

n-96-01
II-A-504

REAUTHORIZATION OF THE NOISE CONTROL
ACT OF 1972

HEARING
BEFORE THE
SUBCOMMITTEE ON
COMMERCE, TRANSPORTATION, AND TOURISM
OF THE
COMMITTEE ON
ENERGY AND COMMERCE
HOUSE OF REPRESENTATIVES
NINETY-SEVENTH CONGRESS
FIRST SESSION

—
FEBRUARY 24, 1981
—

Serial No. 97-48



Printed for the use of the
Committee on Energy and Commerce

—
U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1981

COMMITTEE ON ENERGY AND COMMERCE

JOHN D. DINGELL, Michigan, *Chairman*

JAMES H. SCHEUER, New York	JAMES T. BROYHILL, North Carolina
RICHARD L. OTTINGER, New York	CLARENCE J. BROWN, Ohio
HENRY A. WAXMAN, California	JAMES M. COLLINS, Texas
TIMOTHY E. WIRTH, Colorado	NORMAN F. LENT, New York
PHILIP R. SHARP, Indiana	EDWARD R. MADIGAN, Illinois
JAMES J. FLORIO, New Jersey	CARLOS J. MOORHEAD, California
ANTHONY TOBY MOFFETT, Connecticut	MATTHEW J. RINALDO, New Jersey
JIM SANTINI, Nevada	MARC L. MARKS, Pennsylvania
EDWARD J. MARKEY, Massachusetts	TOM CORCORAN, Illinois
THOMAS A. LUKE, Ohio	GARY A. LEE, New York
DOUG WALGREN, Pennsylvania	WILLIAM E. DANNEMEYER, California
ALBERT GORE, Jr., Tennessee	BOB WHITTAKER, Kansas
BARBARA A. MIKULSKI, Maryland	THOMAS J. TAUKE, Iowa
RONALD M. MOTT, Ohio	DON RITTER, Pennsylvania
PHIL GRAMM, Texas	HAROLD ROGERS, Kentucky
AL SWIFT, Washington	CLEVE BENEDICT, West Virginia
MICKEY LELAND, Texas	DAN COATS, Indiana
RICHARD C. SHELBY, Alabama	THOMAS J. BLILEY, Jr., Virginia
CARDISS COLLINS, Illinois	
MIKE SYNAR, Oklahoma	
W. J. "BILLY" TAUZIN, Louisiana	
RON WYDEN, Oregon	
RALPH M. HALL, Texas	

FRANK M. POTTER, Jr., *Chief Counsel and Staff Director*

SHARON E. DAVIS, *Chief Clerk/Administrative Assistant*

DONALD A. WATT, *Printing Editor*

RANDALL E. DAVIS, *Minority Counsel*

SUBCOMMITTEE ON COMMERCE, TRANSPORTATION, AND TOURISM

JAMES J. FLORIO, New Jersey, *Chairman*

JIM SANTINI, Nevada	NORMAN F. LENT, New York
BARBARA A. MIKULSKI, Maryland	EDWARD R. MADIGAN, Illinois
JAMES H. SCHEUER, New York	GARY A. LEE, New York
ANTHONY TOBY MOFFETT, Connecticut	JAMES T. BROYHILL, North Carolina
JOHN D. DINGELL, Michigan	(Ex Officio)
(Ex Officio)	

GREGORY E. LAWLER, *Staff Director*

GEORGETTE E. WALSH, *Staff Assistant*

SHEILA E. BROWN, *Counsel*

CLAIRE WHITNEY, *Associate Minority Counsel*

CONTENTS

Statement of:	Page
Barber, Walter C., Jr., Acting Administrator, Environmental Protection Agency.....	32
Borthwick, Jesse O., executive director, National Association of Noise Control Officials.....	15, 21
Fellendorf, George, Ed. D., executive director, national information center for quiet hearing, Educational Aid and Research Foundation, Inc.....	3
Heather, Jacqueline E., on behalf of National League of Cities.....	15, 21
Lipoti, Jill, on behalf of Noise Technical Assistance Center, Region II, Environmental Protection Agency.....	15
Martin, John, on behalf of the American Association of Retired Persons and National Retired Teachers Association.....	3, 10
Pulaski, Joseph B., director, noise control unit, Connecticut Department of Environmental Protection.....	15, 18
Shafroth, Frank, legislative counsel, National League of Cities.....	15
Tuerk, Edward F., Acting Assistant Administrator for Air Noise and Radiation, Environmental Protection Agency.....	32
Additional material submitted for the record by:	
National Retired Teachers Association and American Association of Retired Persons, program summary.....	13
Subcommittee on Commerce, Transportation, and Tourism, Committee on Energy and Commerce, letter dated February 18, 1981, from Edward Tuerk to Walt Barber and others re placement of employees of the Office of Noise Abatement.....	40
Statements and correspondence submitted for the record by:	
American Public Health Association.....	70
Association of American Railroads.....	95
Association of New Jersey Environmental Commissions.....	68
Bergen County Department of Health Services.....	100
Boulder, city of.....	81
Cedar Grove Township.....	73
Hearing, Educational Aid and Research Foundation, Inc.....	66
Illinois Environmental Protection Agency.....	76
Metro Clean Air Committee.....	74
National Association of Neighborhoods.....	84
National Environmental Health Association.....	83
National Institute of Governmental Purchasing, Inc.....	56
National Urban League, Inc.....	52
New Jersey Department of Environmental Protection.....	46
New Jersey State ECHO program.....	101
New Orleans, city of.....	103
San Diego, city of.....	80
University of California, Los Angeles.....	94
University of Miami School of Medicine.....	69
University of Tennessee.....	75
University of Virginia Health Medical Department of Otolaryngology.....	102

**REAUTHORIZATION OF THE NOISE CONTROL
ACT OF 1972**

TUESDAY, FEBRUARY 21, 1981

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON COMMERCE,
TRANSPORTATION, AND TOURISM,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, D.C.

The subcommittee met, pursuant to notice, at 9:30 a.m., in room 2322, Rayburn House Office Building, Hon. James J. Florio (chairman) presiding.

Mr. FLORIO. The subcommittee will come to order.

This is a very important, and one of our first authorization hearings dealing with matters concerning the environment. I feel very strongly about the value of the noise control program, particularly if directed in the way which the Congress has clearly sent signals over the last number of years, that is, with local emphasis as opposed to a national regulatory system. Information has been provided to the committee that the funding level for the noise control program for fiscal 1982 will be lean to the point of nonexistence. We are hopeful that it is not the case that there will be little or no money for the noise control program for fiscal year 1982. We also understand that the long-term policy objectives of this administration include a rescission of most if not all of the existing noise control regulations. We would hope that that review would be done in a very selective way. This committee has publicly been critical in the past of some of the regulatory activities of this particular program, with the major exception of the airport noise regulations. Many of the other noise regulatory activities of EPA have left something to be desired in the minds of this committee, and that is a matter of record.

I am troubled by, and I would like to read into the record, a memo that has been provided to me that is directed to certain EPA personnel from other personnel. The body of the message is:

As you are well aware, the revised EPA budget submission to the Congress assumes there will be no EPA noise program after fiscal 1982. This decision creates a situation in which it would be advantageous for current employees of the Office of Noise Abatement and Control to be placed in other assignments as available on an expedited basis, in order to minimize uncertainties. To facilitate this transition, effective immediately I am instituting a requirement that no position in your organization be filled without considering all qualified personnel currently employed in the noise program. All completed personnel actions in which selection was not made of an employee of the noise program must be accompanied by a statement as to who was considered and the reasons for their nonselection for my review prior to being acted upon by Personnel.

I am very sympathetic to the idea that seems to be embodied in this memo, that EPA should be concerned about the well-being of noise program personnel. They should be given first opportunity to transfer to other positions, if those positions are available. I think, however, inherent in this message there is a certain amount of arrogance that presupposes that those personnel should start to be primed for transfer because the assumption is that there will be no noise program after fiscal 1982. This is somewhat presumptuous, because it is the Congress that makes those decisions, and over and above that, it presupposes that the law which is currently in existence, that is the fiscal 1981 programs, are somehow not going to be pursued as diligently as they could be, because the personnel now are either being moved out, or at least they are being put on notice that their job positions are not as secure as they could be. One cannot expect maximum performance out of someone that is being told that they had better start looking around for other positions. So I just think that though this is not quite something that can be categorized as impoundment, one is coming very close to the proposition that though funds and programs are currently on line, someone is saying that the prospect is they will not be on line, and therefore we have to start the movement. I think that is an inappropriate approach, if I am reading this memo correctly, and I suspect that that is the clear intent of what the memo is.

EPA's program funding to this point has been virtually evenly divided between two principal activities: promulgating standards for noise source products and activities, and providing local communities with technical and financial assistance to develop appropriate programs, and to enforce noise control measures.

As I said earlier, this committee is on record as wanting to tilt toward the latter, rather than toward the former, with the major exception of airport noise control. This suggestion that there will be no noise program either after fiscal 1982 or perhaps implying during fiscal 1982 means, of course, that EPA would play no role as a consulting body to FAA in the development of regulations as required under the law for airport noise control, a major problem in the Nation. I would hope that that is not the intent of this administration.

Let me just conclude by saying that, in the past, this committee has, in a bipartisan way, approached all environmental subjects, and particularly this one, with cost effectiveness in mind. As many of you recall, last year we required a study assessing the regulatory system dealing with railroad noise because we thought it was not cost-effective, and that the cost it would have imposed upon the railroad industry far exceeded the benefits that would have been obtained from those regulations. So, this committee has no one to apologize to in its sensitivity for the balancing of costs and benefits. And I would hope that this administration would respect the sensitivity that we have, and not go forward in a less thoughtful way that would represent a meat ax rather than a scalpel approach to this program budget.

I am pleased that we are having these important hearings. I am troubled by the fact that the representatives from the administration have apparently been given directions that they are not in a position to talk about the administration requests for this year

until after March 10. The difficulty with that timetable is that we in the Congress are charged under the Budget Act with reporting out of the subcommittee, and then reporting out of the full committee to the House of Representatives by May 15 all of our new authorizations. Therefore, we have some difficulties that could have been addressed a little earlier if we would have had the opportunity to hear from administration spokesmen on their budgetary needs or requests, but be that as it may, we are going forward today with the authorization hearing. On March 10, I assume we will hear what the administration is suggesting for this program and for the other programs that are within this committee's jurisdiction. We will go forward as the committee sees fit.

Mr. FLORIO. I am pleased to have as our first two witnesses—we have a panel—Dr. George Felleendorf, the director of the National Information Center for Quiet, and Mr. John Martin, legislative consultant and formerly U.S. Commissioner of Aging, on behalf of the American Association of Retired Persons. I would ask both gentlemen to come forward.

Gentlemen, as with all of our witnesses, your statements will be made a part of the record in their entirety, and you may feel free to go forward as you see fit.

STATEMENTS OF GEORGE FELLEENDORF, ED. D., EXECUTIVE DIRECTOR, NATIONAL INFORMATION CENTER FOR QUIET, HEARING EDUCATIONAL AID AND RESEARCH FOUNDATION, INC.; AND JOHN MARTIN, ON BEHALF OF THE AMERICAN ASSOCIATION OF RETIRED PERSONS AND NATIONAL RETIRED TEACHERS ASSOCIATION

Dr. FELLEENDORF. Mr. Chairman, I am pleased to be here today. I have had the privilege of testifying before this committee before and it is a pleasure to be back again as executive director of the Hearing Educational Aid and Research Foundation, which is a nonprofit organization that has as its concern protection from hearing loss and the various programs and activities to preserve the health, and the hearing health in particular, of our citizens. I am going to limit my remarks to the health aspects of noise.

In connection with this hearing, I reviewed with Dr. Luther Terry, the vice chairman of the board of the HEAR Foundation, some of the current research. I believe he has a short note coming to you, if you have not received it already. Dr. Terry unfortunately could not be with us today, but as you know, he was the Surgeon General during the sixties, and is probably known perhaps best for his emphasis upon calling attention of the public to the hazards of smoking. Dr. Terry, in our conversation, mentioned that he felt that perhaps there was as good or better evidence today for the potential damage of noise on hearing and other aspects of health as there was when he was among the leaders to start this antismoking campaign in the sixties.

In the area of hearing damage, there is little doubt that there is strong evidence that prolonged exposure to moderate levels of noise and to impact noise for shorter periods of time can really be damaging to the hearing of our individuals in the country. It is estimated that some 25 million Americans are exposed to noise

levels that can be potentially damaging to their ears and to their health. Actually it is estimated in recent reports out of the National Center for Health Statistics there are some 15 million Americans that have some degree of hearing loss, so it is probably the largest single disability in the country.

We are aware that children and youth are growing up in an environment which is noisy. Dr. David Lipscomb, in a study of college freshmen a few years ago, demonstrated that the hearing levels of these college freshmen, young people in their late teens and early twenties, were at roughly the same level as individuals in their fifties and sixties. Dr. Lipscomb feels this is evidence of the impact of a noisy environment both in rural as well as urban areas, and what the impact may be to the hearing health of our citizens.

I recently spoke to some colleagues at the National Institutes of Health and learned of recent research, which has really not been reported publicly yet outside of the research reports, on the relationship of certain ototoxic drugs and noise. It appears those who are being given certain types of medication are actually extremely susceptible to permanent noise damage and this is something that only recently has come out of the reports of the University of Michigan. Also they are discovering that the impact noise, the noise that comes from loud sounds in short periods of time, is apparently considerably more devastating than was earlier thought. This is other information that is coming to light now.

In Washington, there was a recent study by the D.C. Environmental Health Administration of discotheques, the kinds of things we often think about in terms of young people. There was evidence there that young people going into these discotheques, sometimes for periods as long as 5 hours, are exposing themselves to noise levels that are clearly hazardous to their hearing health.

Mr. Florio. Doctor, if I can just express to you I am totally convinced that my three children who are 19, 18, and 17 will be stone deaf by the time they are 21 years old as a result of going to the basement to hear their stereos.

Dr. FELLENDORF. Most of us are aware of that experience which you are talking about. There are other areas of health which correlate with noise. Dr. Peterson, at the University of Miami, has been working with primates for a number of years, exposing rhesus monkeys to the same cycles of noise levels that are experienced by an ordinary industrial worker in this country in his office, in his factory, and also in his home, and on the streets. He reported in 1979 to our model symposium on community noise that a 30-percent increase in blood pressure resulted from this exposure. Also that the blood pressure did not return to the normal level after these animals were exposed to this experience. In post mortems on these animals it was determined that while there appeared to be no structural changes to their ears, there was clear evidence of changes in things like the adrenal glands, which influences aspects of human behavior and health other than hearing.

It may well be that out of this research of Peterson and research that is now being done at Johns Hopkins on the same topic, we may determine a profile of individuals who are at risk for damage to excessive noise. Such individuals may then be advised in connec-

tion with job placement and even in living conditions, to avoid excessive noise levels, knowing that they are extremely susceptible to damage from those noise levels.

Welch, in a study of research in foreign countries, reported on the other health aspects of noise. I would like to quote his report:

Cardiovascular morbidity of one kind or another has been found to be greater among people who work for prolonged periods under high-intensity sound than among people who work under low intensities of sound in 40 different studies.

No studies involving appropriate measures and statistical analyses have been identified which failed to suggest an adverse cardiovascular effect of long-term employment under high-intensity industrial noise.

Ising was studying workers in a brewery in the northern part of Germany and showed significant differences in blood pressure and noradrenaline among workers in noisy environments when they were wearing ear protectors as compared to when their ears were unprotected. This is significant because the researchers studied the same individuals under ear protection and non-ear protection, which is a valid method of research in an area like this. Such research is felt to be much more conclusive than some of the group work that has been done in other studies.

Similar results were reported by researchers in the Netherlands, which is referred to in my paper.

In conclusion, Mr. Chairman, while it is clear that there is a need for continuing research into the effects of noise exposure on the ear, the heart, blood pressure, and the nervous system, there is ample evidence today which justifies alerting the public to the potential hazards of noise.

[Dr. Fellendorf's prepared statement follows.]

TESTIMONY OF GEORGE W. FELLENBORF, ED. D., NATIONAL INFORMATION CENTER
FOR QUIET, HEARING EDUCATIONAL AID AND RESEARCH FOUNDATION, INC.,
WASHINGTON, D.C.

Mr. Chairman and Members of the Subcommittee, I am testifying today as Executive Director of the Hearing, Educational Aid and Research Foundation, Inc. (H.E.A.R.) and in my capacity as Director of the National Information Center for Quiet which is one of my responsibilities. My purpose is to share with you some of the more recent developments on the health aspects of noise.

In preparing these remarks, I reviewed with Dr. Luther L. Terry, Vice Chairman of the Board of the H.E.A.R. Foundation, some of the current research reports on the health effects of noise. Dr. Terry, as you know, was the Surgeon General of the United States in the early 60's when the national focus in public health turned to the potential hazards of smoking. In many respects, Dr. Terry feels that the case for environmental noise abatement today is based upon as good or better evidence than existed for the anti-smoking program when it began.

In the area of hearing damage, there is ample evidence of the detrimental effects of prolonged exposure to moderate levels of noise and to impact noise for shorter periods of time. It has been estimated that more than 25 million Americans are exposed daily to potentially damaging levels of noise in their homes, work-places or on their streets. Recent health statistics indicate that hearing impairment is the most common disorder in the country today with more than 15 million men, women and children exhibiting some degree of hearing loss.

Children and youth are among those who are susceptible to hearing loss and the resulting interference with their education

and communication. Studies of college freshmen by Dr. David Lipscomb, University of Tennessee, have shown that the levels of hearing loss in these youths approximate those found in adult populations in the 50-60 year old range. Dr. Lipscomb attributes a substantial portion of these observations to the pervasive noise environment in which youngsters are growing up in both rural as well as urban areas.

Among the most recent research results which have come to our attention from the National Institutes of Health in personal communications are reports from the University of Michigan on the relationship between certain drugs and noise. It has been found that users of many types of ototoxic drugs are highly susceptible to permanent damage to their auditory mechanism in the presence of noise. Also impact and impulse noise have been found to be considerably more destructive to the hearing system than was previously thought to be the case.

Here in Washington, a study reported by the D. C. Environmental Health Administration revealed that the noise levels in a group of 19 discotheques frequented by young adults ranged from 85 to 115 dB. Patrons in the sample study spent an average of five hours in such environments thereby exposing themselves to levels of noise in excess of acceptable levels. (Walker, B. Perceived Effects of Levels in Discotheques of the District of Columbia, 1979).

There are health areas other than hearing loss, however, which have been shown to correlate with exposure to excessive

noise. Dr. Ernest A. Peterson, University of Miami, has been experimenting with primates for years to demonstrate the impact of typical community-workplace noise on blood pressure. He reported to the Model Symposium on Community Noise in 1979 that a 30% increase in blood pressure resulted from several months of exposure to the types and levels of noise experienced by an industrial worker on a daily basis. In a recent communication, I asked him about the post mortem studies of these animals and he responded that while there was no evidence of structural changes, there was evidence of changes in the adrenal glands which he considered to be significant. Among the practical goals of this research may well be the determination of a profile of individuals who are at risk for health damage as a result of noise exposure. Such individuals can then be advised to seek job placement and living situations where they are not exposed to excessive noise levels.

Some internationally recognized authorities, who in the past have questioned the non-auditory effects of noise, have more recently come to acknowledge that such effects may well exist. Among the evidence that has influenced this recognition has been that reported by such researchers as Welch, who in 1979 critically reviewed a number of research studies on non-auditory health effects as found in foreign literature (Welch, B. L. Extra Auditory Health Effects of Industrial Noise: Survey of Foreign Literature). Welch states, "Cardiovascular morbidity of one kind or another has been found to be greater among people who work for prolonged periods under high intensity sound than among people who work under low intensities of sound in 40 different studies".

