

N-96-01
II-A-276

U.S. ENVIRONMENTAL PROTECTION AGENCY
POLICY AND IMPLEMENTATION QUESTIONS

An Addendum to "Toward a National
Strategy for Noise Control"
U.S. Environmental Protection Agency
April 1977

ADDENDUM A

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Summary

On November 10, 1976, a notice was published in the Federal Register of the availability for public comment of a draft of a national strategy for noise abatement and control. The October draft of the Strategy document stated a number of policy and implementation questions on which public comments and suggestions were invited. The comments received contributed to some of the revisions contained in the current edition, "Toward a National Strategy for Noise Control." In addition, there were other comments received that will assist in improving the national noise strategy. In the case of some other noise comments received, it was not possible in the intervening time period to include a satisfactory resolution of the specific issue in the revised Strategy. These issues are given attention in this addendum. Further, EPA will give priority consideration to these comments in its current studies toward improving the current Strategy in future revisions. The policy and implementation questions are restated followed by a general summary of comments and EPA's conclusions.

New Product Standards

Question:

1. What additional products are near-term candidates for new product regulations?

EPA Summary

The response to this question consisted largely of a long list of mainly transportation and construction and some machinery products that were believed to be "annoying," obtrusive," "real noise makers," "offensive," or just plain "noisy."

The majority of the products cited have already been addressed by the EPA as either:

- A) Products identified as major sources of noise.
- B) Products currently under study for possible identification as major sources.

EPA will review the remaining suggestions during the next few months to determine whether they should be included in the Agency's plans.

Question:

2. Many countries are promulgating an increasing number of regulations applicable to new products sold in international commerce. What should be the attitude of the U.S. Government toward harmonizing these standards with U.S. standards? Should EPA be willing to sacrifice the stringency of its regulations in the interest of international uniformity?

EPA Summary

There was an overwhelming majority of comments in favor of the international harmonization of noise standards and a strong response against reducing the stringency of EPA regulations.

The United States is not, of course, alone in developing noise abatement strategies involving noise standards. Many other countries are similarly pursuing the goal of providing a satisfactory noise environment for their citizens. To maintain uniformity in international commerce and to retain the competitive nature of U.S. industry, the EPA believes that it is necessary to cooperate with other nations in the harmonization of noise standards and measurement procedures for products where it is considered desirable and possible. EPA has concluded that it should maintain a continuous technical liaison with these other nations. Acknowledging the necessity of these actions, however, does not imply that EPA will sacrifice the stringency of its own noise standards, unless a case-by-case review indicates that the benefits of such a sacrifice would outweigh the disadvantages.

State and Local Programs

Question:

3. What additional ways should EPA use besides the Quiet Communities and ECHO Programs to foster productive communication among State and local noise control programs?

EPA Summary

Responses by State and local officials were almost uniformly favorable to EPA's current programs. Almost every comment stressed the need for more workshops or seminars to disseminate information among local officials. One commenter suggested a "certification" program for local enforcement officials. Several commented that localities are more likely to fund staffs and equipment than much needed training.

Although the ECHO Program sounded good on paper to many commenters, several suggested that it was probably limited due to time and money constraints at the local level.

On the basis of these comments the Agency concluded that it should initiate the ECHO self-help program whereby the EPA, through the Regional offices will make financial and other assistance available to existing noise control programs in order for these programs to assist other communities in the same State and Region in setting up noise programs. Current planning is that each Region would participate in this program.

EPA will also initiate the Quiet Communities Program which will focus on development of noise control programs in a few selected communities, which presently do not have such programs, through direct EPA assistance. Due to manpower restrictions, only one or two Regions will participate in the Quiet Communities Program in FY 1978.

Question:

4. What should be the division of responsibility between the State and local governments? What functions in the noise control area is each level of government particularly well qualified to undertake?

EPA Summary

There was no apparent consensus among State and local responders to Question 4. One commenter suggested that local jurisdictions should regulate noise where both the source and receiver are residential and States should regulate all nonresidential, mobile, or temporary noise sources.

EPA has concluded that it should work with appropriate State programs in the area of noise control where they exist and should encourage their creation where they do not presently exist. Such State agencies are usually the most effective in coordinating State-wide noise abatement planning related to land use and highway construction and can help greatly in assisting local communities develop effective noise control programs.

The local units of government are generally most effective in controlling noise levels from urban traffic, and urban building construction, by such measures as in-use restrictions on noise emissions from machinery and equipment, and the use of police powers to control excessive noise nuisances. EPA will continue to work with individual communities especially in those states which do not have a state noise control program.

Question:

5. Other environmental laws, such as the Clean Water and Clean Air Acts, mandate very specific duties for State and local governments and provide grants for some of them. Is this a desirable approach for the national noise program to evolve toward, or should the respective roles of the various levels of government remain flexible as they are under the Noise Control Act of 1972?

