. Comments received after 2:00 p.m. will be uploaded the following day to the previously noted web address.



TORRANCE ENVIRONMENTAL QUALITY ENERGY AND 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 PM. All meetings are open to the public via teleconference.

Staff reports are available for review at the Community Development Department, Civic Center Main Library and the City Clerk's Office. Questions or concerns may be directed to Deputy Community Development 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 call 310.618.5990. 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]

**PUBLIC COUNTER
HOURS OF OPERATION**
Monday through Friday from
8:00 a.m. to 5:00 p.m.
Offices are closed alternate Fridays.

City Hall will be closed:
Friday, April 9, 2021
Friday, April 23, 2021

CITY OF TORRANCE TORRANCE ENVIRONMENTAL QUALITY ENERGY AND CONSERVATION COMMISSION

VIA TELECONFERENCE
OR OTHER ELECTRONIC MEANS

THURSDAY, APRIL 1, 2021

7:00 P.M.

AGENDA

TORRANCE ENVIRONMENTAL QUALITY ENERGY AND CONSERVATION COMMISSION MAY TAKE ACTION ON ANY ITEM LISTED ON THE AGENDA

- 1. CALL TO ORDER**
- 2. ROLL CALL / MOTION FOR EXCUSED ABSENCE**
- 3. FLAG SALUTE**
- 4. REPORT ON POSTING OF AGENDA**
The agenda was posted on the Public Notice Board at 3031 Torrance Boulevard.
- 5. APPROVAL OF MINUTES:** March 4, 2021
(subject to availability)
- 6. ORAL COMMUNICATIONS FROM THE PUBLIC #1
(Limited to a 30 minute period)**
This portion of the meeting is reserved for comment on items not on the agenda. Under the Ralph M. Brown Act, the Environmental Quality Energy and Conservation Commission cannot act on items raised during public comment, but may respond briefly to statements made or questions posed; request clarification; or refer the item to staff. Speakers under Orals are limited to either Oral Communications #1 or Oral Communication #2 and no longer than 3 minutes per speaker. To participate, please register for the hearing via Zoom at <https://zoom.us/join> and use the "Raise Your Hand" feature when prompted. Your comments to the Environmental Quality Energy and Conservation Commission meeting will be recorded as part of the Environmental Quality Energy and Conservation Commission meeting. By staying online and making public comment during the Environmental Quality Energy and Conservation Commission meeting, you are agreeing to have your audio recorded.

ROLL CALL: Deemer _____ Dewitt _____ Endo-Roberts _____ Martin _____ Montgomery _____ Stecker _____ Chairperson Wright _____

TEQECC 04/01/21

7. ENVIRONMENTAL MATTERS:

A. Leaf Blower Regulation

8. ORAL COMMUNICATIONS FROM THE PUBLIC #2:

9. ADJOURNMENT: Tentatively May 6, 2021

AGENDA ITEM NO. 7A

TORRANCE ENVIRONMENTAL QUALITY ENERGY AND CONSERVATION COMMISSION

April 1, 2021

To: Chairman Wright and Members
of the Torrance Environmental Quality Commission

Subject: Leaf Blower Regulation

The Commission last discussed leaf blowers on December 6, 2019. At that time, the Commission made the following recommendations:

- 1) Limit hours of operation to 9:00 a.m. to 5:00 p.m., Monday through Saturday;
- 2) Ban gas leaf blowers and transition to electric leaf blowers within one year;
- 3) Examine the possibility of procuring South Coast Air Quality Management District (AQMD) funding to aid in the transition; and
- 4) Perform public education outreach.

Prior to moving the issue forward to Council, staff met with Public Works to discuss the feasibility of electric leaf blowers for their operations. Public Works committed to acquiring electric leaf blowers through the AQMD exchange program and testing the practical application for their work requirements. At the time, a three-month trial period was anticipated. However, shortly thereafter, the AQMD exchange program was placed on hold.

Public Works currently has two battery operated leaf blowers and three battery operated hedge trimmers. They report a battery life of 15 to 30 minutes for the leaf blowers and a much better duration for the hedge trimmers. In order to efficiently operate with the electric leaf blowers, a power inverter is used to charge multiple batteries on job sites. When the AQMD exchange program comes back online, Public Works plans to exchange a gas operated string trimmer for a battery-operated trimmer and intends to continue to exchange gas leaf blowers for electric as they come due for replacement.

While the transition from gas to electric seems to be acceptable for Public Works, Community Services may find the transition, particularly in terms of leaf blowers, to be more difficult, as they tend to have much larger expanses of area to maintain, however, they are examining ways to transition. For all City operations, in the short term, financing the change from gas to electric and the accompanying need to provide adequate charging infrastructure will be problematic, particularly without the ability to make use of the AQMD exchange program.