He goes on to say, "No study involving appropriate measures and statistical analyses has been identified which failed to suggest an adverse cardiovascular effect of long-term employment under high intensity industrial noise".

Among the other studies of risk of heart and circulatory diseases as a result of noise exposure is one conducted in factories in West Germany by Ising and colleagues in 1977-78. (Ising, H. et al, Study of the Quantification of Risk for the Heart and Circulatory System Associated with Noise Workers, 1979). The results indicated significantly observable differences in the systolic blood pressure and noradrenaline among workers in noisy environments when they were wearing ear protectors as compared to when their ears were unprotected. These data are particularly informative because of the great care which the German investigators took to consider various medical parameters which were factored out in order to isolate the noise-related effects. Mosakov and Ettema in the Netherlands also report research data which strongly suggest that long-term exposure to noise is a risk factor for cardiovascular disease in daily living and working conditions. (Mosakov, J. J. and Ettema, J. H., Extra Auditory Effects in Long-term Exposure to Aircraft and Traffic Noise, 1977). They found that exposure to traffic noise caused decrease of systolic blood pressure, increase in diastolic blood pressure, changes in pulse pressure, heart rate and quotient of heart rate and respiratory rate and increase of respiratory rate.

In conclusion, while it is clear that there is need for continuing research into the effects of noise exposure on the ear, the heart, blood pressure and the nervous system, there is evidence today which justifies alerting the public to the potential hazards of noise.

Mr. FLORIO. Thank you very much, sir.

STATEMENT OF JOHN MARTIN

Mr. MARTIN. The National Retired Teachers Association and the American Association of Retired Persons represent approximately 12 million dues-paying members who are over the age of 55. At a time when the average age in the United States is creeping steadily upward, older Americans, as a group, are becoming an evermore significant portion of our population. In this area, we are vitally concerned with the health, well-being, and living conditions of our constituents and their families. We are particularly concerned with the problem of noise in our cities, communities, and neighborhoods.

Our immediate concern is the reauthorization of the Quiet Communities Act which will enable the Federal Government to continue to help older Americans escape the very real and present health hazards attendant to continuous exposure to unreasonably high levels of noise.

Mr. Chairman, NRTA-AARP is concerned about noise for a variety of reasons which lead to a cumulative and serious health threat to older Americans who should be enjoying their lives in peace, and quiet, and with a degree of safety from unwanted intrusions. We represent a group of citizens, many of whom for economic reasons are unable to maintain their quality of life and who are constantly subjected to exposure to excessive noise levels. For example, many older Americans live on fixed incomes in communities which are decaying and victims of urban blight—the symptoms of which include excessive noise. They are unable to flee those areas of urban blight due to low income levels and the skyrocketing costs of housing in unblighted communities and neighborhoods.

For the most part, a great number of older Americans have already experienced a sizable percentage hearing loss due to the aging process and due to the cumulative effects of lifelong exposure to excessive levels of noise in the workplace as well as in our day-to-day environment. For those who have to live in noisy communities, high-noise levels present health and safety concerns with respect to being able to hear fire alarms, warning signals, police and ambulance sirens, and other sounds which allow for safety and safe passage on our streets.

Older Americans, as a group, also suffer from a much higher incidence of hypertension and cardiovascular disorders which are caused in some instances, and aggravated in others, by excessive noise. While I am not qualified to discuss the medical and/or physiological causes of hypertension and/or cardiovascular problems, clearly high noise levels induce sleeplessness, insomnia, and disorientation, which exacerbate already existing disorders.

Mr. Chairman, the conditions I have just described exist in our Nation's cities today. They exist and when taken as a whole create a set of conditions which most older people are simply unable to endure. In most instances, older people are unable to do anything about this set of conditions due to lack of information and assistance from States and units of local government. We need the protection from noise which can be provided by States and local governments but they, too, have a limited ability to help at this

time. Assistance and leadership are needed from the Federal level as well in order to bring about effective change.

Since the enactment of the Quiet Communities Act of 1978, the Environmental Protection Agency's Office of Noise Abatement and Control has been active in assisting States and local governments to develop their own noise programs. We agree that this is the most effective use of the taxpayer's dollar. And I think the committee is of the same opinion. We urge the committee to capitalize on the EPA State and local assistance portion of the noise-abatement-and-control program until such time that the States and local governments can efficiently assume their proper role in noise control. Further, we need to continue the public education and information aspects of the program as well. Many older Americans can and, indeed, will do something about their own noise problems within the context of their living conditions. But as of yet, they have been uninformed about those many things they can do to protect themselves from excessive noise. I am convinced that if they are provided with State and local program protection coupled with a viable public education and information program which originates in the continuation of the Quiet Communities Act, our people will act to protect themselves.

Mr. Chairman, I urge this committee to reauthorize the Quiet Communities Act and focus it entirely on those programs that will strengthen the abilities and capacities of State and local governments to control and abate noise and to further inform the American public as to the harmful effects of excessive noise as well as the remedies they may take to protect themselves.

Mr. FLOUO. Mr. Martin, I want to thank you very much, and thank both of you gentlemen for your testimony.

Mr. Martin, it almost sounds like you and I rehearsed our testimony or our statements before we got here, and of course we did not, but I think it does represent the obvious benefits that are able to flow from the focus of this program, what the focus should be, that is, the EPA's role in providing startup funds or minimal amounts of funds for State and local programs designed to address State and local noise problems with some degree of particularity. There is one of the programs, the ECHO program, each community helps others, which is a program that is extremely modestly funded, \$100,000. It depends principally on volunteers, and I know the RSVP seniors have been one of the groups of volunteers that have become involved in this within the community for staff purposes, to develop programs at the local level to account for whatever the local noise generators are, and also has a very heavy educational component, that is to be educating people as to what they can be doing and what they should be doing.

This committee is far beyond the point of needing to be persuaded about the health ramifications of overexposure to noise. I would just like to ask you, Doctor, one point with regard to the research funding that has been provided in previous years. It is only one-half of a million dollars earmarked for research into noise impact with regard to health. Most of the research is conducted through grants to universities and institutes such as the National Institutes of Health and the National Academy of Sciences. Is there any legitimate criticism that can be made that that type of research

would be going on anyway by those agencies, and therefore EPA should not be involved in the exploration of health consequences of overexposure to noise? Rather those agencies and those institutes, such as National Institutes of Health, would be doing it anyway?

Dr. FELLENDORF. I wish I could answer your question conclusively, Congressman. I think that there is no question the research must continue. I think there has been some need for better coordination between the various agencies, and I am not sure there is any, to assure there is no overlap or duplication. I think that EPA has the advantage of more or less being closer to the firing line, if you will, and while basic research must always continue to go on, I think EPA represents the agency that is closest to the consumer and the impacted person. NHH, as we both know, tends to step back, if you will, into the more systematic and basic research component, and things like I reported a few minutes ago, in terms of the impact of certain ototoxic drugs and noise, are matters that should be brought out to the public, and they should be brought out in a fashion that they will hold together in terms of their presentation to the public. That is not just a public awareness, that is part of interpretation of the research results from NIH. So I really do not feel qualified to comment on the broad context of your question, but I do feel that there has been some limitations in the liaison between the research establishments, which would be very easy, I would think, to clear in terms of the future of these various programs. We must make the most of whatever dollars we have in research.

Mr. MARTIN. May I also say that AARP-NRTA has an activities program which deals with the use of volunteers for helping to carry out this exact kind of program, and I would like to furnish to you for the record a short statement on that.

Mr. FLORIO. I would be happy to see that.

This year we are also going to be reviewing the Older Americans Act.

Mr. MARTIN. Yes.

Mr. FLORIO. Assuming that there is any budgetary authority left for that, too, but we think that is something that can be utilized to a much greater effect in some directions, this being one of them.

Mr. MARTIN. There is no question but what ordinary citizens, if they are given a little training and a little background, can do a great deal to make these programs effective without costing a great deal, and that is an important question of cost-effectiveness.

Mr. FLORIO. Gentlemen, thank you very much. We appreciate your testimony.

Dr. FELLENDORF. Thank you.

[The following statement was received for the record:]

NRTA/AARP COMMUNITY NOISE COUNSELING PROGRAM
Program Summary

The Community Noise Counseling Program concept developed as a response to the growing irritation and frustration of local communities and individuals with increasing noise in their environment and the knowledge that such pollution is detrimental to the quality of community life.

The goal of this community service program is to stimulate public awareness of the hazardous effects of noise on health and hearing through a variety of educational and public information activities in schools, civic organizations and communities. In addition, noise counselors have become a vehicle for assisting individuals or communities in resolving their specific noise problems or for guiding them through the appropriate complaint and enforcement process.

The Community Noise Counseling program is now being piloted under a contract with the Environmental Protection Agency. The manpower for the pilot has come from the Senior Community Service Employment Program, a grant project of the NRTA/AARP Associations funded by the Department of Labor. The purpose of the Associations' involvement is to organize a pool of trained NRTA/AARP volunteers at the local level to participate as noise counselors to enhance their community environment.

In joint session, the NRTA Community Participation Advisory Committee and AARP Community Services Advisory Committee, September 27, 1979, recommended that the Associations explore the feasibility of transferring the Community Noise Counseling Program now being operated under contract with EPA to the status of Association volunteer program, observing that excessive noise in the environment can have a deleterious effect on the well-being of older persons.

The Community Noise Counseling Program is a community service program which would provide opportunities for both NRTA unit and AARP chapter members and NRTA/AARP national members to participate in activities to educate the public about the health effects of noise, to serve as a focal point in the community for issues that concern noise and to counsel communities and individuals in how to reduce their exposure to noise in their environment. It is suggested that the best way to ensure availability of trained volunteers and equitable distribution of activities is the formation of unit/chapter Noise Counseling Committees as a focal point for program activities. National members could work with these committees or independent volunteer committees.

National and unit/chapter members would be trained in the basic, semi-technical aspects of sound, sound measurement and methods to reduce or eliminate noise. Training materials and a training package are being developed. The training and ongoing assistance to the unit/chapter Noise Counseling Committees in planning and organizing activities would be provided by trained volunteers.

and Noise Counselors who are currently participating in the demonstration program.

Additional funds are now being made available to demonstrate the implementation of the program by the NRTA/AARP membership as volunteers.

The variety of opportunities for involvement in Noise Counseling activities is limited only by the imagination of the Noise Counseling group. The program opportunities are flexible and would, to a large extent, depend on local needs and interests. Short-term opportunities exist for those with limited time commitments and long-range activities can be used to promote sustained chapter interest and activity.

Individuals and chapter members involved in noise counseling activities would be trained in the basic, semi-technical aspects of sound, sound measurement and methods to reduce or eliminate noise and would be provided on-going assistance by trained volunteers in planning and organizing their chosen activities.

The need exists for a whole array of activities to stimulate awareness of noise as an environmental problem, and to educate the public concerning the health effects of noise and the importance of preserving and protecting hearing. This may be done by talking to civic groups or introducing noise in the health curriculum of elementary and high schools. The Noise Counseling Committee might sponsor a noise booth at fairs or hearing testing in conjunction with the public health department. Community attitudinal surveys regarding noise can not only document community noise problems, but also serve as a vehicle for disseminating information to the public along with distributing pamphlets to doctor and veterinarians' offices, etc.

Creating public awareness of noise and its harmful effects, knowing where to go about a noise problem and getting people to change their habits are challenging goals for a NRTA/AARP Noise Counseling Committee. But the rewards in assisting individuals and creating a healthier environment for the community are great as well.

Currently, thirty Community Noise Counselors including four full-time volunteers, have received training and are working with local NRTA/AARP units/chapters in community projects.

Seven locations have enlisted the help of AARP chapter volunteers in support of their activities.

Six AARP chapters have initiated noise counselor projects as a chapter activity. Meetings have been scheduled through April and May to initiate other chapter projects.

The Association's support has included the publication of an activities brochure for the use of the membership, and the creation of a Noise Counselor's Handbook for chapter/unit projects. An article, written in the AARP Chapter News, has prompted responses from several state directors and chapter presidents indicating an interest in starting a "Noise Volunteer Program in their areas.

The volunteer concept of Community Noise Counselors has been eagerly endorsed by noise control and abatement officials at national and regional offices of the EPA, and state and local officials responsible for health and noise enforcement, as an effective community awareness and education program for quiet communities.

Mr. FLORIO. Our next witnesses are a panel, Dr. Jill Lipoti, Director of the New York-New Jersey Region II, Noise Technical Assistance Center of Rutgers University, and Mr. Joseph Pulaski, Director of the Noise Control Unit of the State of Connecticut.

I think what we will do, if no one minds, is to take our next two witnesses, and since there is a good cross-section, have our four witnesses as a panel. Ms. Jacqueline Heather, mayor, Newport Beach, Calif., on behalf of the National League of Cities, and Mr. Jesse Borthwick, executive director, National Association of Noise Control Officials.

We are pleased to have with us the ranking minority member, Congressman Lent from New York.

STATEMENTS OF JILL LIPOTI, ON BEHALF OF NOISE TECHNICAL ASSISTANCE CENTER, REGION II, ENVIRONMENTAL PROTECTION AGENCY; JOSEPH B. PULASKI, DIRECTOR, NOISE CONTROL UNIT, CONNECTICUT DEPARTMENT OF ENVIRONMENTAL PROTECTION; JACQUELINE E. HEATHER, ON BEHALF OF NATIONAL LEAGUE OF CITIES, ACCOMPANIED BY FRANK SHAFROTH, LEGISLATIVE COUNSEL; AND JESSE O. BORTHWICK, EXECUTIVE DIRECTOR, NATIONAL ASSOCIATION OF NOISE CONTROL OFFICIALS

Ms. LIPOTI. Thank you, Mr. Chairman and members of the subcommittee.

I am Jill Lipoti, a member of the faculty of Rutgers University in New Brunswick, N.J.

I am here today representing the Noise Technical Assistance Center of Region II which was established 2 years ago through a grant from the U.S. Environmental Protection Agency, Office of Noise Abatement and Control.

As originally conceived, the Region II Noise Technical Assistance Center was responsible for providing training and consultation to communities within New York, New Jersey, Puerto Rico and the Virgin Islands. It is 1 of 10 centers established at major universities in each of 10 regions of the Nation.

This regional emphasis permits the communities within the region to benefit from a highly responsive and geographically accessible advisory service. At absolutely no expense to the local or county government, the specialized capability of a university is available for assisting the community in:

One, developing and writing an effective ordinance for local noise control; two, providing training of local officials in noise enforcement; and three, technical consultations in local noise abatement techniques.

In addition, the Technical Assistance Center has been of great value to the noise programs of the States of New Jersey and New York by performing research in noise topics that the small State program budgets could not allow.

The question I am here to address is: "What is the practical effect of the discontinuation of the Technical Assistance Center Program?"

The Federal Government must show its commitment to the all pervading problem of noise by funding technical assistance programs. Congress had the foresight and concern in 1972 to pass the

Noise Control Act and amended it in 1978 by the Quiet Communities Act.

Now, unless you show a firm commitment to noise, the State and local programs will die. Already the New Jersey State noise budget was cut in half and the New York budget by one-third.

While Federal money is not directly allocated to local programs, support is provided in areas that no State or local program could possibly afford on its own.

Noise is a local problem and should be controlled at the local level. This fact was recognized by the Congress in the mandate for the Noise Control Act, section 2, paragraph 5.

Through EPA, Office of Noise Abatement and Control funding of regional noise technical assistance centers, training in noise abatement is provided to local officials at no cost to the community.

In the past year in New York and New Jersey, Rutgers University, in its capacity as Region II Noise Technical Assistance Center trained 282 local officials. The training courses were conducted in 12 locations convenient to local officials.

For example, in New York, noise training programs were presented in Rochester, Binghamton, Babylon, Mount Vernon, and Poughkeepsie, preparing 89 community officials for local ordinance enforcement.

In addition, in New Jersey, training was provided at Plainsboro, Paramus, Cherry Hill, Convent Station, New Brunswick, Pomona, and Hillside.

These locations were chosen so that all towns surrounding these communities could take advantage of the course without much travel time. Forty-eight percent of the officials trained were from health departments, 20 percent from police departments and other representatives included building inspectors, planners, environmental commissionners, citizens groups, attorneys, media and others.

From 1975-77 an additional 169 people from New Jersey were trained. A newsletter, Soundings, has been started for these officials to continue their association with Rutgers and to provide a network of peer support in solving local noise problems.

Even this total of 450 trained people in region II is just a start. With 567 communities in New Jersey and 1,709 cities, towns, and villages in New York, much more training is needed to cover every location.

Not only are trained people necessary for ordinance enforcement, but every citizen should know the physiologic effects of noise so that they will limit the amount of noise to which they voluntarily subject themselves.

Noise assaults every individual, every day and every night, in his own home, his car, and his job.

Recent estimates claim that about 10 percent of the country's population is exposed to noise of duration and intensity such that permanent hearing losses would occur.

Noise is considered to be one of many causes of stress and as such is linked to hypertension and possible heart problems.

Noise-related stress can also effect behavior patterns, learning patterns, and daily activities. The learning patterns of children can be permanently affected by a noisy environment.

We all know we have to tighten our belts and spend less Federal money, but this is no time to retrogress and ignore the foresight of the Congress that established the national concern for noise.

Doesn't every citizen deserve relief from excessive noise in his surroundings? From my experience with citizens, they feel they have a right to quiet.

I should like to make you aware that each regional technical assistance center receives no more than \$60,000 per year of Office of Noise Abatement and Control support. For this modest sum, you are providing hundreds of communities in each region and thousands of communities in the Nation with the opportunity to receive on-site, personal assistance free of charge.

In our opinion, no individual State could afford to financially support their own technical assistance program and one of the best Federal expenditures is in providing a network of Technical Assistance Centers that locals can call upon for free advice.

This is the most cost-effective method to provide personalized noise assistance. The entire wealth and capability of a university can be drawn upon to implement and support this technical assistance program.

The Regional Noise Technical Assistance Centers were selected for their unique capability to provide training and consultation. But this, along with research performance, insures further specialization within the university in addressing community noise problems. This is seed money; the fruits of which go far into the future.

We, at the university, are learning from the local officials. For every problem they bring to us to solve, in posing a solution, we are adding to our body of knowledge. We develop our technical expertise and become more and more responsive to local needs as the program goes on.

As a specific example, the technical assistance center is involved in a study of noise from Newark Airport. In response to concerned citizens in communities surrounding the airport, the center is assisting in a monitoring program designed to measure and assess noise exposure in the communities resulting from aircraft. The implication of even this one study are far reaching.

Studies have been provided to the State office of Noise Control in New Jersey on fire siren, construction, and stock car auto racing noise as well as procedures for noise measurement.

The Technical Assistance Center is presently compiling a computer inventory of all local noise ordinances within New York and New Jersey for the purpose of ordinance development.

Presently, 453 towns, villages, and cities in New York have ordinances but less than one-quarter of these contain specific decibel limits. Similar data for New Jersey shows that 87 percent of the local ordinances do not contain decibel levels and only about 50 percent of the communities have local codes.

When questioned on why towns had not adopted an ordinance, the difficulty of the technical aspects of decibel levels was often cited. These data were derived from a survey done by the center last May.

It is clear from this study and our extensive involvement with community officials that without assistance in addressing these

technical concerns, the development of effective local noise control, which Congress deemed so important, will not be achieved.

Some of you may think that universities are ivory towers where people ponder great questions of the universe. Here is one situation where the university is listening to local problems and helping the locals themselves solve them.