EPA Summary

State and local communities indicated their need for funding. However, they favored funding aimed at functional areas such as training or monitoring rather than grants in aid. There was some concern about Federal "strings" attached to any grant program.

There are no immediate prospects for provision of grants for State and local noise control programs.

Labeling

Question:

6. Since Federal regulations requiring the labeling of products cannot be developed and promulgated for all products at the same time, what are the priority candidates for labeling action? What should be the criteria for making these choices? EPA Summary

In response to the question, "What are the priority candidates for labeling action," the most often mentioned product category was Household appliances. Items in this category included food blenders, dishwashers,

vacuum cleaners, air conditioners, garbage disposals, ice crushers, can openers, refrigerators, washing machines and hood fans. The second most mentioned category was consumer products in general. Specific items in this category were lawn mowers, handpower tools, chain saws and electrical hair grooming devices. Other product categories received relatively equal attention and include construction equipment, industrial machinery, tires, mufflers and firearms.

The second part of this question was, "what should be the criteria for choosing which products to label." The responses fell generally into one of two general approaches. The approach recommended most often is to select products for labeling in the order in which they produce the greatest noise exposure to the population. This would involve a consideration of number of products in use, product noise emission level, number of people exposed and duration of noise emission. Although the candidate selection process using this approach would be considerably involved, it has the benefit of potentially effecting the greatest number of people. The second general approach recommended for the selection criteria involved choosing products for labeling on the basis of their overall noise emission in dBA regardless of the number of people exposed. By concentrating on the noisier sources first this approach would emphasize the hearing conservation aspects of the national noise strategy.

These alternatives will be carefully considered as EPA develops and implements its labeling strategy during the coming year.

Relative Priority Among Functions

Question:

7. EPA has determined that in the allocation of its own resources, new product regulations should be given first priority, development of State and local programs second, and labeling of products third. Is this the correct order or priority? If not, what alternative is desirable and why?

EPA Summary

There was not a consensus among commenters on what the relative priority among programs should be. State and local government commenters generally thought State and local programs should be in first priority rather than regulation. Others generally favored the present priorities with regulation first. EPA's present plan is to keep the present order of priorities but increase the relative emphasis on State and local programs over previous years.

Monitoring

Question:

8. What should be EPA's monitoring strategy for the purpose of determining progress toward the noise abatement goals?

A) What should EPA monitor in order to determine trends?

(Choices include attitudes, ambient levels, source levels, complaints, etc.)

B) How should EPA carry out this monitoring?

(1) Should state and local governments do the actual monitoring with EPA providing technical assistance and methodologies? or

(2) Should EPA itself conduct the monitoring?

EPA Summary

Support is given for monitoring of all the items mentioned in the question, with most comments favoring the monitoring of ambient and source noise levels. A summary of the comments is as follows:

- A) Ambient noise levels should be monitored to identify long-term trends and source levels for short-term trends.
- B) The comments relating to the monitoring of community complaints and attitudes were mixed, but mainly favorable. Some stated that this was the only measure of interest, others that community attitudes were too varied and localized to be of much use in identifying trends.
- C) Additional parameters that are suggested for inclusion in a monitoring program are daily personal exposure, and land use trends.
- D) It was noted that monitoring is essential to the overall program by establishing a base for future comparisons. It also provides a means of evaluating whether or not the approach taken to noise abatement is correct, and indicates other more effective approaches.

- E) The comments against monitoring are mainly centered around a disagreement with the premise that it can assist in achieving the goals.
- F) Overwhelming support is given to the suggestion that state and/or local governments perform the monitoring with EPA providing technical and financial assistance. It is thought that such a policy would educate local officials, cost less, and allow local sensitivities to prevail at the same time. Occasionally, comments include preferences as to which type of monitoring should be performed by a particular level of government. For example, some think that EPA should be responsible for monitoring source levels. It is recognized by many that state and local personnel often do not have the necessary experience and equipment. For this reason it was recommended that EPA develop guidelines for monitoring and perhaps should conduct the measurement in conjunction with local personnel in the initial stages of the program.

EPA has concluded that in order to identify trends in community and source noise levels, and to assess the effectiveness of regulations, EPA should prepare guidelines for monitoring suitable for use by State and local government personnel. Where considered desirable, it is eventually intended for state and local governments to assume major responsibility for monitoring.

Data For Decision-Making

Question:

9. EPA spends a considerable amount of its resources determining health and welfare benefits, the economic impact, and the technical feasibility of proposed standards. Since other levels of government often do not have the resources to conduct similar studies when making similar decisions, what steps should EPA take to assist these other governmental bodies in their decision-making?

EPA Summary

Several State and local government commenters suggested extensive help from EPA such as technical assistance, noise monitoring, planning and informational materials. Some help of this kind will be supplied under the Quiet Communities Program, but widespread assistance of this type is beyond the EPA's Office of Noise Abatement and Control's funding at the present time.