The Environmental Quality Commission also expressed a desire to look at phasing out not only gas powered leaf blowers, but all gas powered gardening equipment. The Public Works Department is already making strides in that direction, with the caveat that they do not anticipate moving from gas to electric at this time for their chain saws.

Because many of the complaints regarding leaf blowers focus on the noise generated, staff has prepared comparisons of the decibel level of gas leaf blowers as opposed to electric. Both the electric and gas models used by Public Works are manufacturer rated at 64 dba at 50 feet. Noise readings taken at 50 feet found the electric leaf blower at 64 dba and the gas leaf blower at 68 dba when on but not being used. In use, the electric leaf blower registers from 62-67 dba, while the gas leaf blower registered 64-69 dba. It appears that there is at least a small reduction in noise generated by the electric leaf blowers as compared with the gas model, in addition to the lowering of pollutants generated by the gas-powered motor.

In looking at this issue in the past, the community has been divided as to what was most concerning about leaf blowers: the noise or the pollution caused by their use. When this was discussed previously, the establishing of hours of operation for leaf blowers was intended to address, to some extent, the issue of noise generation, while the change from gas to electric power focused more on the environmental impacts.

The recommendation of the Community Development Department echoes the recommendation of the Environmental Quality Commission, with the exception that the recommended period for replacement be extended from one year to five years, particularly in light of the hold on the AQMD exchange program and the lingering economic effects of the pandemic; and, that the hours of operation mirror current construction hours: 7:30-6:00 Monday through Friday, 9:00 to 5:00 Saturday, and 10:00-4:00 Sunday, with only homeowners being authorized to use leaf blowers.

Therefore, the Community Development Director recommends:

- 1) Limit hours of leaf blower operation to mirror construction hours;
- 2) Ban gas leaf blowers and transition to electric leaf blowers within a five year period;
- 3) Examine the possibility of procuring South Coast Air Quality Management District (AQMD) funding to aid in the transition; and
- 4) Perform public education outreach.

Respectfully Submitted,

Linda Cessna
Deputy Community Development Director

ATTACHMENTS:

1. December 6, 2019 TEQECC Leaf Blower Item & Minutes

TORRANCE ENVIRONMENTAL QUALITY COMMISSION

December 6, 2019

To: Chairman Montgomery and Members
of the Torrance Environmental Quality Commission

Subject: Leaf Blower Regulation

The City has considered various options in regards to the use of leaf blowers in the City. These include a complete ban; a ban only on gas leaf blowers; a partial ban based on size and zoning of property; restrictions on hours of operation; and education. Concerns regarding leaf blower use include two main issues: pollution and noise. Based on the outreach conducted, there are strong feelings on both sides of the issue, with similar numbers of residents concerned with the noise and concerned about pollution. Likewise, in terms of solutions, similar numbers favor no ban at all compared with a ban on all or gas powered leaf blowers. The option with the largest positive response was a restriction on hours of operation.

In considering potential regulatory actions regarding the use of leaf blowers, there are several concerns. First and foremost, is the raising of expectations that cannot reasonably be met, should the City choose to ban leaf blowers. As the City of Redondo Beach indicated when they adopted a ban, they did not believe that they would be able to enforce it, and, over a year later, they are finding that to be the case. The preliminary stages of enforcement generally would include warnings and education, however, at some point, there is an expectation that citations will be written and fines levied. In order to cite for use of a leaf blower, the person writing the citation must observe the use. Most complaints come in after the use has stopped, and even in those cases where the complaint is filed during use, by the time a City representative arrives, the use will likely be completed. Other jurisdictions with bans in place, such as Manhattan Beach, make use of the Police Department for enforcement, however, that is not recommended for Torrance.

In addition, our parks services have been testing various electric leaf blowers for effectiveness in their work, and have found that they are not able to complete their work with the current generation of blowers. Thus, a ban on gas powered leaf blowers would be a problem for our City crews in terms of their being able to complete their work.

Based on concerns regarding ability to enforce, the first recommendation is to engage in more robust public education, including business license inserts for gardeners, demonstration of electric leaf blowers at the environmental fair and exploration of the possibility of a leaf blower exchange through the COG and

AQMD, similar to their outreach efforts with gas lawn mowers. Restrictions on hours of operation, mirroring the current construction hours, would also be a possibility. The Municipal Code regarding Construction Hours is attached for reference.