Consequently, a large base of noise facts and abatement techniques is being built. The university is finding practical solutions to real life problems. By funding a program which works on this grass-roots level, you are helping citizens now and in the future.

If you have ever met a person with a noise problem and caused a cessation of that noise, you will know how grateful they are for relief. Remember that every citizen is bothered by noise in some form, every day and every night, particularly in the urban centers.

If you make a commitment to abating noise in this country, every person will be grateful. Because noise is highly correlated with population density, urban areas are severely impacted.

Somewhat surprising to urban experts has been the significance of noise to the urban dweller.

The Department of Housing and Urban Development has conducted an annual housing survey in selected central cities since 1973. HUD has found that noise is ranked as the most frequently mentioned undesirable neighborhood condition each year.

Noise consistently ranked higher than crime, heavy traffic, litter, street repair, street lighting, deteriorated housing, and abandoned buildings.

In closing, we urge this committee to endorse the reauthorization of the Noise Control Act of 1972. The U.S. EPA, ONAC support of the regional noise technical assistance program has provided an essential service to communities seeking to establish a self-sufficient and effective local noise control program.

We are certain that the experiences of the Region II Noise Technical Assistance Center are identical to the technical centers in each of the other nine regions of the Nation.

With modest funding, the Congress can assure the policy of the Noise Control Act, " . . . to promote an environment for all Americans free from noise that jeopardizes their health or welfare."

Mr. Florio. Thank you very much.

Mr. Pulaski.

STATEMENT OF JOSEPH B. PULASKI

Mr. Pulaski. Good morning, Mr. Chairman and members of the committee.

My name is Joseph Pulaski and I am the director of the Connecticut Department of Environmental Protection's Noise Control Unit.

I am here today to urge you to reauthorize the Quiet Communities Act of 1978 and to support ongoing Federal efforts in noise control. These efforts, particularly in the areas of financial and technical assistance, are extremely important to the success of noise control programs at the State and local level.

Connecticut has statewide noise regulations and standards which are effective in dealing with major noise problems having statewide

significance (for example, the noise from a major industrial facility) but do not adequately address many problems unique to individual communities (for example, noise from local construction activity, residential air-conditioners, late night entertainment facilities, et cetera).

We are, therefore, encouraging and assisting Connecticut communities in developing local noise control ordinances through a Federal ECHO (Each Community Helps Others) grant.

As you are probably aware, the ECHO program matches up local noise "experts" called Community Noise Advisors (CNA's) with officials in towns wishing to develop local noise ordinances (called Recipient Communities or RC's).

There are currently 11 Connecticut communities with a total population of over 500,000 people involved in this program. The communities are Hartford, East Windsor, West Hartford, Danbury, Norwalk, Windsor, Shelton, Brookfield, Westbrook, Greenwich, and Bloomfield. Several more have expressed interest in becoming part of this program.

The ECHO program, as you have heard over and over again, and I reinforce that, is extremely cost effective in that it provides a relatively small amount of funding to the State and relies on volunteers from the towns to donate their time and effort to developing and enforcing local noise control ordinances.

In Connecticut we receive approximately \$35,000 a year to fund a State ECHO Project Director, a typist, to purchase noise monitoring equipment and supplies, as well as provide mileage reimbursement to CNA's and RC's.

The ECHO Project Director coordinates the activities of the CNA's and RC's, arranges for noise equipment loans, assists and advises in the drafting and reviewing of local ordinances and most importantly, acts as a catalyst in moving the ordinance development process along.

In my judgment, a critical element in the success of this program in Connecticut has been the active role played by the ECHO Project Director. Without continued Federal support his presence will cease to exist and local noise control efforts will suffer severely.

Another extremely important noise control activity, that of the Regional Noise Technical Assistance Center (RNTAC) located at the University of Hartford, is funded through the Quiet Communities Act.

This Center provides valuable technical assistance to State and local governments throughout the U.S. Environmental Protection Agencies (EPA) region I. This includes all of the New England States. Similar Centers are funded in the other EPA regions.

The assistance provided includes the following:

Conducting workshops to train local officials in noise control techniques and the proper use of noise measuring equipment.

Conducting seminars for the general public on noise and the need for, as well as the benefits of, noise control.

Serving as a calibration laboratory for State and local agencies, enabling them to have sound measuring equipment checked for calibration at no cost.

Providing instructional programs to local school systems in order to educate students on noise control matters.

The Hartford RNTAC has held over 15 workshops and seminars throughout New England in the past year and a half. Of that number, 7 have been held in Connecticut in cooperation with our State Noise Office.

At these jointly sponsored 1-day seminars over 100 officials from 60 Connecticut towns received instruction in noise control, the health effects of noise, noise regulations, as well as "hands on" experience in the use of sound level meters.

These trained individuals are of great value to our noise control efforts. Besides generating local interest in noise control ordinance development they are frequently called upon by our office to assist us in the preliminary investigation of noise complaints originating in their respective towns.

Often, using the skills obtained at the RNTAC noise seminars and their knowledge of the local situation, these officials are able to resolve noise problems with no further assistance from our office. This greatly increases our noise control effectiveness and permits many more noise problems to be expeditiously resolved than would otherwise be possible.

The continuation of these seminars to provide refresher courses and to instruct new personnel will be a major factor in the continued success of the "outreach" effort.

Funding for the Centers is contingent upon reauthorization of the Quiet Communities Act. Without Federal funding the Regional Noise Technical Assistance Center at the University of Hartford would not be able to continue in operation.

Besides these critically important areas of assistance to the State and local governments, I believe the Federal Government has a very important role to play in continuing to identify and control products which are major sources of noise.

Much progress has been made in this area, especially with respect to reducing aircraft noise, heavy truck noise, and construction equipment noise.

Control of products which are major noise sources, particularly those involved in interstate commerce requiring uniformity of treatment throughout the country, is out of the jurisdiction of the State and local governments. This responsibility most appropriately lies with the Federal Government. Failure to continue Federal activity in this area will undermine and weaken all local noise control efforts.

In summary, I think there is clearly a need to scrutinize government spending at all levels. We must not, however, lose sight of the overriding need to protect our environment and the health and welfare of the American people in the process.

The Federal Noise Control program, particularly in the area of State and local assistance, is an extremely cost-effective program. It addresses a very serious environmental problem of excessiveness with a minimum of funding.

I strongly urge you to support reauthorization of the Quiet Communities Act and continue the Federal commitment in this important area of environmental control.

Mr. FLORIO. Thank you very much.

Ms. Heather.

STATEMENT OF JACQUELINE E. HEATHER

Ms. HEATHER. Thank you. Good morning, Mr. Chairman and members of the subcommittee.

My name is Jacqueline Heather and I am the mayor of Newport Beach, Calif. My city lies under the flight path of John Wayne International Airport, the third busiest airport in the United States, so I am here representing the National League of Cities but I am also representing a noise impacted city.

With me is Mr. Frank Shafroth, the legislative counsel for the National League of Cities.

The National League of Cities (NLC) is a national organization for cities and for the people who live in them. NLC consists of, and is the principal representative for approximately 15,000 cities, large and small, throughout the United States.

The League is an advocate for the 70 percent of the Nation's population that lives in metropolitan areas.

NLC is committed to a policy of enhancing the urban environment. A key step in improving that environment is the reduction of noise.

Mr. Chairman, the EPA noise program is in trouble. Indeed, its continued existence is in doubt. The Office of Management and Budget has recommended to the President elimination of EPA's role in noise control for fiscal year 1982.

This decision apparently came without consideration given to preserving the good elements of EPA's program, the elements that legitimately reflect what the agency should be doing, even under the most conservative interpretation of the proper Federal role in noise control.

To emphasize this point, I have in my hand and will submit for the record, a column by the noted conservative columnist James J. Kilpatrick. In it he praises the "Buy Quiet" program, which has been referenced before, which seeks to utilize marketplace economics to procure quieter goods and services.

This program is financed in part by funds appropriated under the Noise Control Act.

In my experience with Federal regulatory programs this is one of the few I know of which seeks to find a better, more economical, and certainly less burdensome way to achieve an important social goal without regulation. It seems to be the type of alternative program which would be favored by the new administration.

There are other good and useful noise programs at EPA, many of which I can quite honestly say represent the best use of taxpayers' dollars for a legitimate function of government. Most meet an important demand either for soundproofing and weatherization, equipment loans, limited financial assistance, and, of course, technical assistance and information exchange through the Each Community Helps Others (ECHO) program, which was mentioned before and which I find very dynamic.

Furthermore, these programs are all voluntary and generate a voluntary match by cities unequalled by most other Federal programs. All work toward the goal of a quieter environment—a goal advocated by cities and mandated by Congress.

Mr. Chairman, the Nation's cities are well aware of the nature and extent of the fiscal and economic crisis we face. We are pre-

pared to take our fair share of reductions and program cuts. But totally eliminating the noise program will exacerbate the noise problem in our communities. It would be a counterproductive way to approach the issue of spending reductions.

As an alternative, I want to suggest a three-step program which will both reduce Federal spending, end unnecessary regulation, and make the best elements of EPA's existing noise program even more cost effective.

What I am proposing today is that the Nation's cities join ranks with you and the other members of this committee to hammer out a reasonable compromise measure to present to the Senate and the new administration.

We all share noise problems and need Federal coordination to help us solve them and avoid unnecessary and costly duplication of effort.

Even President Reagan recognized the need for a coordinated attack on noise by signing into law some of the noise programs still underway in California today, many of which have served as models for our Federal programs.

And as an aside, I just testified yesterday at the hearing in our area for John Wayne Airport, so I can attest to the State of California's interests in the Noise Act and President Reagan's participation in it.

My three-step program is this:

First, eliminate all current or proposed regulatory initiatives called for in sections 5 and 6 of the Noise Control Act.

Shut down in total EPA's noise regulatory effort. Over \$50 million has been spent on these initiatives since 1972 and much legitimate criticism has been fired at these regulations over the past several months.

For the most part cities receive only very limited noise reduction from these preemptive regulations and the benefits do not outweigh the costs in taxpayers' dollars or added consumer costs. Cities are willing to work with others to promote voluntary standards through programs such as "Buy Quiet."

Second, reduce the Agency's budget from its current \$13 million to \$6 million with all appropriated moneys used exclusively in support of State and local programs. This is a difficult choice because it means an end to research, international cooperation, and no state-of-the-art studies, but it will return the focus of the Agency to practical, nuts and bolts activities for the prevention and control of noise at the local level.

I underscore the word practical because in the past NLC has witnessed some very well-intentioned projects designed to help cities, particularly in the area of construction noise, which did not have any utility for the vast majority of local governments.

Cities need real world programs based on utility and ease of application, not costly, state-of-the-art techniques that simply do not sell at city hall.

Third, a continuation and examination of aircraft noise abatement assistance is desperately needed. Why EPA has not supported aircraft noise abatement assistance to a greater extent I cannot say, but a conscious decision now by EPA to help cities with airport noise planning would be tremendously helpful.

We don't need any further study of the problem. Cities know it is a problem already. We need good, practical techniques that can be applied locally to solve this growing problem.

I know you, Congressman Florio, share similar concerns. Your own district, and my city, are severely impacted by airport noise. However, if EPA's noise program is scrapped, you will have no advocate in Washington, nor will any city in the country.

Eliminating EPA's role in aircraft noise would be a major hardship for many communities which would be more efficiently served by coordinated technical assistance to assist them in implementing effective aircraft noise control measures, in making the Federal Aviation Administration aware of the impact of airport noise on our Nation's communities.

This three-point strategy for EPA's noise program will mean a better Federal noise program for everyone. An appropriation of \$6 million, although significantly less than prior years, could bring increased benefits for cities.

In the past, despite the explicit directives of the Quiet Communities Act, most appropriated moneys have been consumed by EPA's regulatory efforts. Unfortunately, this strategy has contributed to the dilemma we face today. This singular regulatory obsession has led to highly critical articles and editorials, and countless lawsuits which waste taxpayer and consumer dollars.

Mr. Chairman, I don't know of any support for EPA regulations that preempt local government, set permissive standards, mandate recordkeeping, require Federal forms to be filled out, and contribute to inflated consumer costs.

It is our hope that your committee will make the Quiet Communities Act amendments the focus of this reauthorization bill together with section 7 of the parent legislation which spells out a program for airport noise control. We need this EPA program.

Allow me to clearly demonstrate this need by concluding my testimony with some very disturbing statistics gathered by the staff at NLC through a survey of the Nation's cities.

Seventy-seven percent of all large cities cite aircraft noise as a serious problem;

Fifty-three percent of city officials view noise as a serious problem, more so than air pollution, water pollution, or solid waste pollution;

Fifty-four percent believe not enough is being done to control noise;

Forty-six percent of city officials believe noise is a more serious problem than 5 years ago;

And, a full 37 percent believe noise represents a threat to the health of citizens in their community.

The National League of Cities thanks you for this opportunity to testify on this very important piece of urban legislation.

I welcome any questions that you or other members of this subcommittee wish to ask.

Mr. FLORIO. Thank you very much, sir.

STATEMENT OF JESSE O. BORTHWICK

Mr. BORTHWICK. Mr. Chairman, members of the subcommittee, I appreciate the opportunity to appear before you today to present

the views of NANCO on the Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978.

Our association is extremely concerned about the direction of the national noise control effort, especially in light of the recent OMB recommendation to abolish the noise control programs at EPA. We would like to echo—and no pun intended—what has been said earlier. Through the establishment of a national program of technical and financial assistance under the auspices of the Quiet Communities Act, over the last 2 years State and local programs have flourished. State and local cooperative agreements, while limited in numbers and levels, have sparked programs to life. In addition, EPA has established several exemplary programs including regional technical assistance centers, the volunteer echo program, the noise counselors program, the quiet schools program, and buy quiet. If you want to find waste, you needn't look at these programs. They should serve as models for other Federal programs to emulate, and yet OMB suggests they should be abolished. NANCO strongly opposes such a recommendation.

Our written testimony focuses on reducing environmental noise and on the tremendous success of the national technical and financial assistance programs established by the Quiet Communities Act amendments. However, due to the short time available, I will limit my oral testimony to the critical issue of Federal preemption.

There is a great deal of talk these days about the proliferation of Federal regulations and their impact on industry and, in turn, our economy. We tend to forget that some regulations are designed to protect industry. This is the case with those regulations promulgated to date under the Noise Control Act.

The Federal Government's inability to regulate at a reasonable level has been clearly demonstrated by those standards promulgated to date. For example, in 1975, as a result of new products standards, in effect in several States and cities, the industry standard for newly manufactured trucks was 83 decibels. In 1976, EPA issued standards for newly manufactured trucks with an initial status quo standard of 83 decibels effective in 1978, with further standards dropping to 80 decibels effective in 1982 and a reserve standard for 1985.

While studies conducted by the U.S. Department of Transportation in the early 1970's and more recently by EPA have clearly demonstrated the feasibility of a 75-decibel truck, under heavy pressure from industry EPA has postponed its 1982 standard for 1 year and is currently considering freezing the standard at 83 decibels, the level at which State and locals were regulating in 1975. This regulation, like so many others, has done nothing more than preempt States and cities from taking action.

With regard to enforcement, the U.S. Department of Transportation's Bureau of Motor Carrier Safety and the Federal Railroad Administration have both failed to provide adequate enforcement mechanisms to guarantee compliance with the interstate motor carrier regulation and the railroad noise regulations.

While their disinterest is partially justified based on an inadequate appropriation, the hands of State and local officials interested in taking enforcement actions are tied. Before a State or a

community can take enforcement actions against a federally regulated noise source, they must first adopt identical legislation.

Even if a State or municipality goes to the trouble of adopting complementary legislation, they usually back off when they realize that complicated Federal enforcement procedures must be adhered to.

So what do we have? We have weak standards that do little more than legalize noise, an almost total lack of enforcement, and several industries protected against State and local action.

I can assure you that unless these standards are made more stringent and adequate provision is made for their enforcement, States and communities will be the first to support and those affected industries the last to support abolishment of these regulations. Of course, our greatest concern is possibility that the EPA noise regulatory program will be crippled while these regulations are maintained only to preempt State and local action.

If the Federal program is severely curtailed, these regulations must be stricken.

In conclusion, NANCO recognizes the need for national uniformity of new product regulations. However, those regulations which have been promulgated to date have done little more than shield the industry from State and local control. In light of President Reagan's program of deregulation, and the Federal Government's inability to regulate at a reasonable level, NANCO strongly encourages Congress to consider abolishing those regulations which have been promulgated under the Noise Control Act, with the important exception of the Federal standards and control programs regarding aircraft noise.

Furthermore, NANCO recognizes that the future of noise control in the United States at the State and local levels depends heavily on a national presence and on those programs which have evolved within the last 2 years. There appears to be a new spirit of working together for a quiet environment in this country. Federal, State, and local officials along with senior citizens, university professors, elected officials, noise control professionals, neighborhood associations, and teachers are all cooperating, communicating, and supporting one another.

We therefore strongly encourage Congress to reauthorize, at a minimum, those provisions of the act established through the Quiet Communities Act. Mr. Chairman, members of the committee, thank you again for the opportunity to testify. I will be glad to answer any questions.

[Mr. Borthwick's prepared statement follows:]

STATEMENT OF JESSE O. BOWTHWICK, EXECUTIVE DIRECTOR, NATIONAL ASSOCIATION
OF NOISE CONTROL OFFICIALS

INTRODUCTION

Mr. Chairman and Members of the Subcommittee, I appreciate the opportunity to appear before you to present the views of the National Association of Noise Control Officials, NANCNO, on the Noise Control Act of 1972 as amended by the Quiet Communities Act of 1978.

There are two major points we would like to make today. First, the Noise Control Act of 1972, which focused heavily on federal regulation of major noise sources, has for the most part failed to reduce environmental noise in the United States. Second, Congress, recognizing this failure enacted the Quiet Communities Act of 1978, which focused on helping States and cities solve their own problems. This more recent legislation has been highly successful and is vital to the continuation of State and local noise control activities.

NOISE CONTROL THROUGH FEDERAL REGULATION

Long before the Noise Control Act of 1972 States and cities were dealing with the problem of noise and its control. At first the regulations were qualitative in nature, dealing with the problem from a nuisance standpoint. Then, in the 1950's, States and cities began establishing quantitative or numerically based standards. Noise control was evolving from an art into a science. By the mid 1960's California and a handful of other States and cities began adopting standards for newly manufactured motor vehicles, construction equipment, snowmobiles, and other products. Airports were beginning to be regulated along with trucks and rail carriers. Industry, concerned over having to comply with a multiplicity of State and local regulations sought and received relief from Congress in the form of the Noise Control Act of 1972.

The Act called for the identification and regulation of major noise sources distributed in commerce and for the establishment of noise standards for aircraft, rail carriers, and motor carriers. But most importantly it effectively preempted States and cities from regulating (except through identical standards) those sources regulated at the federal level. Our views of regulations issued to date follow:

MOTOR CARRIER NOISE EMISSION STANDARDS (1974)

While the initial in-use standards for interstate motor carriers were reasonable, the average truck noise emission levels have dropped over the last six years as a result of State and local new truck noise standards in effect in the late 1960's and early 1970's. Standards are no longer appropriate especially in light of the federal standards for

newly manufactured medium and heavy duty trucks. In any case federal enforcement of this regulation by the Bureau of Motor Carrier Safety is severely lacking if not totally absent.

RAILROAD NOISE EMISSION STANDARDS (1975/1980)

The in use noise standards established in 1975 for trains operated by interstate rail carriers are considered reasonable. However, enforcement through the Federal Railroad Administration is to the best of our knowledge totally absent. In 1977 as a result of a petition filed by the American Association of Railroads, EPA was directed by court order to broaden the scope of its railroad noise emission standards. This only points out the intent of the Act to usurp the powers of State and local government to deal with the problem of railroad noise. While source specific standards set to date are considered reasonable, the requirements to adopt identical standards and follow complex enforcement methodologies have severely limited State and local enforcement.