Question:

10. EPA believes it is appropriate to stimulate the development of noise control technology (where such is needed) by requiring in its new product regulations the application of available technological concepts that have not been incorporated in every case in products produced on an assembly line. In rare instances, this approach can be supplemented by direct government research. Is this the correct policy position for the Agency to take? Should the government require the use of "current" technology only, do more technology research itself, or depend on labeling of products or government procurement to stimulate development of new technology?

EPA Summary

There was no clear consensus on the subject of research and technology development. EPA believes that private industry must assume responsibility for new technology and that new product standards are a good way to give industry the incentive. A description of the role of technology research and demonstration in the national strategy is given in the main body of the document on page 29.

Health and Welfare Effects at Lower Levels

Question:

11. What emphasis should noise exposures of Ldn 55 to Ldn 65 receive in EPA's new product regulations and other program activities? Should noise exposures of this level be left primarily to the control of State and local governments?

EPA Summary

Many of the comments were concerned with the statement of goals in Section IV. These have been rewritten to make the intent clearer. They are still very controversial both in terms of the supporting scientific evidence and their economic impact. This subject will receive continuing review during the next years as further scientific evidence is collected and analyzed and as the specific program strategies are developed.

With regard to the exposures of Ldn 55 to Ldn 65 the majority of the responses favored little or no Federal emphasis on these levels although some were strongly in favor of a major Federal effort in this area. In those responses in which a rationale was given, for minimum Federal emphasis, comments such as the following were given:

- A) More research should be done before addressing these levels at all.
- B) The higher levels should be controlled before considering lower levels.
- C) Achievement of these lower levels is best left to local government.
- D) State and local governments can achieve reductions more economically.
- E) Environmental noise requirements at these levels are a local matter. Noise requirements will vary with land use.
- F) The cited levels are arbitrary.
- G) The cost of the lower levels has not been determined.

The minority of responses favored Federal control of exposures between Ldn 55 and Ldn 65. Reasons cited for this opinion included:

- A) It is unfair to burden State and local governments with achieving the more difficult noise reductions required to proceed from Ldn 65 to Ldn 55.
- B) EPA has the most expertise in reducing noise while State and local governments do not possess the capabilities to assure the ultimate reduction of environmental noise.

Similar comments were received in relation to the goals stated in Section IV of the October 1976 draft of the Strategy Document. The Levels Document clearly established Ldn 55 as a legitimate level to address in terms of public health and welfare. How and by which level of government

this identified level should be addressed has not, in general, been decided. This decision will be part of the specific program strategies addressing major sources individually. Also, as part of such program strategies, costs, benefits, and technical feasibility of achieving the lower levels can be considered.

A minority of the responses to the question indicated that strong emphasis should be placed on reaching Ldn 55. The rationale of these responses included:

- A) The Levels Document cites Ldn 55 as that level which protects public health and welfare and hence, higher levels would not afford this protection.
- B) Product regulation should be based on achieving the most noise reduction possible.
- C) Ldn 55 should be firmly established so that there will be no doubt that it is the long range goal.
- D) Emphasis on the lower levels would further support and encourage state and local governments in developing regulations.

Although the Levels Document identifies Ldn 55 as the outdoor environmental noise level required to protect public health and welfare, it does seem feasible that interim, less stringent, goals can be pursued without sacrificing the ultimate goal of Ldn 55. As stated previously, how this ultimate goal will be addressed will be developed in the specific program strategies.

This question of goals and the respective roles of various levels of government is clearly a controversial one. EPA will continue to assess the reasonableness of the goals from a technical point of view, and from a practical point of view as further noise effects studies are completed, and as the specific program strategies for surface transportation and construction are developed. It seems premature to make a final decision concerning the relative roles question until the specific program strategies are developed and until the Agency has a clearer picture concerning the future extensiveness of State and local regulation for the future. In the meantime, EPA will continue to assess the benefits achievable by its proposed regulations taking into account exposures of the public down to Ldn 55 using the equivalent noise impact methodology described in the background documents for each of the regulations. EPA will give its greatest emphasis to the abatement of noise sources which result in the most serious impact on the public and these usually create significant exposures above Ldn 65.

A large number of commenters recommended that EPA increase its effort to develop, utilize, and encourage other agencies as well to use more uniform noise level descriptors. In this respect, EPA has urged Federal agencies to adopt a uniform environmental noise descriptor (Ldn/Leq). The Department of Defense has officially adopted the descriptor and is presently integrating it into its programs. The Federal Highway Administration has adopted Leq as an alternate descriptor

to L10. Disposition of the issue with HUD awaits completion of a major study, although, in the interim, HUD will accept Ldn as a descriptor for aircraft noise. A modification to Ldn has been proposed by EPA to other agencies as an interim solution for measuring blast noise pending further refinement.