Respectfully Submitted,

Linda Cessna
Deputy Community Development Director

ATTACHMENTS:

1. Torrance Municipal Code Construction Hours

46.3.1 CONSTRUCTION OF BUILDINGS AND PROJECTS.

(Amended by O-3712)

- a) It shall be unlawful for any person within the City of Torrance to operate power construction tools, equipment, or engage in the performance of any outside construction or repair work on buildings, structures, or projects in or adjacent to a residential area involving the creation of noise beyond 50 decibels (db) as measured at property lines, except between the hours of 7:30 A.M. to 6:00 P.M. Monday through Friday and 9:00 A.M. to 5:00 P.M. on Saturdays. Construction shall be prohibited on Sundays and Holidays observed by City Hall. An exception exists between the hours of 10:00 A.M. to 4:00 P.M. for homeowners that reside at the property.
- b) The Community Development Director may allow expanded hours and days of construction if unusual circumstances and conditions exist. Such requests must be made in writing and must receive approval by the Director prior to any expansion of the hour and day restrictions listed above.
- c) Every construction project requiring Planning Commission review or considered to be a significant remodel as defined by Section 231.1.2, shall be required to post an information board along the front property line that displays the property owner's name and contact number, contractor's name and contact number, a copy of TMC Section 46.3.1, a list of any special conditions, and the Code Enforcement phone number where violations can be reported.
- d) Properties zoned as commercial, industrial or within an established redevelopment District, are exempted from the above day and hour restrictions if a minimum buffer of 300 feet is maintained from the subject property's property line to the closest residential property. The Community Development Director, may, however, revoke such exemption for a particular project if the noise level exceeds 50 decibels (db) at the property line of a residential property beyond the 300 linear foot buffer.
- e) Heavy construction equipment such as pile drivers, mechanical shovels, derricks, hoists, pneumatic hammers, compressors or similar devices shall not be operated at any time, within or adjacent to a residential area, without first obtaining from the Community Development Director permission to do so. Such request for permission shall include a list and type of equipment to be used, the requested hours and locations of its use, and the applicant shall be required to show that the selection of equipment and construction techniques has been based on minimization of noise within the limitations of such equipment as is commercially available or combinations of such equipment and auxiliary sound barriers. Such permission to operate heavy construction equipment will be revoked if operation of such equipment is not in accordance to approval. No permission shall be required to perform emergency work as defined in Article 1 of this Chapter.

**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.

###

Approved as submitted February 6, 2020 s/ Rebecca Poirier, City Clerk

Commissioners – Zoom Etiquette

(1) When Commissioners join the meeting, they should not engage in conversation (especially items such as politics or anything coming before). They should be on mute when they join the meeting other than to do a sound check.

- When they are identified as Commissioners, they represent the City of Torrance and should be considerate of that at all times.
- Gentle reminder that just like during in-person meetings, members of the public may be listening in and/or recording the meeting.

(2) Since the **Civil Service** Commission is on video during hearings, they should have their entire face visible.

- Try to find a spot with good lighting so that you are seen clearly on video during virtual meetings, and make sure that when you are on camera you are identifiable.

(3) Commissions may want to consider using a City provided background during their meetings for consistency and/or security purposes.

(4) Utilize the “raise your hand” feature when you would like to be called on to speak.

- Microphones should be muted when not in use. This will avoid background noise, distraction, spouse/child/pet interruption, etc.

(5) For purposes of the record, do not speak over another commissioner, attorney, or speaker.

(6) Refrain from any perceived bias by treating all parties equally and with respect.

- Consider tone, language, and topic of conversation(s) when communicating with members of the public in your capacity as a Commissioner
- Consider that non-verbal communication during virtual meetings may be perceived differently than during in-person meetings

(7) If you are provided a script by staff, you should read the script since there may be legal implications if they do not. Of course, there are times during a hearing when the script may need to change and in that case, staff will advise of you to revise the script

(8) Log in 15 minutes before the meeting so staff can do a sound check/video check and everyone can be ready to go at the start of the meeting

Other Considerations

- Consider public perception of content shared publicly on social media
- Please maintain professional conduct, including appropriate dress. Professional attire should be worn, just like during an in-person meeting.
- If you are uncomfortable being on camera, consider using an appropriate still profile photo
- Even if the meeting is in public session, please avoid having friends/family/pets sit next to you on screen.

- Closed Session meetings should be treated as they would in-person and no one else should be listening in or participating other than Commissioners, designated staff, etc.

Quasi-judicial bodies such as the Planning Commission and Civil Service Commission are like judges or jury, which would never eat, sleep, or do any activity that shows they are not paying close attention to the evidence. A Commissioner that falls asleep, is distracted (eating, etc.), or otherwise not paying attention during a hearing could be grounds to have the Commission's decision overturned by a court.