PORTABLE AIR COMPRESSORS (1976)

Standards adopted by EPA are weaker than State and local regulations on the books at the time of adoption. Most significant impacts can be best controlled through in-use noise standards and administrative controls.

MEDIUM AND HEAVY DUTY TRUCKS (1976)

In 1975 as a result of new product standards in effect in several States and cities, the industry standard for newly manufactured trucks was 83 dB. In 1976 EPA issued standards for newly manufactured trucks with an initial "status quo" standard of 83 dB effective 1978, 80 dB effective 1982, and a reserve standard for 1985. While studies conducted by the USDOT and EPA have clearly demonstrated the feasibility of a 75 dB truck, under heavy industry pressure EPA has postponed its 1982 standard for one year and is currently considering freezing the standard at 83 dB. Again this regulation has done nothing more than preempt States and cities from taking action.

TRUCK MOUNTED SOLID WASTE COMPACTORS (1979)

While the standard established by EPA calls for a reduction in compactor noise emissions, the regulation fails to address the critical issue. The problem with refuse collection noise can best be dealt with through local in-use and administrative controls. Reducing compactor noise emission levels 5 or 6 dB will virtually have no effect on reducing the impact of refuse collection in a noise sensitive area during early morning hours when background noise levels are low.

MOTORCYCLES AND MOTORCYCLE REPLACEMENT EXHAUST SYSTEMS (1980)

While the exhaust system portion of this rule is worthy of praise, the 83 dB standard for motorcycles in 1983 does

nothing more than accept "status quo" and again provide industry with protection. States and cities were regulating effectively at 83 dB in 1975 with scheduled reductions to 75 dB planned by 1985. The real problem with unnecessary motorcycle noise centers around the owner/operator's failure to maintain the exhaust system and improper operation. In-use enforcement by State and local authorities should prove to be the most effective control. Labeling of aftermarket exhaust systems as required by the regulation could greatly assist enforcement efforts.

In our opinion these regulations have if anything had a negative effect on the quality of our Nation's acoustic environment. They do nothing more than legalize noise. Either they should be strengthened and adequate provisions made for their enforcement or they should be abolished, allowing States and cities to regulate as they see fit.

There is one important exception. We do strongly feel that it is extremely important that the federal regulations and control programs regarding aircraft noise be maintained and strengthened. Even if aircraft noise emission levels on average should continue to drop as a result of these standards, airport noise levels will more than likely remain high as the number of commercial operations increase. Decentralizing the already taxed hub airports will also result in significant increases in noise impacts at smaller reliever airports. Only through the maintenance of strong federal source regulation, combined with specific State and local actions, will a meaningful reduction in airport noise be realized.

HELPING STATES AND CITIES HELP THEMSELVES

The Quiet Communities Act of 1978 has had a completely different impact on noise control in the United States. Through the establishment of a nationwide program of technical and financial assistance State and local programs have flourished. Some examples of programs established under the Act include:

STATE AND LOCAL COOPERATIVE AGREEMENTS

Over the last two years approximately 23 communities have received grants averaging \$10,000 to help launch noise control programs. More important are the 22 State grants. Averaging only \$34,000, the majority of these State grant programs have been designed to support the development of local programs through various technical assistance programs. During the first year these States sponsored over 30 training courses and assisted over 130 communities. It is expected that the number of communities receiving assistance will double during FY 82. We feel that EPA has done an excellent job of developing and implementing the grant programs

established by Congress.

TECHNICAL ASSISTANCE CENTERS

EPA has established regional technical assistance centers at 10 universities across the country. These technical assistance centers worked with over 100 communities last year and conducted 66 training programs. We believe this concept to be highly effective, taking advantage of the expertise and facilities of our academic community.

EACH COMMUNITY HELPS OTHERS

The ECHO program was launched by EPA early in 1978 prior to the passage of the Quiet Communities Act. Under the national ECHO program 38 local noise control officials volunteer their time one or two days a month to work with communities interested in developing or improving noise control programs. Program emphasis is on the transferability of local noise control skills and expertise. To date over 165 communities have received technical assistance under this volunteer program. In addition there are some 19 State ECHO programs that are promoting the concept of peer support. While this program taxes those experts who volunteer their time, the benefits to communities are tremendous.

NOISE COUNSELORS PROGRAM

Working together with the National Retired Teachers Association/American Association of Retired Persons and the Urban League under the auspices of the Older Americans Act, EPA has created a network of "Noise Counselors". Senior citizens receive formal training in health effects of noise, basic acoustics, and noise program development as well as on-the-job training. They are placed as volunteer resource persons in interested communities. Last year the programs 40 counselors made over 900 presentations, handled over 1100 noise complaints, responded to 9000 requests for noise control information, generated close to 1000 media items, and exhibited at 90 Fairs. In addition a substantial number of senior citizens from local chapters are working with those counselors on a volunteer basis.

QUIET SCHOOLS PROGRAM

EPA has developed a program designed to assist teachers and school officials across the country to teach the importance of noise control in their schools and to make their schools a quieter place in which to work and study. School systems in nine cities across the country are currently participating in pilot projects. Many State and local programs are anxiously awaiting the results of the pilot projects.

BUY QUIET

In concert, the National Institute of Governmental Purchasing and EPA have developed a new concept in noise control, Buy Quiet. The program provides States and cities with the information necessary to purchase quiet products. The

program indirectly encourages industry, on a volunteer basis, to develop and market quieter products. This program appears to be a viable alternative to new product regulation.

With the support of these and other Quiet Communities Act programs we have made more progress in the last two years than in the last twenty. There appears to be a new spirit of "working together for a quiet environment." Federal, State, and local officials along with senior citizens, university professors, noise control professionals, and teachers are all cooperating, communicating and supporting one another.

This legislation and the programs which have evolved in the short time since its enactment should serve as models for other federal programs to emulate, and yet we recently learned that OMB has recommended that these programs be totally abolished. NAWCO strongly opposes such a drastic recommendation.

CONCLUSIONS

In conclusion, NAWCO recognizes the need for national uniformity of new product regulations. However, those regulations which have been promulgated to date have done little more than shield the industry from State and local control. In light of President Reagan's program of deregulation, the Nation's economic posture, and the federal government's inability to regulate at a reasonable level, NAWCO strongly encourages Congress to consider abolishing those regulations which have been promulgated by EPA under the Noise Control Act, with the important exception of those federal standards and control programs regarding aircraft noise.

Times are hard and we wholeheartedly support the President in his efforts to bring federal spending under control. However, there should be equality in application of fiscal reductions. Perhaps the Noise Control Program at EPA should be cut 20 to 30 percent. But, to completely abolish a program which is designed to support not burden State and local government would be a major mistake. The future of noise control in the United States at the State and local level depends heavily on a national presence and on those programs which have evolved within the last two years. NAWCO therefore, strongly encourages Congress to reauthorize, at a minimum, those provisions of the Act established through the Quiet Communities Act of 1978.

This completes our comments. Again, I thank you for the invitation and opportunity to testify on this most critical legislation. I would be more than happy to attempt to answer any questions you might have. Thank you.

Mr. FLORIO. Thank you very much. It was a very good presentation by all of the witnesses. Mr. Lent.

Mr. LENT. Thank you, Mr. Chairman.

I don't have any specific questions other than to just comment on the fact that I appreciate the testimony of these people. This is an area that we are going to have to be looking into very closely, and we will be waiting with interest for March 10 when I understand that the administration will be coming down with more specific recommendations, and we will have to see at that time whether the authorization will be continued for this program. We appreciate your testimony. It will help us in evaluating those recommendations of the administration.

Mr. FLORIO. I would like to identify with the major thrust of all of the points that were raised, particularly your point, the last point with regard to the regulatory scheme. If things are going the way that I perceive that they are going, this is not just as a result of this administration but it is a result of this committee's directions to EPA over the last 2 years.

We are going to focus on these local programs and we are going to provide, hopefully, adequate funds for these very cost-effective local programs to provide for local participation, local volunteer efforts, and local educational programs to address the problems associated with the local generators of noise. We will be fighting as hard as we can to provide adequate funding.

My impression is, and perhaps with some legitimacy, that the regulatory requirements for lawn mowers, compactors and other things have not been as cost-effective as they could be. We have tried to steer EPA with some degree of success away from that program activity.

But your point is very, very important. To the degree that we are going to make that philosophic commitment, we have got to make that philosophic commitment with a clean sweep. We should not leave in place a haphazard regulatory system that can be used to justify nothing happening at the local level to address those problems.

I make reference specifically to the railroad problems that this committee has jurisdiction over; that as of now, my understanding of the legal situation is that there is really no real regulatory system in operation. There are studies that this committee has called for. There has been a court decision that says the very fact of the study going forward, the fact of the regulatory process being considered and revised effectively preempts the field.

I am not sure I agree with those decisions, but I think that is the law. The existence of Federal requirements that preclude local response in terms of rail yards, is unsatisfactory; that if we are going to make the decision that we are going to emphasize local participation and steer away from national regulatory systems, we should clean the slate and therefore allow the localities to address the problems as they see fit to do so.

The other points that have been raised I think are very valuable in terms of the local orientation. The airport noise question is perhaps the one exception that most people agree upon; that there is a very vital role for EPA to play along with FAA which is absolutely essential because it is the agency that has the noise

control considerations to put into the whole process. FAA is concerned about safety and the smooth flow of interstate traffic. The Congress is on record, again last year on record, in requiring that FAA's regulations with regard to airport noise should be framed with EPA's advice, with the requirement that EPA be consulted.

For EPA to play that consultative role appropriately, there has got to be personnel, there has got to be funding, and I am hopeful that the authorization bill will recognize that fact, and will provide the opportunities for us to deal with that problem.

The three individuals who are here are very dramatically affected by the airport noise problem. Two are from New York, and myself, of course, from Philadelphia. There are a great number of members of the Congress who are aware of airport noise; that is, their constituents are impacted by airport noise. I am confident that we can insure that the program that does exist is able to address that particular problem.

I appreciate your consideration and your support, and look forward to working with you individually and the organizations that you represent. Thank you very much.

Mr. Florio. Our last witness is Mr. Walter Barber, Jr., the Acting Administrator of U.S. Environment Protection Agency. We are pleased to welcome you before our committee. It has been learned that Mr. Barber has expressed his happiness that this is not the Greek Legislature; everyone knows how people bearing bad news fared in Greece. We are prepared to listen to his presentation.

Mr. Barber, welcome to the committee.

STATEMENT OF WALTER C. BARBER, JR., ACTING ADMINISTRATOR, ENVIRONMENTAL PROTECTION AGENCY, ACCOMPANIED BY EDWARD F. TUERK, ACTING ASSISTANT ADMINISTRATOR FOR AIR NOISE AND RADIATION

Mr. BARBER. Thank you, Mr. Chairman.

Mr. FLORIO. May I ask, what is the status of the appointment of the Administrator? Has the Administrator been actually appointed?

Mr. BARBER. Named. I am not sure the nomination has been sent over yet.

Mr. SCHEUER. Do we know the identity of the Administrator?

Mr. BARBER. The identity of the named person is Mrs. Anne Gorsuch.

I have with me Mr. Ed Tuerk, the Acting Assistant Administrator for Air Noise and Radiation.

We have submitted a brief statement which I think we may as well introduce for the record.

Mr. FLORIO. Without objection, it will be made part of the record.

Mr. BARBER. I would like to compliment the committee and the previous witnesses for some of the most objective and thoughtful testimony that I have heard on environmental issues over the last several years that I have been in the business. I expect that there are substantial areas of agreement between the administration and the chairman as well as some of the witnesses who have spoken so far.

The administration has some significant reservations about the effectiveness of the noise regulatory program that EPA has been conducting and the desirability of continuing it. At this point alternatives for that regulatory program are being examined.

The administration's ongoing presumption is that the emphasis of noise control should be at the State and local levels. The question is how best to accomplish that. Over time, we obviously are working in a period of tight budget restrictions. The budget will be announced on March 10. We are not at liberty to discuss it in detail today. However, I think it is appropriate to note that all of EPA's programs will be scrutinized for budget reductions, as will all programs in the Federal Government, and we will be looking for ways to do business more efficiently. Associated with that will be both financial and personnel resource reductions throughout the agency.

We hope that we can do that in such a way as to keep the most environmentally effective parts of the program intact, and eliminate the parts that have been less effective. As I said, the EPA regulatory program for noise is one of the areas that we believe requires some careful scrutiny. I think that would conclude my opening comments, and we would be willing to answer any questions you might have.

[Mr. Barber's prepared statement follows:]

STATEMENT OF
WALTER C. BARBER, JR.
ACTING ADMINISTRATOR
U.S. ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE
SUBCOMMITTEE ON COMMERCE, TRANSPORTATION, AND TOURISM
COMMITTEE ON ENERGY AND COMMERCE
HOUSE OF REPRESENTATIVES
FEBRUARY 24, 1981

Thank you, Mr. Chairman, for the opportunity to testify before this Committee on the implementation of the Noise Control Act, as amended by the Quiet Communities Act of 1978.

My testimony will focus on:

- 1) The growth of noise control activity at the State and local level;
and
- 2) The status of the Agency's regulatory efforts in noise control.

Growth of State and Local Noise Programs

Municipal noise legislation in this country dates back to at least 1852 with the passage of the City of Boston's peace and tranquility ordinance. At the State level, nuisance type noise laws associated with vehicle mufflers date back to the 1940's. The first quantitative State law was enacted in 1964 for trucks operating on the New York State Thruway.

As a general rule, however, noise was not recognized as a problem requiring governmental action until the 1970's. As late as 1971, just two

States and 59 local governments had enacted any type of law. By contrast, during the last 10 years we have experienced a major development of noise legislation, with over 1000 municipalities and 27 States having enacted such legislation by this year.

Of these, 13 States and over 160 local communities have on-going active noise control programs which are enforced today. These programs cover 31 million people. This growth of active State and local programs has been especially rapid during the last four years when we have seen a 77 percent increase in the number of active programs.

Status of Regulatory Efforts

Since we last appeared before this Committee, we have promulgated regulations for garbage trucks, motorcycles, motorcycle replacement exhaust systems, and certain railroad noise sources. In addition, the Agency has promulgated general labeling requirements and specific noise labeling requirements for hearing protectors. These regulations complement the regulations that are already in place for medium and heavy trucks, interstate motor carriers, railroad locomotives, rail cars, and portable air compressors. There has also been follow-up activity recently on the medium and heavy truck regulation and the garbage truck regulation.

In the fall of 1980, the Agency received petitions from International Harvester Company and Mack Trucks, Incorporated, for reconsideration of the 80 decibel standard for new medium and heavy trucks which was to take effect in 1982. Because of the recent downturn in the economic health of the truck manufacturing industry and an unforeseen increase in the demand for medium trucks with diesel engines, which are the most costly to quiet, the Agency decided to provide temporary relief by granting a one-year deferral of the standard. At the same time, the Agency has invited public

comments on whether or not a further deferral would be appropriate. This comment period closes in April.

Earlier this month, the Agency met with representatives of the garbage truck manufacturing industry to discuss problems they were having with the testing and reporting provisions of the garbage truck regulation. As a result of this meeting, the Agency agreed to reconsider the testing, reporting, and related requirements. Pending the outcome of the Agency's reconsideration, enforcement of the garbage truck regulation has been suspended to avoid causing unintended burdens on the industry.

As this Committee will remember, the Agency has been under court order to expand its regulation of railroad locomotives and rail cars to include additional railroad facilities and equipment. The court order was the result of a successful lawsuit by the Association of American Railroads seeking such coverage in order to achieve total preemption of State and local standards.

In compliance with the court order, the Agency promulgated regulations for four additional railroad noise sources in January 1980. The Agency also had planned to promulgate a comprehensive noise emission standard for railyards to be measured at the property line by January 23 of this year. However, in comments received by the Agency this fall, both State and local governments and the Association of American Railroads suggested that EPA need not promulgate any further regulations in order to meet the Court's mandate. An extension of time has been granted by the court for EPA to consider these comments and to seek a possible settlement to the court case.

Recently, by Executive Order, President Reagan has instructed all agency heads to weigh the cost of all major new regulations and to impose on taxpayers and industry the least expensive way to fulfill their congressional mandates. In addition, the President has asked his Task Force on Regulatory Relief to make a cost benefit review of major regulations and to propose changes in those that are especially burdensome. The Agency expects that several noise regulations will be included in this review to ensure that our noise regulations are cost-efficient and do not impose an undue burden on the economy.

This concludes my prepared statement. Thank you Mr. Chairman.

Mr. FLORIO. Mr. Barber, you heard the comment that I made at the outset of the hearing. I just wanted to get some clarification on this statement that "the revised EPA budget submission to the Congress assumes that there will be no EPA noise program after fiscal 1982."

On the revised budget submission to Congress, is that something that is initiated—I am asking procedurally—out of EPA, or is that something that flows to the Congress, EPA via OMB? I would be much less troubled if it was initiated by EPA via OMB than if I thought that EPA was initiating that submission to the Congress on its own, with the intention of having no noise control program after fiscal year 1982.

Mr. BARBER. The administration will submit the budget, and the budget will be prepared, summarized and provided through the Office of Management and Budget. Budget decisions, as I think anyone who has observed the process over the last several weeks realize, are in fact made by the President and the Director of the Office of Management and Budget.

Mr. FLORIO. That was my understanding. Let me ask you very directly, do you feel that there is a need and a value to the noise program, whether it be as it is now or to be modified such that any suggestion that there be no program after fiscal year 1982 does not serve any particular public interest?

Mr. BARBER. Since I have been in this job for just a short time, and will be in it for just a few weeks, and since my business is air pollution as opposed to noise, I am a bit reluctant to comment on the appropriate role of the Federal Government. I think it is clear there is a noise problem. I think the noise problem in fact needs some additional attention. What role we prescribe for the Federal Government as opposed to State and local governments needs thought by people who are better prepared to analyze it than myself.

Mr. FLORIO. Aren't you or perhaps your associate prepared to say, particularly in light of the consensus that has evolved in the Congress over the last number of years, that there is a need to focus on local problems? The consensus upon which you commented regarding the rational presentation of the witnesses today is that there is a role for the Federal Government to play in providing technical expertise, so that we can have maximum local participation, and the existence of these local cost-effective programs. Doesn't that almost demand that there be at least a Federal local program to maximize the opportunities for these locally oriented programs?

Mr. BARBER. I think it does demand that there be a local program. The question is whether there is to be and what should be the nature of the Federal program along with the local program, and I think that is a question that has to be answered in the context of the status of programs of the local agencies and the State agencies now, the expected status a year, 2 and 3 years from now, how fast they come along, when can they get on their own feet and implement their programs with more independence, and how much assistance is needed for what period of time.

Mr. FLORIO. I understand all that, and I understand the question of degree. I understand the need for maybe changing the focus.

What I would like from someone is to tell me that whatever the focus, as long as we acknowledge that there is a problem, and that there is an opportunity for the localities to deal with this problem, given some assistance in terms of expertise, in terms of technology, that there is a role for the Federal Government to play justifies the existence of a Federal noise program.

Now, if there is no one that is prepared to say that and say, well, the problem does not exist to the point that there is no justification for a Federal program, then that is compatible with the suggestion that someone feels that after fiscal 1982 there will be no EPA noise program. That may very well be legitimate. I don't agree with it but at least it is consistent if one is prepared to say that there is no role for the Federal Government to play in noise programs.

Mr. BARBER. I think the position at this point would have to be stated that the role for the Federal Government beyond the next 18 months to 2 years is uncertain, and that it needs to be defined in the context of the status of the State and local programs and their ability to move with less or no Federal assistance. When that happens, or if that happens, is an issue yet to be resolved.

Mr. FLORIO. Let me just conclude on this one point, and not to beat a dead horse, we have talked about the local programs and everyone seems to feel that that is the best way to go. Let me address airport noise, that airport noise is not something that can be dealt with at a local level. There is a need for a national regulatory system with regard to noise control in the aviation industry, with regard to noise control in airports.

The Congress has spoken out very decisively that FAA and EPA should go forward to attempt to develop those types of regulations that are needed.

EPA's participation is absolutely essential as far as I am concerned, and therefore that in and of itself justifies EPA's participation in a noise program. Is there anything I have said with regard to airport noise that you violently disagree with?

Mr. BARBER. No, I don't think there is violent disagreement. We have two parts to the program. One is the aircraft noise standard part, which is FAA's responsibility. We haven't, as I understand it, done very much in that program area over the last several years.

Mr. FLORIO. That is another whole subject.

Mr. BARBER. The place that there seems to be the most bang for the buck now is in planning in the vicinity of local airports and in planning the operation at the airports in terms of real noise reductions to be achieved over the next 20 years, as opposed to another change in aircraft noise standards. So the question in terms of maximum payout, is how can we best achieve better operations of the equipment that we are going to have, because equipment that we are going to have is pretty well prescribed for the next increment of time.

Mr. FLORIO. Mr. Lent.

Mr. LENT. Thank you, Mr. Chairman.

Mr. Barber, is it fair to say that the administration is right now involved in evaluating the entire Noise Control Act and the rules and regulations that have been promulgated by the agency under that act, and that perhaps this administration is taking a fresh

look at ways to better achieve the goal of noise reduction in this country?

Mr. BARBER. I think that is an accurate characterization of the administration's plans. I think that is reflective of the plan for all of the agency's programs, noise being one of the early ones to be looked at.

Mr. LENT. Is it under consideration, for example, that airport noise control might be turned over exclusively to the FAA and give them a more specific role, and that railroad noise might be turned over to the Federal Railroad Administration, to give them a more specific role in regulating noise emanating from railroads?

Mr. BARBER. To my knowledge at this point, the analysis has not proceeded to institutional or administrative or organizational issues. We are still trying to prescribe the Federal role versus the State and local role as opposed to dividing the roles between the Federal agencies.

Mr. LENT. I have no further questions, Mr. Chairman.

Mr. FLORIO. Mr. Scheuer.

Mr. SCHEUER. Thank you, Mr. Chairman. Have you heard from the aircraft industry and cities and States as to how they view this recommendation for zero funding for implementation of noise control, and rescission of all existing noise regulations?

Mr. BARBER. We have not. There is no such proposal that has been made yet, so it would be a little premature for folks to comment on it. Any action we take on individual rules we would do through a notice and comment rulemaking process. The budget hasn't been released yet.

Mr. SCHEUER. Am I getting wrong signals from newspaper reports and other testimony? It is my understanding that the administration plans no funding for the Noise Control Act, and they will turn over the entire jurisdiction of airport noise regulations to cities and States. Am I laboring under a misapprehension?

Mr. BARBER. I think that may be a combination of bits and pieces.

Mr. SCHEUER. Yes, it is.

Mr. BARBER. The administration, to my knowledge, has not yet focused on the airport noise issue. The principal focus has been on the product noise issue and what the Federal role should be in product noise regulations, if any. That has been the prime focus of attention both in terms of currently enacted rules and rules for the future.

Mr. SCHEUER. Yes. I would like to call to your attention a letter dated February 18 that has been sent by Edward F. Tuerk, Acting Assistant Administrator for Air Noise and Radiation, to other staffers at EPA.

I would like unanimous consent to make this a part of the record, Mr. Chairman.

Mr. FLORIO. Mr. Scheuer, it has been made a part of the record. [The following letter was received for the record:]



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
AIR, NOISE, AND RADIATION

February 18, 1981

SUBJECT: Placement of ONAC Personnel
FROM : Edward P. Tuork, Acting Assistant Administrator
for Air, Noise and Radiation
MEMO TO: Walt Barber
Jack Hidingar
David Rosenbaum
Paul Stolpman
Mike Walsh

As you are all aware, the revised EPA budget submission to the Congress assumes that there will be no EPA Noise Program after Fiscal Year 1982. This decision creates a situation in which it would be advantageous for current employees of the Office of Noise Abatement and Control be placed in other assignments, as available, on an expedited basis in order to minimize individual uncertainties.

To facilitate this transition, effective immediately I am instituting a requirement that no position in your organization be filled without considering all qualified personnel currently employed in the Noise Program. All completed personnel actions in which selection was not made of an employee of the Noise Program must be accompanied by a statement as to who was considered and the reasons for their non-selection for my review prior to being acted on by Personnel.

cc: Personnel
Mr. Elkins;

Mr. SCHEUER. Very good.

The first sentence of this letter reads, "As you are all aware, the revised EPA budget submission to the Congress assumes that there will be no EPA noise program after fiscal 1982." Isn't that presumptively clear?

Mr. BARBER. I think the memorandum was a little bit premature. There is no revised EPA budget submission to the Congress. The President will make a submission on March 10; the budget doesn't yet exist.

The program is being looked at from the ground up in the budget process. The concern that prompted that particular letter happens to do with the civil service rules, and the way the agency is structured, and the fact that any dislocated people in the noise program would have very limited rights for placement in other components of the division. That was an effort to tell all offices to desist in filling vacancies until this settled out and we knew what we were going to be doing in order to provide maximum protection for the people on the staff, in the event that some are dislocated.

Mr. SCHEUER. So you are saying it is not to be taken as a given that the EPA noise program after fiscal year 1982 will be wiped out or that there is going to be—

Mr. BARBER. I would not take it as a given. We haven't even come close to the 1983 budget yet. The 1982 budget hasn't been finalized, and I think that is an issue yet to be resolved.

Mr. FLORIO. Will the gentleman yield?

Mr. SCHEUER. Of course.

Mr. FLORIO. We are obviously aware of the fact that the budget has not yet been submitted to the Congress but there is a passback process where OMB has sent back to EPA its budget recommendations, and that there is a passback provision for the fiscal 1983 budget as well as the 1982 budget.

Mr. BARBER. The fiscal 1983 budgets have not yet been given to the agencies. They are scheduled for later this spring.

Mr. FLORIO. But the 1982 have?

Mr. BARBER. The 1982 recommendations have been made in 1981. The final marks have not been achieved, and the process of budgeting involves various nominations of program areas that may be addressed, totals that the agency has to achieve, and then the agency and the Office of Management and Budget need to negotiate the final budget, which has not yet happened, but will happen between now and March 10.

Mr. FLORIO. If the gentleman will yield further. Fine, there is great value in this hearing, then, in the sense that notwithstanding the fact that we haven't got your numbers, I would hope that you would carry back to that whole process this committee's very strong feeling that there is a need to avoid any discussion about the total elimination of this program for 1983 or 1982. The sense of this committee—and I think I speak for the committee—that there is a need to emphasize those cost-effective programs, the programs you have heard reference made to, that the committee I think stands almost as one with regard to the need for EPA's continued presence in the area of airport noise regulation, and that this committee, if one reviews the record of the past deliberations of this committee, is more than inclined to look very closely at modifi-

cations in the overall regulatory scheme that the agency has been involved with, but feels very strongly about the need for the continued presence in EPA of a noise control program.

I thank the gentleman for yielding.

Mr. SCHEUER. Thank you, Mr. Chairman. I simply support the chairman's position. You know we are in an age where I think virtually every Member of Congress supports the concept of a regulatory process that is cost effective, where the benefits clearly outweigh costs, and where the regulatory system is that which cannot as appropriately be carried on by a lower level of government. The Federal Government should not be in the business of regulating sewer collection and traffic signals and so forth.

That is appropriate for municipal government, and anything that can be done at the State and municipal levels as effectively and as appropriately as at the Federal level ought to be passed down.

However, when you take an aircraft that starts in Boston and goes to New York, and Atlanta, and Dallas, and Fort Worth, it seems to me that that is intrinsically the kind of regulation that literally begs for some kind of universality and consistency across our country, and across State lines. I don't want to be the boy that cries wolf, but for the Federal Government to get out of the business of airport noise control, and out of the business of regulating aircraft noise standards to me would leave a nightmare of conflicting and inconsistent regulations at the State and city levels that would leave both airport operators and the aircraft manufacturers in a state of utter chaos. It is inconceivable to me that an administration that is looking for rationality in Government would do that.

We hope that as soon as you get some decisions over there, and get your act together on your basic philosophy, how our society approaches airport noise control, and approaches specifications for manufacture of aircraft as well as operations of aircraft, that you will come back to us and report to us.

There are 6 to 10 million Americans living near airports who suffer grievously, whose quality of life is diminished and whose health prospects in terms of damaged hearing, cardiovascular disease, diabetes, arthritis, fetal damage, increased heart rate, high blood pressure are definitely impacted by aircraft noise, and you have three members here today crossing party lines, whose constituencies either are near major airports or include major airports, as does mine.

Kennedy Airport is in my district. It is very close to my distinguished colleague from Long Island, Mr. Lent, and Congressman Florio, Philadelphia Airport abuts your district, so we are not speaking just from emotion; we are speaking from very hard experience in dealing with those communities.

Congress and the administration have compromised, and compromised, and compromised again on aircraft noise. A few years ago we gave the industry 9 years to bring their existing aircraft into conformity with proper aircraft noise levels. That certainly gave them time to phase out their obsolete fleet and sell them around the world, and to some extent they have done that, and to some extent manufacturers have made capital investments in good faith, relying on the fact that a civilized society cares about the quality of

life of its people. Many aircraft manufacturers and many operators have invested vast sums in the retrofit operation.

Then the Congress and the administration, over my violent protest, gave some of the aircraft another 5 years on top of the 9 years, so we have been more than generous regarding the, sometimes precarious financial position of the airlines. We have not been oblivious to their costs at all.

It seems to me that it would be unthinkable for us to abandon the standards that we established that were initially very generous, and which we then extended for 5 years for some aircraft.

What we are talking about are very, very small dollars for a large industry that affects many, many millions of Americans, and I would hope that it would be seen that Federal regulation of airport noise and Federal regulation of aircraft manufacturer and aircraft operations, from the point of view of noise, is a classic example of the most cost-effective and the most justifiable kind of Federal regulation.

If you say the Federal Government, can't get into the business of producing some kind of a systematic national standard on aircraft that hop all over the United States and land in a half dozen or a dozen communities in the space of 12 or 24 hours, then you really would have to say that the Federal Government should not be in the business of regulating anything.

I look forward very much to hearing from your new chairman when and if she is appointed or whoever is appointed after they have had a chance to consider this matter and after Vice President Bush and his distinguished colleagues on the new task force on the regulatory process have had a chance to consider this matter.

Thank you, Mr. Chairman.

Mr. FLORIO. Thank you very much.

Just in conclusion, Mr. Barber, when can we expect to receive from EPA the 5-year plan Congress has requested, and that I understand has been completed as to EPA's activities in this noise-control program area?

Mr. BARBER. The plan hasn't reached my desk. It is at the Office of Management and Budget for review.

Mr. FLORIO. What relevancy has that got with regard to when we can receive it?

Mr. BARBER. I will have to find out and advise you. I just don't have an answer for you.

Mr. FLORIO. We would like to have it officially transmitted to us at your earliest convenience. To be frank, I have seen a copy of it, but I think it would be appropriate to have it officially transmitted to us as opposed to obtaining it through back windows. Parts of the plan address things that we have talked about today, particularly the major section on airport noise, stating in detail appropriate functions for EPA in terms of major areas of airport noise abatement planning in EPA, optimization of aircraft flight procedure roles, of airport land use management, et cetera. These are very important things that EPA has concluded they should be involved with, and now, at the 11th hour, to be told that this plan, which was developed in great detail, is somehow irrelevant causes us some apprehensions.

Mr. BARBER. I am not sure that anyone is saying that the plan is irrelevant. I think it is only fair that the new administration have an opportunity to consider the plan in the context of its overall proposals for environmental noise management at the Federal level. I will try to get back to you with a schedule for that.

Mr. FLORIO. Thank you.

Mr. BARBER. I will advise the new administrator of your views and your concern that we draw a line between the regulatory reform efforts on product rules and the regulatory reform efforts that may affect the aircraft-airport activities, and that we separate the regulatory reform efforts from the State and local efforts.

Mr. FLORIO. One last point you may also convey is the point that I made to one of the witnesses: that if we go forward in phasing out the regulatory scheme, other than the airport noise area, that it is not an attractive position at least for this member to conceive of ourselves of blanketing in ineffective regulations with preemption provisions. That is to say, that some of the regulations are in various states of finality, some are under court challenge, some are out there and the very interpretation of them being out there has the effect of precluding anyone from responding at the local level. So, should it be that this committee would make the determination that we are going to deemphasize regulation, I would think this committee would also consider eliminating the authority for all of those regular schemes, giving back to the localities the ability to deal with problems through local regulation.

Mr. BARBER. The issue of preemption is open and being discussed within the administration. There is nothing inherent in the regulatory reform concept that makes it pro business. The intent is to find the most efficient way to accomplish the goal. There is no suggestion that one would leave inefficient rules in place, and consequently preempt the marketplace, as a natural outcome of a regulatory reform activity.

Mr. FLORIO. I am aware of the fact that it may not be a conscious effort. I am not implying that it is a conscious effort. I am just saying that by virtue of the interpretations of different courts, and in the one specific situation I made reference to, I know that to be the case. But it goes throughout the whole regulatory system, that when the Federal Government undertakes a series of regulations, whether it be regulations to deal with the transportation of hazardous materials through communities or railroad noise, the courts have interpreted the existence, or the imminent existence, of a Federal regulatory scheme as precluding the ability of localities to act.

Now, we should have one or the other. If we are going to have a conscious national system of regulations, then one can make the argument that that should preclude the localities. On the other hand, if we don't have a national system, and we have something less which provides for no national regulation, the argument is made that the system almost being in operation precludes local regulation. That is unsatisfactory as far as I think the committee is concerned.

Mr. BARBER. The driving force is deregulation, not relaxed regulation. So I think the preemption issue will be addressed carefully by the administration.

Mr. FLORIO. Gentlemen, thank you very much.
Mr BARBER. Thank you.
Mr. FLORIO. The committee stands adjourned.
[The following statements, letters, mailgrams and telegrams were
received for the record:]



State of New Jersey ECHO Program
DEPARTMENT OF ENVIRONMENTAL PROTECTION

REPORT OF TESTIMONY TO THE HOUSE SUB-COMMITTEE ON COMMERCE,
TRANSPORTATION, AND TOURISM, FEBRUARY 24, 1981, BY NEW JERSEY
OFFICE OF NOISE CONTROL, CHIEF, EDWARD J. DIPOLVERE AND ECHO
PROGRAM COORDINATOR, MELINDA J. STANISZEWSKA.

THE INITIATION OF NOISE CONTROL IN NEW JERSEY BEGAN IN
1971 WITH THE PASSAGE OF THE STATE NOISE CONTROL ACT. FEDERAL
RECOGNITION OF THE NEED TO ATTEND TO THIS AREA OF WIDESPREAD
ENVIRONMENTAL CONCERN FOLLOWED WITH THE PASSAGE OF THE U. S.
NOISE CONTROL ACT OF 1972, AND MORE RECENTLY REAFFIRMED WITH THE
QUIET COMMUNITIES ACT OF 1978. IT IS OUR PURPOSE TO PROVIDE THIS
COMMITTEE WITH A REVIEW OF THE MANY POSITIVE EFFECTS THAT THESE
IMPORTANT DOCUMENTS HAVE HAD IN HUNDREDS OF COMMUNITIES THAT
HAVE RECEIVED OUR DIRECT ASSISTANCE, AND FOR THOUSANDS OF
RESIDENTS THAT WOULD OTHERWISE HAVE FOUND THEMSELVES HELPLESS
IN SEEKING RESPIRE FROM INTRUSIVE SOUNDS THAT PENETRATED THEIR

HOMES AND PROPERTIES, THEIR PLACES OF RELAXATION, THEIR SLEEP,
AND OTHER FORMS OF RENEWAL OF PHYSICAL VIGOR AND ENERGY.

THROUGH THE ESTABLISHMENT OF THE NEW JERSEY OFFICE OF NOISE
CONTROL, AND LATER THE OFFICE OF NOISE ABATEMENT AND CONTROL WITHIN
THE USEPA, OUR NOISE CONTROL EFFORTS HAVE BEGUN TO SHOW POSITIVE
RESULTS. THROUGH THE COMBINED SUPPORT OF STATE AND FEDERAL
FUNDING TO INITIATE WHAT CAN BE APTLY DESCRIBED AS A MODEL OF
ECONOMY, WE HAVE AN INNOVATIVE PROGRAM TO DEVELOP AND SUSTAIN LOCAL
NOISE CONTROL CAPABILITIES. THE HEALTH, PHYSICAL, AND
PSYCHOLOGICAL EFFECTS OF NOISE ARE WELL DOCUMENTED AND I NEED NOT
REPEAT THEM FOR THIS COMMITTEE.

A KEY COMPONENT OF THIS STATE/FEDERAL LINKAGE HAS TO DO WITH
SYSTEMS OF EXCHANGE OF TECHNICAL PROFICIENCY, INFORMATION AND
DEVELOPMENT OF RELEVANT PROGRAM SERVICES IN A MUTUALLY RECIPROCAL
RELATIONSHIP. THE USEPA IS, IN TURN, THE RECIPIENT OF STATE
INFORMATION FOR ITS PROGRAM DIRECTION.

ECHO IS A SELF-HELP NOISE CONTROL PROGRAM INTENDED TO PUT NOISE CONTROL MANAGEMENT INTO THE HANDS OF LOCAL GOVERNMENT AT VIRTUALLY NO COST TO LOCAL GOVERNMENT AND AT LOW COST TO THE FEDERAL GOVERNMENT. NOISE IS THE ONE ENVIRONMENTAL POLLUTANT THAT REMAINS LOCAL BOTH IN SOURCE AND EFFECT. THE PARTICULAR ECONOMY OF THE ECHO PROGRAM DERIVES FROM THE FACT THAT ONLY ONE PERSON, A PROGRAM COORDINATOR, IS NEEDED TO PROVIDE THIS BASIC SUPPORT BY ASSISTING WITH ORGANIZING AND TRAINING, ARRANGING FOR EQUIPMENT LOANS AND SHARING, OFFERING ADVICE IN LOCAL ENFORCEMENT, ASSISTING WITH ONE-ON-ONE FIELD TECHNICAL ASSISTANCE.

THE LOCAL HEALTH AND POLICE OFFICERS URGENTLY NEED THIS KIND OF SUPPORT AND RESOURCE ASSISTANCE TO RESOLVE COMMUNITY NOISE PROBLEMS. OUR STATE OFFICE OF NOISE CONTROL NEEDS THIS SUPPORT SYSTEM NOT ONLY TO BE ABLE TO EXTEND SERVICE TO LOCALS, BUT TO REDUCE THE CONSIDERABLE AND GROWING COMPLAINT CASELOAD WHICH IS A BURDEN ON OPERATING COSTS. WE ARE ALL EXTREMELY GRATIFIED

BY OUR ECHO'S SUCCESS IN INCREASING THE AMOUNT OF LOCAL NOISE CONTROL CAPABILITIES.

THE ECHO PROGRAM CONTAINS A DESIRABLE FEATURE FROM THE FEDERAL SUPPORT STANDPOINT: IT IS NOT A CONTINUING SLEAZY FORM OF ASSISTANCE. THE AVERAGE LIFE OF THE GRANT IS THREE TO FOUR YEARS. THE INTENT IS TO DEVELOP THE NETWORK AND LEAVE IT ON SOLID GROUND FOR CONTINUATION THROUGH LOCAL AND STATE SUPPORT. IT FOSTERS A COOPERATIVE SPIRIT IN A MUTUALLY BENEFICIAL SELF-HELP EFFORT. IT IS A PRACTICAL AND PARSIMONIOUS USE OF FINANCIAL RESOURCES. MOST STATES THROUGHOUT THE COUNTRY ARE IN SIMILAR CIRCUMSTANCES. WITHOUT THIS PROGRAM, THERE WILL BE NO SUCH HELP TO TRY TO AMELIORATE THE NOISE PROBLEMS OF THOUSANDS OF RESIDENTS BEING ADVERSELY AFFECTED.

THE STATE OF NEW JERSEY AND ITS TECHNICAL ASSISTANCE CENTER AT RUTGERS UNIVERSITY HAVE A LONG AND SOLID HISTORY OF COORDINATED

EFFORTS IN NOISE CONTROL TRAINING FOR LOCAL PERSONNEL PRE-DATING THE FEDERAL ECHO EFFORT. SOME 193 PEOPLE HAVE BEEN TRAINED IN THE PAST, AND MANY HAVE BEEN RESPONDING TO THE COORDINATING EFFORT NOW BEING GENERATED. FEDERAL SUPPORT IS THE CEMENT THAT KEEPS THIS MUTUALLY BENEFICIAL RELATIONSHIP GOING, PARTICULARLY SINCE STATE FUNDING IS TARGETED TO THE ENFORCEMENT OF OUR STATEWIDE NOISE CONTROL REGULATION AND NOT LOCAL PROGRAM ASSISTANCE.

FURTHER IMPROVEMENT IN STATE SERVICE TO LOCAL GOVERNMENTS IS REALIZED THROUGH THE ONAC-ECHO SUPPORT LINE. THIS NOW INCLUDES THE ABILITY TO RESPOND TO THE AIRPORT NOISE INTRUSION PROBLEM THAT SIGNIFICANTLY AFFECTS A LARGE PROPORTION OF OUR STATE POPULATION. MANY MUNICIPALITIES HAVE SOUGHT ASSISTANCE IN THIS AREA AND MONITORING AND NEGOTIATING ADVICE IS NOW PROVIDED THROUGH THE ECHO COORDINATOR AND THE TECHNICAL ASSISTANCE CENTER. THIS INFORMATION IS NECESSARY FOR THE COMMUNITY TO SEEK COMPREHENSIVE NOISE CONTROL PLANS FOR THE AIRPORT. THESE PLANS RESULT IN A LESSENING OF THE EFFECT AND LOWER IMPACT ON POPULATIONS SURROUNDING THE AIRPORT PROPERTY.

THE AIRPORT NOISE PROBLEM IN OUR STATE POINTS TO THE CONTINUING STRONG NEED FOR NATIONAL REGULATION AND CONTROL OF THIS MAJOR NOISE SOURCE. THE PHILADELPHIA AIRPORT ADVERSELY IMPACTS AS MANY, IF NOT MORE, RESIDENTS OF NEW JERSEY THAN IT DOES OF PENNSYLVANIA. STATE OR LOCAL STRATEGIES WOULD BE OF LIMITED BENEFIT IN A SITUATION SUCH AS THIS.

BESIDES THE ECHO EFFORTS, ONAC IS INVOLVED IN A FEW DEMONSTRATION PROJECTS THAT HAVE NATIONAL SIGNIFICANCE. THESE DEMONSTRATION PROJECTS POINT TO WAYS THAT STATE AND LOCAL GOVERNMENTS CAN UTILIZE VARIOUS APPROACHES IN THE CONTROL OF NOISE FROM MOTOR VEHICLES ON A LOCAL LEVEL.

WE THANK THE COMMITTEE FOR THIS OPPORTUNITY TO PRESENT TESTIMONY AND REQUEST YOUR SUPPORT FOR THE CONTINUATION OF THESE PROGRAMS.

TESTIMONY

BY: WILLIAM J. HASKINS
TITLE: DIRECTOR, SOCIAL SERVICES AND HUMAN RESOURCES DEPARTMENT
ADDRESS: NATIONAL URBAN LEAGUE, INC.
500 EAST 62ND STREET
NEW YORK, NEW YORK 10021

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, THANK YOU FOR ALLOWING THIS TIME FOR THE NATIONAL URBAN LEAGUE TO MAKE ITS POSITION KNOWN RELATIVE TO THE RE-AUTHORIZATION OF THE NOISE CONTROL ACT OF 1972 AS AMENDED BY THE QUIET COMMUNITIES ACT OF 1978. AS YOU KNOW, NOISE IS ESSENTIALLY AND ESPECIALLY AN URBAN PROBLEM. AS YOU ALSO KNOW, NOISE CAN CREATE SERIOUS HEALTH PROBLEMS FOR THOSE WHO ARE EXPOSED TO LEVELS THAT ARE EXCESSIVE. OVER 90 MILLION AMERICANS ARE EXPOSED TO EXCESSIVE LEVELS OF NOISE WHICH ARE HARMFUL, EVERYDAY OF THE WEEK.

THE DESIRE FOR A "QUIETER" COMMUNITY IS ESPECIALLY BEING HEARD AMONG ALL URBAN DWELLERS AND HAS BECOME A PROBLEM OF MAJOR CONCERN TO EVERY CITIZEN EXPOSED TO EXCESSIVE LEVELS OF NOISE, AS EVIDENCED IN NOISE SURVEYS TAKEN ACROSS THIS COUNTRY. IT IS THE HUMAN NATURE OF MAN TO SEEK REFUGE IN HABITATS THAT EXIST ABOVE THE DRONE OF NOISE AND DANGER AT VARIOUS TIMES IN HIS DAILY EXISTENCE. EXCESSIVE NOISE, NOT ONLY SERVES AS A PRECIPITATING FACTOR FOR VARIOUS HEALTH DISORDERS, BUT ALSO CAN AFFECT THE MAINTENANCE OF SOCIAL ORDER IN THE COMMUNITIES, WHEN STRESS LEVELS ARE SUCH THAT THEY HELP MAKE POSSIBLE OUTBREAKS OF VIOLENCE AND FOSTER MENTAL ILLNESS. IT BECOMES, THEREFORE, MORE EVIDENT THAT THE NEED FOR QUIETER COMMUNITIES IS ESSENTIAL TO QUALITY HUMAN GROWTH.

TOOLS WERE NEEDED TO ASSIST STATES AND URBAN AREAS UNDER THE AUSPICES "QUIETER COMMUNITIES ACT" IN ORDER TO PUT STATE AND LOCAL PROGRAM IN PLACE, -- AND THESE TOOLS WERE PROVIDED BY THE ENVIRONMENTAL PROTECTION AGENCY, WHOSE FEDERAL ASSISTANCE AND LEADERSHIP WAS ESSENTIAL IN STIMULATING THE CREATION OF THOSE PROGRAMS.

THE NATIONAL URBAN LEAGUE WHICH I REPRESENT IS FORTUNATE TO HAVE COME TOGETHER AND WORKED EFFECTIVELY WITH THE EPA IN DEVELOPING PROGRAMS THAT REACH THOSE INDIVIDUALS WHO ARE "MOST AFFECTED" BY URBAN NOISE. THE EPA'S NOISE OFFICE HAS BEEN CONSISTENTLY WILLING AND ABLE TO OFFER THE ASSISTANCE NEEDED TO ALLEVIATE THE IMPACT OF NOISE ON THE INNER CITY DWELLERS.

DURING THE EARLY DAYS OF THE NEW ADMINISTRATION WE HAVE RECEIVED CLEAR SIGNALS THAT THE NOISE PROGRAM IS TO BE PHASED OUT OF EXISTENCE BY OCTOBER 1982. IT IS OBVIOUSLY EVIDENT THAT THE IMPORTANCE OF THE NOISE PROGRAM WHICH AFFECTS THE "QUALITY OF HUMAN EXISTANCE" HAS BEEN GROSSLY UNDERESTIMATED THUS FAR. WHILE IT IS THE REGULATORY SIDE OF THE NOISE PROGRAM WHICH WE FIND TO BE EXPENDABLE, WE DO NOT CONCLUDE THAT THE STATE AND LOCAL ASSISTANT ADJUNCT IS EXPENDABLE AT ALL.

THE LEADERSHIP OF THE EPA HAS MADE POSSIBLE THE SUCCESSFUL AND RAPID DEVELOPMENT OF SEVERAL STATE AND LOCAL PROGRAMS. IF IT WERE NOT FOR THIS ASSISTANCE, AS IS OUR CONTENTION THAT FAR FEWER STATE AND LOCAL PROGRAMS WOULD EXIST. THE EVIDENCE THAT SO MANY MORE PROGRAMS ARE NEEDED IS TESTIMONY TO THE FACT THAT THE ASSISTANCE PROGRAM SHOULD BE DETAINED.

THE KNOWLEDGE OF THE EFFECTIVENESS OF STATE AND LOCAL NOISE CONTROL PROGRAM HAS BEEN EVIDENCED, YET THE ESSENTIAL FEDERAL RESPONSIBILITY OF ASSISTING STATES AND LOCAL PROGRAMS IN DEVELOPING CAPABILITIES AND CAPACITIES TO EFFECTIVELY DEAL WITH NOISE ISSUES AND PROBLEMS NEEDS TO BE RECOGNIZED.

IT IS A WELL KNOWN FACT, MR. CHAIRMAN, THAT BLACKS PRINCIPALLY URBAN BLACKS, SUFFER FROM A HIGHER INCIDENCE OF HYPERTENSION, AND CARDIOVASCULAR DISORDERS THAN THEIR WHITE COUNTERPARTS. SOME OF THE CAUSATIVE FACTORS ARE DIRECTLY RELATED TO THE STRESS AND TENSIONS OF INNER CITY LIVING WHERE EXCESSIVELY HIGH NOISE LEVELS ARE COMMONPLACE.

DUE TO ECONOMIC REASONS, INNER CITY RESIDENTS ARE VIRTUALLY WALLED INTO THIS ENVIRONMENT. THEY THEREFORE NEED HELP IN ALLEVIATING THESE UNHEALTHY AND INTOLERABLE CONDITIONS. THE NATIONAL URBAN LEAGUE FEELS THAT THE PAYOFFS ARE TERENCEOUS FOR THE RELATIVELY SMALL FEDERAL INVESTMENT IN STATE AND LOCAL NOISE PROGRAMS. ONCE STATES AND COMMUNITIES ARE CAPABLE OF DEALING WITH THOSE PROBLEMS BY THEMSELVES, IT WILL BE TIME FOR THE FEDERAL NOISE PROGRAM TO COME TO AN END. AND EVERY REASONABLE PROJECTION INDICATES THAT THIS WILL NOT BE POSSIBLE UNTIL AT LEAST 1985.

MR. CHAIRMAN, WE ARE NOT UNREALISTIC. WE KNOW THAT THE BUDGET NEEDS TO BE REDUCED AND THAT FEDERAL SPENDING NEEDS TO BE CONTROLLED. YET, WE ALSO RECOGNIZE THAT THE HEALTH NEEDS OF THE NATION SHOULD BE PARAMOUNT IN THE MINDS OF THE CONGRESS AND THE EXECUTIVE BRANCH. SMALL PROGRAMS SUCH AS THE STATE AND LOCAL ASSISTANCE PROGRAM UNDER THE QUIETER COMMUNITIES ACT ARE NEEDED IN ORDER TO STIMULATE STATES AND CITIES TO ACT. WITHOUT THAT PRESENCE, PROGRESS MADE IN THE LAST THREE YEARS WILL SIMPLY DISSOLVE AND WE WILL BE BACK WHERE WE STARTED.

MR. CHAIRMAN, WE STRONGLY URGE YOU AND THE MEMBERS OF THIS SUBCOMMITTEE TO ACT FAVORABLY ON THE RE-AUTHORIZATION OF THE QUIET COMMUNITIES ACT, ESPECIALLY THOSE SECTIONS OF THE ACT THAT DEAL WITH THE ABATEMENT AND CONTROL OF NOISE AT THE LOCAL LEVEL. THE QUIET COMMUNITIES ACT HAS A PLACE AND IT HAS A MISSION THAT IS CLEAR. IT ALSO HAS A FINITE LIFESPAN.

WHEN CITIES CAN EFFECTIVELY DEAL WITH THEIR NOISE PROBLEMS
AND ARE FREE OF EXCESSIVE NOISE LEVELS WHICH ARE HAZARDOUS
TO THE HEALTH AND WELL BEING OF EACH AND EVERY ONE OF US --
AND ESPECIALLY THE URBAN POOR WHO HAVE NO RESOURCE -- THE
END OF THAT LIFESPAN WILL HAVE BEEN REACHED, THAT TIME
HAS NOT YET ARRIVED!

National Institute of Governmental Purchasing, Inc., (NIGP)
 1735 Jefferson Davis Highway, Suite 101
 Arlington, Virginia 22202

"BUY QUIET": A NON-REGULATORY, MARKET
 APPROACH TO PRODUCT NOISE CONTROL.

My purpose in submitting this paper is to provide you information on an innovative approach to product noise control that is non-regulatory, market-oriented, totally voluntary, extremely effective, and exceptionally economical from an administrative standpoint.

This program, "Buy Quiet" Program, is a cooperative effort of NIGP, the National League of Cities, and an increasing number of local governments and state agencies. Major funding for the administrative aspects of this program is provided by the U.S. Environmental Protection Agency, Office of Noise Abatement and Control under section 14 of the Quiet Communities Act. In addition, however, participating local governments and state agencies are voluntarily contributing substantial amounts of their own time, effort, and money to this project because they believe that "Buy Quiet" is a realistic means of addressing their noise problems as they see them from a local perspective.

Back in the summer of 1979 when I first heard about this "Buy Quiet" Program, I thought to myself:

This program has got to be one of the most idiotic, hairbrained ideas I have ever heard of. What business does the National Institute of Governmental Purchasing, (NIGP) which is a professional society of governmental purchasing agents, have in getting involved in an environmental crusade. We've got more pressing matters facing us, like training purchasing officers and improving purchasing systems.

I truly thought that Buy Quiet was one more experimental program in a long line of experimental federal government programs that never produce anything, and I assumed that it would go away as quietly as it had come.

I was wrong, and I am glad that I was. During the last 18 months I have seen this program grow from nothing but another pipedream into a stick of pure dynamite.

Cities, counties, and other governmental units are asking for quieter products, and services, and industry is responding to their requests. Consequently, many of our cities, counties and neighborhoods are becoming healthier, safer places to live and work. I hope that the Buy Quiet Program will be allowed to reach the point at which there will no longer be any need for a formal network to assist cities, counties, and even private firms and private citizens in identifying and purchasing quieter products and services.

In the pages that follow, I want to provide you information on a program that:

- . is generating an enthusiastic and substantive response from industry, and
- . currently involves participation on a voluntary basis by a total of 104 state agencies, cities, counties, and other governmental units.

I will argue that the "Buy Quiet" Program, in spite of the fact that it has not been heavily funded, has been an overwhelming success to date; and, it should be continued.

James Kilpatrick, the syndicated columnist, summed up the concept of the "Buy Quiet" Program well. He said:

Unlike the federal regulation (of product noise), which is complexity itself, this program is simplicity itself. It rests solidly upon the ancient law of supply and demand. Local purchasing agents create a demand for quieter (models of) garbage trucks (and other noisy products); and perceiving that demand, manufacturers undertake to supply (them).

As Raymond Hughes of the Shelby County, Tennessee Purchasing Department told Mr. Kilpatrick: "Cities and Counties that want quieter trucks ask for them; those that do not, don't".

The NIGP office, which essentially coordinates the "Buy Quiet" Program, provides interested purchasing agents and other local and state officials the information they need to purchase quieter equipment and services at competitive prices.

In most instances, officials who request such information receive what we call "product noise information supplements." Some of the supplements, such as the ones for lawn mowers and chain saws, contain suggested specifications which are being prepared at special NIGP government-industry conferences convened under the "Buy Quiet" Program. Other supplements, such as the ones for trash compactors can be used to modify current specifications in order to exclude "noisier" product models from consideration in future purchases. For the past six months, NIGP has been receiving from ten to twenty letters a day from government officials who want information that will help them "Buy Quiet." I cite as an example the text of a letter dated February 12, 1981, from Mr. Monroe Summers, Director of Communications for the City of Aspen, Colorado:

Gentlemen:

The city of Aspen is facing the prospect of purchasing a new fleet of busses in the near future. Local sentiment inclines us to pay close attention to noise abatement in our selection considerations.

If you have comparative data which would help in our selection of diesel passenger coaches, we would greatly appreciate receipt of same.

Thank you for your help.

Governments are not only asking for information; they are using the information we provide them to purchase quieter products and services. Among the items purchased to date with "Buy Quiet" information have been:

- * Lawn mowers (e.g., the State of West Virginia)
- * Chain saws (e.g., Shelby County, Tennessee)
- * Brush chippers (e.g., the City of Milwaukee, Wisconsin)
- * Trash compactors (e.g., Sacramento County, California)
- * Front-end loaders (e.g., the Washington, DC., Suburban Sanitary Commission)
- * Leaf and debris street vacuums (e.g., the City of Palo Alto, CA)
- * Portable air compressors (e.g., the City of New York, NY)

This program and the concept behind it are building a momentum that increases in intensity everyday.

Workshops on "Purchasing Quieter Products and Services," which are to be conducted in 8 different locations this year provide purchasing agents and other officials information on how and why to buy Quiet. They encourage the development of intergovernmental cooperative purchasing programs and feature demonstrations of "quiet" and "loud" models of various items of equipment. Technical and marketing representatives in industry serve as panelists to discuss such issues as how best to communicate government demands for "quieter" products to manufacturers and distributors.

Earlier, I said that the "Buy Quiet" Program is "generating an enthusiastic and substantive response from industry." This is a factual statement, not a statement of what we at NIGP, or I at Baltimore, would like to be the case. Industry is participating in our specification-development conferences, they are participating in our workshops, and most importantly, they are responding to government demands for quieter products. Manufacturers whose products at the present time are, in all honesty, rather noisy, are telling us in plain English that they intend to develop and market quieter products. I cite as a case in point the following statement made by Mr. Paul Seltzer of the Toro Corporation in a letter dated November 13, 1980:

... It is our intent to design quieter models of commercial duty lawn mowers to help make our communities, a more desirable place to live, work, and play...

I also cite as an example of industry's enthusiastic response to the "Buy Quiet" concept a more recent observation by Mr. Jack Ehlen of the McCulloch Corporation, a well-known manufacturer of grounds care and garden equipment:

... The idea underlying this program is fantastic-it's the American way of bringing about needed product improvements! I can assure you that we will do everything in our power to compete in the rapidly expanding marketplace for quieter chain saws...

The American Society for Testing and Materials, which is U.S. industry's primary mechanism for the development and dissemination of voluntary consensus standards, is cooperating fully with NIGP on the "Buy Quiet" Program.

Earlier I also said that the "Buy Quiet" Program currently involves participation on a voluntary basis by a total of 304 state agencies, cities, counties, and other governmental units. This is only a partial count, because every day we learn, directly or indirectly, that another city or county has made a formal commitment to use information provided through the "Buy Quiet" Program to obtain quieter equipment or quieter contractual services. A representative sample of the governments who are currently purchasing quieter products and services under the "Buy Quiet" Program is attached.

Perhaps the most important point I can make regarding the actions taken by 300 plus governments who are participating in the "Buy Quiet" Program is that they are voluntary, self-supported financially, and based strictly on local perceptions of need. No government is being forced to participate in the "Buy Quiet" Program. Moreover, the costs of attending "Buy Quiet" Workshops and conferences, and the staff time that is required to develop or modify purchase specifications are paid for by the participating governments-not the "Buy Quiet" Program.

In conclusion, speaking for the hundreds of governmental purchasing officials throughout the nation, I respectfully request that the committee give every consideration to authorizing the continuance of a program which, in my opinion, offers the most sensible and cost-effective approach to reducing equipment noise. When I note (1) the considerable impact of the "Buy Quiet" Program thus far, (2) the relatively short period of time it had been underway (18 months) and (3) the exceptionally moderate amount of funds which have been provided for its administration, there is no doubt in my mind that we should maintain a formal system

for coordinating such a common-sense, industry-supported approach that uses the normal market mechanisms to obtain quieter products and services. Moreover, the concept itself -- which is voluntary as opposed to compulsory, and market oriented as opposed to government oriented--is extremely effective and could be applied in many other areas across the private sector. Energy conservation and several aspects of products safety come to mind immediately.

If the "Buy Quiet" Program is permitted to reach maturity, the purchasing of quieter products by local governments, state agencies, citizens, and private firms will one day soon be a matter of course. Please don't throw out this healthy baby with the regulatory bathwater.

Thank you very much.

Sincerely,

Stanley D. Zemanek, CPID
City Purchasing Agent
CITY OF BALTIMORE, MARYLAND
AND PRESIDENT of
National Institute of Governmental Purchasing, Inc., 1980-1981

Shelby Official Says 'Buy Quiet'

QUIET is the goal of a Shelby County official and he wrote columnist James Jackson Kilpatrick. See Page 5.

ACTIVISM, it seems, mellows with age and quiet times give a chubbier Sam Brown a chance for reflection. Page 5.

MEMPHIS PRESS-SCIMITAR, THURSDAY, JANUARY 8, 1981 PAGE 5



James Jackson Kilpatrick

Reaction From Memphis To Noise Level Column

WASHINGTON: Back in November I unloaded a curmudgeonly column complaining about a new national regulation governing the noise levels of garbage trucks. I said it was a petty, stupid, nit-picking regulation, destructive of state and local responsibilities, and all of those comments stand.

But I return to the topic because of a letter from Memphis. There is indeed a better way of coping with the problem: It is the way of the marketplace in a free economy.

The letter comes from Raymond Hughes, deputy purchasing administrator for Shelby County, Tenn. The answer to the noise problem, in his view, lies in the "Buy Quiet" program initiated by the National Institute of Governmental Purchasing and the National League of Cities.

UNLIKE THE FEDERAL regulation, which is complexity itself, this program is simplicity itself. It rests solidly upon the ancient law of supply and demand. Local purchasing agents create a demand for quieter garbage trucks; and perceiving that demand, manufacturers undertake to supply it.

Mr. Hughes sums up the procedure succinctly: "Cities and counties that want quieter trucks ask for them; those that do not, don't."

The Buy Quiet plan was launched about 18 months ago. In this period, the National Institute of Governmental Purchasing has begun to establish product specifications not only for garbage trucks, but for many other pieces of machinery also. Shelby County, for example, sought bids on 10 "quieter" lawnmowers.

"We had no trouble in obtaining a sufficient number of bids," Mr. Hughes reports, "and the prices we paid were no higher than before. We plan to follow the same approach in future purchases of jackhammers, garbage trucks and other noisy items."

New Orleans has undertaken some pioneer efforts in this direction. An environmental report from the National League of Cities advises that such cities as Chicago, Milwaukee, New York, Pittsburgh and Austin also are purchasing quieter models of lawn equip-

ment, air compressors and pavement breakers. In Iowa, the Scott County Purchasing Association is working with the city of Davenport and nine other units to buy quiet products only. Forty purchasing units in north-central Texas have established a purchasing cooperative. In Minnesota, the league identifies Minneapolis, St. Paul and Bloomington as "Buy Quiet" cities. Some of the programs also embrace such indoor noisemakers as vacuum cleaners and typewriters.

Surely this approach is infinitely preferable to the heavy-handed one taken by the Environmental Protection Agency in the matter of garbage trucks. If you recall, the EPA went at this essentially local problem with the politesse of a Black Angus bull. The feds roared in with reports, studies, consultants, experts, statisticians and bureaucrats of high and low degree. We had draft regulations, comments upon the draft regulations, promulgation of revised regulations, and in October of last year a final regulation. The EPA's idea of how to get quieter garbage trucks is to threaten manufacturers with a \$25,000 fine and a year in prison, or both, if henceforth they market a truck that produces noise in excess of 79 decibels.

IF WE BELIEVE in the marketplace system, why do we not give the system a reasonable chance to work? Instead of imposing uniformity by federal decree, why do we not try variety for a change? One of our cherished principles is "local responsibility." Why not abide by that principle? Let our cities decide for themselves whether they want their local parks mowed by lawnmowers that go putt-putt, or by mowers that go KAVOOM, KAVOOM, KAVOOM.

To be sure, there is a place for national regulation of products that might be truly dangerous to the public health or safety. Even the most dedicated friends of free enterprise stop short of condoning botulism in the vichyssoise. But a decent respect for federalism ought to teach us that national regulation should be the last resort, not the first.

MEMPHIS PRESS-SCIMITAR, TUESDAY, NOVEMBER 18, 1980



James Jackson Kilpatrick

This Noise Regulation Is Just Pure Garbage

WASHINGTON — Consider, if you please, the garbage truck. It is being driven by Big Brother now. And therein lies an instructive tale of how we have rumbled into the mess we are in.

On Oct. 1 a new regulation of the Environmental Protection Agency came into effect. It mandates a certain level of permissible noise on the part of compacting garbage trucks. The regulation arises from the Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978. In one nice, neat bundle this matter ties many odds and ends together.

Sen. John Danforth, R-Mo., the leading antagonist of the EPA's regulation, has mused aloud: How could anyone vote against bills to promote "noise control" and "quiet communities"? It was politically impossible. Under pressure from consumer activists (and from some business spokesmen also), the House voted 356-32 and the Senate 75-5 in favor of the 1972 act. The 1978 bill passed by voice vote, without an apparent dissent.

IN RETROSPECT, the two pieces of legislation may be seen as classic examples of federal expansion at the expense of state and local responsibilities. The 1972 law had a grand purpose and a large verb. The act was to free the people from noise that "jeopardizes health and welfare," to jeopardize is to expose to imminent danger, to imperil. The act gave the EPA broad powers to regulate "major sources" of noise.

Now, it would seem to many of us, perhaps, that a garbage truck does not truly jeopardize or imperil public health. Compared to jet planes and police sirens, a compactor scarcely qualifies as a "major source" of noise. Indeed, a survey by the EPA's own consultants of 2,000 persons in 24 urban neighborhoods turned up only four complaints of garbage truck noise.

Nevertheless, the EPA conjured up some impressive statistics. The agency solemnly found that 19,650,000 persons are regularly exposed to excessive noise levels because of

the refuse vehicles. Federal regulation, it was concluded, would reduce that number to 6 million persons by 1991. Cities could not be trusted to deal with this peril by local ordinance. After all, the sleep of 13.8 million persons was being disturbed nightly. Only the federal government could protect our repose.

Thus came the regulation. As of Oct. 1, no garbage compactor may be sold in interstate commerce if it creates noise in excess of 79 decibels. The noise level is to be defined by testing a compactor on a level concrete pad 150 feet in diameter, free of rain, snow or gravel, with microphones placed 7 meters distant from a warmed-up engine, the wind velocity not in excess of 19 kilometers an hour. And so forth, and so forth, and so forth.

IT IS NEEDLESS to dwell upon the reports to be made, the forms to be filed, the records to be kept. These you can imagine, the act provides for a fine of \$25,000 a day, or one year in prison, or both, for any manufacturer whose garbage truck produces 80 decibels of noise. For a second offense, the penalties may be doubled. As of July 1982, the regulation mandates a further reduction to 76 decibels.

Metaphorically speaking, if you will forgive me, this is garbage. Pure garbage. The EPA regulation runs to 23 pages. An accompanying analysis runs to 300 more. Enforcement of the act will impose added costs upon purchasers of the trucks of \$21.1 million a year. That is for starters. The EPA defensively puts the costs at 50 cents per household per year.

Costs and benefits to one side, this petty, stupid, nit-picking regulation based almost entirely upon gassy conjecture as to "sleep and activity interference" — offers one more instance of a bureaucracy gone berserk. Such cities as New York and San Francisco have coped with the issue by local ordinance. Other cities have imposed curfews against refuse collection before a certain hour. This is simply not a national problem. Maybe an incoming conservative Congress will look at such excesses, and quietly dispose of the trash.

APPENDIX
PARTIAL LIST OF
GOVERNMENTS COMMITTED TO PURCHASING
QUIETER PRODUCTS AND SERVICES

City of Austin, Texas

City of Baltimore, Maryland

City of Chicago, Illinois

City of El Segundo, California

City of Los Angeles, California

State of Maryland

City of Milwaukee, Wisconsin

Metropolitan Government of Nashville
Davidson County, Tennessee

City of New Orleans, Louisiana

North Central Texas Council of
Governments, Regional Purchasing
Officers Committee (which includes approximately 30 governments
in the Dallas-Ft. Worth area)

Northern Virginia Regional Purchasing Officers
Committee (which includes Fairfax County, Arlington County, Loudoun
County, the City of Alexandria and several other governmental units).

City of Pittsburgh, Pennsylvania

Prince George's County, Maryland

Sacramento County, California

St. Petersburg, Florida, City of

Shelby County, Tennessee

Scott County (Iowa) Purchasing Association
(which includes 12 governments in eastern Iowa)

Twin Cities Public Purchasing Association (which includes the City of
St. Paul, Ramsey County, the City of Bloomington, Anoka County,

the State of Minnesota, and approximately 30 other governmental units.)

The State of Virginia

The State of West Virginia

The City of Palo Alto, California

The Washington (DC) Suburban Sanitary Commission

HEARING, EDUCATIONAL AID & RESEARCH FOUNDATION, INC.

70 BOE ST NW WASHINGTON, D.C. 20007 TEL: 314-3441

February 19, 1981

BOARD OF DIRECTORS

EDWIN S. ECHS

Chairman of the Board

LUTHER L. TERRY, MD

Vice Chairman of the Board

CARL P. STOVER

President

HERBERT S. STRINER, Ph.D.

Treasurer

LILIAN GROSVENOR JONES

Secretary

HARRY S. ASHMORE

JOHN E. BORDLEY, MD

PATRICK E. BROOKHOUSE, M.D.

ESTHER COOPER SMITH

GEORGE W. FELLENGOOF, M.D.

MELVIN D. GARSTON, Ph.D.

MELVILLE BELL GROSVENOR

FRANCIS HUMPHREY HOWARD

NAN SUITTON JONES

JAMES RYAN

ELMER B. STANTS

WINFRED M. MARLAR
Reading Secretary

Honorable James J. Florio, Chairman
Subcommittee on Transportation and Commerce
U. S. House of Representatives
1765 Longworth Building
Washington, D.C. 20515

Dear Congressman Florio:

I sincerely regret that a prior commitment in Philadelphia prevents me from being with the Subcommittee on Transportation and Commerce during its oversight hearing on the subject of environmental noise abatement and control. As you know I have had the privilege several times in the past to testify before your committee on this subject.

Much of my professional background has focused on the delivery of health care services to citizens. During my years as Surgeon General, I believe we made some significant advances in the health of our population in large measure because we were able to inform and challenge Americans to examine their immediate environment, and their lifestyles, and to take the necessary steps to protect their health. Today, I am convinced that a similar situation exists with respect to an insidious health threat, excessive noise.

The citizens of the United States have demonstrated that when given the facts about a health-threatening situation, and sufficient time to question and become convinced of the potential hazards to themselves and their children, they will take the action necessary to protect themselves. However, presentation of the facts, in an accurate and interesting way, along with sufficient time to absorb this information, is essential.

The now-familiar message on each package of cigarettes that smoking is dangerous to your health was accomplished only by overcoming a great deal of resistance by industry and apathy on the part of the general public. I am reminded that it took some 15 years to develop that

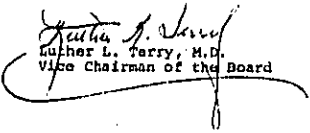
program and obtain a significant public response. Surveys now reveal to us that there has been a consistent annual decrease in the per capita consumption of cigarettes in the United States. It took time, but it is working.

Research in identifying the physiological effects of noise on humans is continuing and it should continue. We must seek a greater understanding of noise effects and determine the levels of noise which can be tolerated by various human beings before they incur permanent damage to their hearing and other aspects of their health. As this research continues, however, we must share with our fellow citizens in a cost-effective way that which we know already and encourage them to protect themselves and their families.

I am pleased that my colleague, Dr. George W. Follendorf, can be with you today to share his knowledge and experiences as Executive Director of the H.E.A.R. Foundation and in his role as Director of the National Information Center for Quiet. I would be happy to respond to questions directly or through Dr. Follendorf if they should be forwarded to me.

Thank you.

Sincerely,


Luther L. Terry, M.D.
Vice Chairman of the Board

anwec
association of new jersey
environmental commissions

February 20, 1981

Representative James J. Florio
1726 Longworth House Office Building
Washington, D.C. 20515

Dear Mr. Florio:

As the service organization for New Jersey's municipal environmental commissions, we are regularly asked for advice on varied environmental issues of concern to local governments. In some cases, our best move is to refer an individual to the specialized organization or program which can provide expertise in a particular field. When the particular concern is noise control, the ECHO program provides this expertise.

The ECHO Coordinator in New Jersey, Melinda Staniszawska, has attended many local meetings around the state, and she provides the information and ongoing guidance which towns need to implement local noise control ordinances. The Environmental Protection Agency recognizes noise as a serious health problem for many Americans, but sees local governments as the appropriate forums for controlling community noise. This reasoning seems logical, but many local officials do not understand the technical and legal aspects of local noise control, and feel incapable of administering a noise program. The ECHO program provides the information and training needed to bridge this gap.

The budget for the ECHO program is small, because volunteer participation is relied upon heavily. The program is also very much in keeping with President Reagan's philosophy of returning control to state and local governments. We feel that the elimination or reduction of this program would be a serious loss for the people of New Jersey.

Sincerely yours,

Andrew McDonough
Andrew McDonough
Noise Program Coordinator

February 20, 1981

Dr. Ernest A. Peterson
13165 S.W. 11th Lane Circle
Miami, Florida 33184

The Honorable James J. Florio
Chairman, House Subcommittee on
Commerce, Transportation and
Tourism
1726 Longworth Office Building
Washington, D.C. 20515

Dear Honorable Florio:

With all due respect to his office, Mr. Reagan's decision to eliminate completely the Office of Noise Abatement and Control seems to be a clear instance of political myopia. Inspired perhaps by misinformation contained in the so-called "Heritage Report", the decision comes at a time, ironically, when the staff of ONAC has completed a well-coordinated, multifaceted and cost-effective program for investigating various health effects of noise.

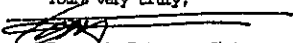
Hearing damage aside, our understanding of these effects is being hampered by a serious lack of reliable information concerning such questions as:

1. Does long-term exposure to noise levels commonly found in industry permanently affect cardiovascular function, particularly blood pressure regulation?
2. Does such exposure permanently alter stress hormone production thereby affecting target tissues of these hormones?
3. Does such exposure affect the efficiency of immunological mechanisms?
4. Does such exposure enhance the effects of other environmental pollutants including heavy metals?
5. Does exposure to extreme noise levels during pregnancy harm the embryo-fetus?

I am firmly convinced that answers to these and numerous other questions must be provided by the scientific community before rational and equitable legislative action can be undertaken. Destruction of the Agency which has coordinated much noise research will not provide the needed answers nor will the issues disappear through executive fiat.

Because of the nature of its mission and the quality of its personnel I believe that the Office of Noise Abatement and Control is in a position, unique among federal agencies, to support and integrate a program of research which effectively deals with the above listed issues.

Yours very truly,


Ernest A. Peterson, Ph.D.
Associate Professor, Otolaryngology
and Psychology
Chief, Division of Auditory Research
University of Miami School of Medicine



AMERICAN PUBLIC HEALTH ASSOCIATION
1015 Fifteenth Street, N.W., Washington, D.C. 20005 • (202) 789-5600

LARRY J. GORDON, M.S., M.P.H., President

February 23, 1981

The Honorable James J. Florio
Chairperson
Subcommittee on Commerce,
Transportation & Tourism
H2-151 House Office Building
(Annex #2)
Washington, D. C. 20005

Dear Mr. Florio:

In 1975, the American Public Health Association adopted a policy statement outlining its position on noise. We feel it appropriate to bring your attention to our policy on this issue as you discuss the question of noise program reauthorization during your February 24, 1981 hearing.

Very truly yours,

Larry J. Gordon, MS, MPH
President

7522(PPI): APHA Policy Statement on Noise

Excessive noise that affects man's health, productivity, and well-being exists in many industrial, community, and home environments. Indeed, not too long ago, a noise survey of 203 work areas in 40 different industrial plants found 50 per cent of the machines to be generating noise levels in excess of 90 decibels, an intensity which is believed to pose some risk of hearing loss for noise workday exposures. Hearing surveys, in fact, have shown loss of hearing, employment capability and hearing sensitivity in factory workers and heavy equipment operators when compared with groups who have minimal noise exposure on the job, i.e., office workers. These high noise levels in industry can also interfere with speech communication and be a source of distraction and fatigue, all of which may lead to worker inefficiency and lowered production.

The problem of excessive community noise is documented by communities that are acting to curtail excessive community noise such as that emanating from airports, highway vehicles, stationary sources, construction, air conditioners, sirens, musical instruments, and many other similar sources. These actions have been prompted by residents who have found that their privacy, rest, and sleep have been disrupted by the presence of excessive irritating environmental noise. Home situations also contain an unwarranted intensity noise level which is generated by power appliances such as garbage disposals, subwoofers, power lawnmowers, etc. The level of these sounds, in many cases, is sufficiently high to impair hearing if the exposure were eight hours daily for the usual work week. Building construction codes have not addressed adequately the requirement of designs which would minimize the transmission of noise from one occupancy to another. In many projects of multiple family dwellings, there is very little barrier of sound transmission from one family's occupancy to another. Such noise tends to invade privacy and to create tension, stress, and complaints. Several studies of community noise have reported psychological and physiological effects, speech interference, and effects on community behavior as a result of exposure to community noise.

These observations, together with the prospect that continued technological developments in our society will create still more severe noise conditions (supersonic transport, high speed rail transportation), require that additional positive steps be taken now to cope with such problems and ultimately to gain control of them. There is a clear need for a cooperative effort between federal, state, and local governments in the control of nuisance noise. The federal government should provide a leadership role in research, establishment of basic criteria and measurement techniques, training of state and local personnel, conducting demonstrations, initiating public education programs, and in providing funds to help initiate local noise control programs. The state and local governments should, in cooperative effort, have primary responsibility for regulatory programs to prevent and control excessive noise. Local governments, where capabilities exist, should adopt ordinances and codes and institute adequate and efficient monitoring and regulatory programs under guidelines set forth by the federal and state governments and with cooperative backup services provided by those agencies. The American Public Health Association, consistent with

its aims to develop and preserve a healthy environment for the nation, encourages the following programs and activities for attainment of greater understanding and control of noise.

Research

Recently there has been a great deal of research undertaken to determine the effects of noise on people and to determine methods of controlling noise emission to reduce adverse effects on individuals and populations. A great deal of this effort has been initiated through federal grants, universities, and also through the contributions of private research laboratories. The American Public Health Association fully supports intensive and continuing research into the effects of noise on human beings and methods of controlling noise at its source. Technology exists in many areas to manufacture equipment which emits noise at acceptable levels, such as in the drop forge industry and the construction industry. Research should continue to develop technology to manufacture equipment that produces noise compatible with the environment in which such equipment must be used. Design and development of quieter power plants for transportation systems are a necessity, as are improved methods to reduce the amount of noise accompanying the operation of such systems. Similarly, breakthroughs in silencing industrial machinery should be sought. Design techniques and materials development, aimed at quieting general living environments, also need to be studied. Pursuant to the Occupational Safety and Health Act of 1970 and the Noise Control Act of 1972, the federal government can and should provide a leadership role in the development of these research programs.

Education

Educational programs to create greater public awareness of the effects of noise problems must be undertaken. Public recognition is needed to urge municipal agencies to enforce and enforce ordinances more effectively; to achieve compliance by industrial and commercial establishments controlling noise conditions in their plants and also in their products; to initiate city planning to take account of potential noise problems in the development of plans to protect new communal areas; and to create citizen demand for quieter communities and equipment.

In response to this dire need to educate the American public about noise, the federal government, through the Department of Labor and the Environmental Protection Agency, has initiated training programs and conferences designed to train and to inform technicians and the public in regard to occupational and nuisance noise management and control. The American Public Health Association fully supports this effort and encourages an increased effort in multiple locations throughout the United States.

Educational programs are needed to train state and local government and industrial personnel in the techniques of measuring and controlling noise, as well as methods of setting up noise control programs and legislation to support them. In addition, there is a need to educate the general public concerning noise problems. Such training sessions, conferences and seminars need to be held at the national level in order to get maximum exposure and to train adequate personnel. In addition, conferences should be held where acoustic experts would exchange ideas with medical, industrial, and civic leaders in discussions concerning both industrial and community noise problems.

A related educational need is the formulation of graduate programs in acoustical sciences at universities. Few schools offer such programs at present, and the demand for acoustical engineers is already much greater than the number of qualified persons available.

Legislation

Prevention and control of excessive noise, in the broadest sense, requires the support and participation of all centers of industry, and of all levels of government—local, state, and federal.

The basic need for community noise control is adequate legislation with effective programs of the monitoring and enforcing of the

standards set forth. Such legislation must be reasonable yet effective. Federal legislation is a necessity to set forth general standards concerning manufactured equipment emissions. Also required is federal legislation concerning interstate vehicular traffic. Within these standards it is the responsibility of state and local governments to establish community standards and a program to effectively enforce the same. The federal government, through the Occupational Safety and Health Act of 1970, established standards to prevent further deterioration of the hearing levels of noise-exposed workers. The standards of this legislation are being enforced cooperatively by federal and state governments. As research continues into the effects of industrial noise on hearing and noise control technology improves, this legislation should be reviewed and revised in keeping with new developments.

Similarly, the federal government passed a much needed Noise Control Act of 1972. This was a positive step forward in the control of unnecessary and excessive community noise. The Environmental Protection Agency has been charged with the duties of determining sources of nuisance noise and developing standards to control the same. The Environmental Protection Agency has already proceeded in the developing and publishing of various standards and is continuing toward the fulfillment of the mandate of the legislation. The American Public Health Association fully supports this effort and urges the Environmental Protection Agency to continue to move with deliberate haste in developing standards for the various nuisance noise sources that have nationwide impact. These standards should be revised as necessary as a result of research and study data regarding the effects of levels of noise on individuals in the community, the control technology for such noise products or equipment, and the effectiveness of control programs. While haste in this development is essential, the standards, criteria, and methods should be reasonable and consider total environmental impact.

The American Public Health Association also encourages the Environmental Protection Agency to continue its present program of helping state and local governments to establish state and local noise standards and enforcement programs for the control of community noise. The Program Development Board of APHA, shall endeavor to apply its expertise to the development of occupational and local community noise standards. This will and both manufacturers and local communities by preventing a multitude of conflicting standards. Throughout development of the federal program under the existing federal legislation there should be promoted close communication with active participation by the federal, state, and local levels of government and industry.

73

Township of Cedar Grove

MUNICIPAL BUILDING
CEDAR GROVE, N. J. 07009



TELEPHONE 830-1410


February 23, 1981

The Honorable James J. Florio
1720 Longworth House Office Bldg.
Washington, D. C. 20515

Dear Congressman Florio:

The Natural Resources Advisory Committee voted to support continued funding for the Federal Office of Noise Control. The Office of Noise Control serves an important purpose in protecting the environment. In addition it provides funding for essential State noise control efforts.

Sincerely,


Charles E. Wilson
Chairman, NRAC

CW:gm

Air is Part of the Total Environment

METRO CLEAN AIR COMMITTEE
 1822 PORTLAND AVENUE, MINNEAPOLIS, MINNESOTA 55404 • 871-7322

February 23, 1981

Honorable James J. Florio
 United States House of Representatives
 1741 Longworth Office Building
 Washington, D.C. 20515

Dear Representative Florio:

This letter is directed at the proposed elimination of the Office of Noise Abatement and Control of the U.S. Environment Protection Agency, which as been proposed by the present administration. I chair a committee of professionals from a wide spectrum of institutions, ranging from the Burlington Northern Railroad to health officials of small communities, all of whom has an interest in the maintenance of a healthy environment. Our committee, the Metro Clean Air Noise Committee, has, for the past eight years, worked very closely with the Office of Noise Abatement and Control of the EPA in sponsoring seminars and workshops, reviewing model ordinances, and in the provision of education materials, films, and programs, all of which have helped local communities as well as state and regional representatives in both the public and private sectors.

With an emphasis on state and local control, this particular office of the US EPA has served as a model with a mandate from the Quiet Communities Act of 1978, of federal assistance at the local level. It is also important to note, especially for transportation, which is a major source of noise, that the involvement of the federal government provides protection to the national transportation system from a myriad of potentially diverse rules, standards, and regulations on a local level. Because of the very nature of noise as an environmental pollutant, it is a local problem; however, the provision of transportation and associated industry, which is essential to the nation's economic well-being, is national in scope and deserves a unified approach to environmental protection. Only an office such as ONAC can provide this approach.

We strongly urge you to review what we perceive as an overreaction to EPA activities, and to continue the office as a means of providing technical, institutional other assistance to states and local communities as mandated by Congress. We will be happy to provide additional information in support of this request. Thank you for your consideration.

Sincerely yours,

David Braslaw
 Chairman, Metro Noise Committee
 Twin Cities Metropolitan Area

DB/cd

SPONSORED BY THE AMERICAN LUNG ASSOCIATION OF HENNEPIN COUNTY

THE UNIVERSITY OF TENNESSEE
DEPARTMENT OF AUDIOLOGY AND SPEECH PATHOLOGY
KNOXVILLE 37916
February 23, 1981

The Honorable James J. Florio, Chairman
Subcommittee on Transportation and Commerce
International and Foreign Commerce Committee
1726 Longworth Office Building
Washington, D.C. 20515

Dear Representative Florio:

I am concerned that the Office of Management and Budget has indicated its intent to completely dismantle the Environmental Protection Agency Office of Noise Abatement and Control (ONAC).


At the outset, let me state that I understand Governmental regulations are going to be trimmed and that regulatory agencies will be reduced. It is certainly a sign of the times. Those agencies that feel the crush of administrative action will be numerous. It would be presumptuous of me to urge that this particular office be spared because it is of special interest to me. However, I do feel it is appropriate to consider agency reductions on the merit of the problem for which the agency or office was brought into existence.

It is my understanding that in suggesting elimination of ONAC, the OMB gave as justification the feeling that noise in the environment is not a health problem. This is patently not true. For the past 15 years, I have been engaged in research on the effects of noise on hearing and bodily function. Although noise will neither kill one nor drive one insane, it is a considerable health factor according to my research findings and those of many colleagues in my field.

To phase out ONAC on the basis of general budget trimming is one thing, and something to which I cannot speak. But to kill the effective work of that agency wing on the incorrect premise is a mistake.

In its wisdom in 1972, the Congress mandated that the EPA serve as the guiding agency in effecting a national program for noise control. This mandate was acted upon in many ways that will be summarized in your oversight hearings tomorrow. I must add that I have been favorably impressed with the work of the office and urge that you consider allowing the work of ONAC to continue.

Respectfully submitted,


David M. Lipacomb, Ph.D.
Professor

DML:jmb



Environmental Protection Agency
2200 Churchill Road, Springfield, Illinois 62706

February 24, 1981

217/782-6760

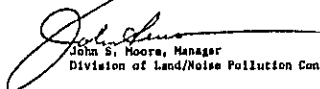
The Honorable James J. Florio
Chairman
Sub-Committee on Commerce,
Transportation and Tourism
House Committee on Energy and Commerce
151 - 3rd & "D" Streets, Room H-2
Washington, D.C. 20515

Dear Representative Florio:

Enclosed are my comments on the reauthorization of the "Noise Control Act of 1972 as amended by the Quiet Communities Act of 1978" before the subcommittee on Commerce, Transportation and Tourism of the House Committee on Energy and Commerce.

Thank you for the opportunity to have my comments printed in the congressional hearing record.

Very truly yours,


John S. Moore, Manager
Division of Land/Noise Pollution Control

JSM:ma
Enclosure

WRITTEN COMMENTS OF JOHN S. MOORE
ON THE REAUTHORIZATION OF THE "NOISE CONTROL ACT OF 1972 AS AMENDED BY
THE QUIET COMMUNITIES ACT OF 1978" BEFORE THE SUBCOMMITTEE
ON COMMERCE, TRANSPORTATION AND TOURISM OF THE
HOUSE COMMITTEE ON ENERGY AND COMMERCE

February 23, 1981

BACKGROUND

The State of Illinois was one of the first states to become actively involved in environmental noise control. Illinois first adopted comprehensive noise regulations on stationary noise sources in 1973 and since then has adopted regulations on in-use motor vehicles and motor racing with proposed regulations on mining noise, forging noise, snowmobiles and airports. Illinois noise regulations are enforced both by two state field offices and by local governmental officials. Based upon our extensive experience at both the State and local level in actually solving noise problems, I offer these comments on the reauthorization of the Noise Control Act of 1972 as amended by the Quiet Communities Act of 1978.

THE APPROACH TO REDUCE ENVIRONMENTAL NOISE

The adverse effects of environmental noise pollution occur in local areas, for example near highways, airports or industrial factories. Experience indicates that the traditional market place activities will not reduce environmental noise since the unwanted recipients of the adverse effects of noise are neither the buyer or the seller of the noisy product. Therefore, because of both the lack of market place economic solution and the local problems, the cooperative efforts of all three levels of government -- local, State and Federal -- are necessary to reduce the harmful noise of environmental noise.

Noise research is most appropriately carried on at the Federal level, both in terms of health and welfare research and in terms of technology development and demonstration. Many noise sources operate in more than one jurisdiction and therefore do require uniform national treatment -- interstate motor carriers, aircraft in flight and railroad mainline activities. New products which are major noise sources and are distributed nationwide in commerce should also be regulated at the Federal level. Such products include aircraft, heavy trucks, and motorcycles. Other Federal actions which are important include the coordination of the development of educational materials for both schools and the public and guidance and assistance in the development of State and local noise control programs.

States should establish uniform statewide in-use noise standards and provide direct technical assistance and training to local communities for the efficient enforcement of noise control regulations. In addition, States will enforce the statewide standards that require detailed technical solutions. States should also provide planning activities to reduce noise pollution such as near large airports and highway projects.

Local governments are the mainstay of the national noise control program, providing the basic enforcement of the motor vehicle noise regulations and property line regulations. However, local governments require the guidance of both the State and Federal government in establishing their noise control programs. Local governments can prevent noise problems by judicious zoning and building codes that include noise insulation requirements.

It is clear from this discussion that noise pollution can only be reduced by the concerted actions of the local, State and Federal governments. Without activity at each level, noise abatement programs will have difficulty, if not impossibility, in succeeding.

ILLINOIS EXPERIENCE WITH THE FEDERAL NOISE CONTROL PROGRAM

The Illinois Environmental Protection Agency Noise Control Program has been effected on numerous occasions both positively and negatively by the Federal noise programs. USEPA's preemptive new product regulations, interstate motor carrier regulations and railroad noise regulations have been both beneficial and detrimental to our program. We have benefitted from the quieter trucks that are now available; however, at the same time local police in Illinois have been hampered by their inability to enforce the Interstate Motor Carrier Noise Regulations because of the unrealistic restrictions on measurement sites.

Our program has directly benefitted from the health and welfare research that has been conducted by USEPA. We have benefitted from such research projects as the study on the health effects caused by impulsive type sound. Similarly, our program and local programs in Illinois have benefitted from the public affairs and educational materials developed by USEPA.

USEPA role in demonstration projects with respect to motor vehicle noise has filled the void created with the dissolution of U.S. DOT's Office of Noise Abatement.

As a result of EPA's research and coordination among the Federal Agencies, a uniform description is now used by Federal Agencies to assess adverse impacts from noise. By eliminating several diverse descriptions, state and local officials can now participate more intelligently and easily in noise control planning.

As a direct result of USEPA support -- both through a grant and through personal assistance -- the State of Illinois has developed a program to train local officials in the enforcement of motor vehicle noise regulations. Two hundred and three (203) local government personnel have attended fifteen (15) separate training seminars conducted by our staff, and seventeen (17) communities are developing their own noise control programs through our assistance.

Furthermore, with the passage of the Quiet Communities Act, the emphasis of the Federal program has properly been placed at the state and local level. EPA has encouraged state and local governments in solving their noise problems by providing technical assistance and guidance and lending support by the presence of a Federal noise program with sympathetic ears.

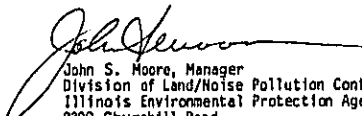
RECOMMENDATIONS

Based upon our experience as a state with an active noise control program which has interacted regularly with the Federal government, I recommend that Congress reauthorize the Noise Control Act of 1972 as amended by the Quiet Communities Act of 1978. However, as has been noted, all has not been perfect in the last eight years. Therefore, I further recommend that concurrent with reauthorization, Congress direct the USEPA to alter its priorities in the noise control area. Specifically:

1. USEPA should minimize any further regulatory activities. The major noise sources have been regulated and there is at the present time no need to adopt additional Federal noise regulations. However, a reevaluation of some of the existing Federal noise regulations would be appropriate.
2. The regional noise offices should be eliminated since these offices have become an unnecessary level of bureaucracy in attempting to solve community noise problems. State programs and local programs are performing the functions that used to be performed exclusively by the regional offices. This is the proper roll of state and local governments, and dictates that the duplicative effort at the federal level be curtailed.
3. USEPA should continue research in the area of health and welfare and technology development and demonstration with the objective that such research should be applicable to state and local noise control programs.
4. USEPA should continue its strong support in the development and maintenance of active State and local noise control programs so that the national objective of reducing noise pollution that endangers health and welfare may be reduced.

It is important to recall that successful noise control programs require the active participation of local, State and Federal governments and that the direction of the Federal government should be to fostering the programs in the State and local governments. Therefore, it is essential for the quieting of America that the Noise Control Act of 1972 as amended by the Quiet Communities Act of 1978 be reauthorized by the Congress.

Thank you for the opportunity to present our comments.


John S. Moore, Manager
Division of Land/Noise Pollution Control
Illinois Environmental Protection Agency
2200 Churchill Road
Springfield, Illinois 62706
217/782-6760



THE CITY OF
SAN DIEGO

BUILDING INSPECTION DEPARTMENT
NOISE ABATEMENT AND CONTROL BOARD
1222 FIRST AVENUE - SAN DIEGO, CALIFORNIA 92101 - (714) 236-5733

February 25, 1981

Representative James J. Florio
U. S. House of Representatives
House Office Building, Room 1726
Washington, D.C. 20515

RE: Retention of the U.S.E.P.A. Administered Local Noise Control Grants
Program and Repeal of U.S.E.P.A. Standards and Regulations

It is my understanding that the U. S. Environmental Protection Agency (EPA)
Office of Noise Abatement and Control (ONAC) has been targeted for major
budget cutbacks. I ask your consideration of the following:

- (1) State and local governments currently receive assistance in self-help for controlling local noise problems through grants administered by the Technical Assistance Branch of the EPA, ONAC. Unlike many Federal efforts, this assistance enables State and local legislators and officials to exchange technical experience and gain competence, and thereby assume greater responsibility for local noise control.

To avoid inconsistent and inequitable regulations among State and local jurisdictions, the grants program -- especially the grant funding for Each City Helps Others (ECHO) project -- should be maintained as Federal involvement in local noise control is diminished.

- (2) EPA standards and regulations preempt local legislation; therefore, these standards and regulations should be repealed if regulatory funding is curtailed. Not to do so, will deny State and local governments the prerogative of controlling the most pervasive community noise problems such as motorcycles, refuse vehicles, railroads and aircraft.

Both of these recommendations are intended to assist State and local agencies with the increased burden of regulatory responsibility in the event that Federal U.S.E.P.A. resources are reduced.

G. W. CURTIS
BUILDING INSPECTION DIRECTOR


JAMES G. DUKE
ADMINISTRATOR
NOISE ABATEMENT AND CONTROL

vvj
cc: Congressman Bill Lowery



**CITY
OF
BOULDER**

DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT

February 27, 1981

John J. Florio, Congressman
United States House of Representatives
Room 1741 Long Worth Building
Washington, D.C. 20515

Re: U.S.E.P.A. Office of Noise Abatement and Control and Reduction of Federal Expenditures

Dear Congressman Florio:

I was involved in a community noise program prior to the existence of the Noise Control Act of 1972. I am with an organization which, from all indications, will be involved in community noise control activity after the demise of the U.S.E.P.A. Noise Control Program unless we take some initiative to save some.

I would truly hope that the very viable and effective parts of the U.S.E.P.A. Noise Control Program, as authorized under the quiet communities act of 1978, could be continued due to the great positive impact they were having at very low cost through assistance to state and local noise control programs.

Quite frankly, Federal regulations we can do without. No provision for real enforcement of these regulations was provided and the burden of compliance was placed, along with hundreds of other regulatory requirements under O.S.H.A., etc. on the manufacturer. It's tough enough these days to make a profit in a business without broad added regulatory burdens being imposed. To this end we need a healthy profitable business climate in the United States if we are to recover as we must.

If it can be accomplished at all, please direct the efforts of your subcommittee to the funding and continuation of such high impact progress making activities in the U.S.E.P.A. Noise Control Program as:

A. The E.C.H.O. (Each Community Helps Others) Community-to-Community Noise Control Assistance Program. This activity has made a significant contribution to the development of those "front line" noise control enforcement programs which achieve the greatest possible positive impact in the area of noise reduction. This is a well run, (by the National League of Cities) low budget, highly effective program which gets its impetus from noise control professionals that "volunteer" their time to aid other communities.

B. The Regional Noise Control Technical Assistance Centers. This program, in effect for just a short while, shows promise of becoming a well coordinated chain of university based technical resource centers to help communities with the myriad of problems which arise in noise control enforcement.

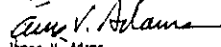
C. Research to define those suspected non-auditory impacts of noise exposure on humans. This would remove from the realm of "guess work" and "assumption" those suspected, but not yet defined, deleterious physiological and psychological problems caused by noise.

D. Aircraft/Airport noise control activity. This effort needs to move ahead more rapidly and I feel that it can do so under the administration of the E.P.A. Office of Noise Abatement and Control.

This activity needs to be expanded to achieve community relief from aircraft activity around the major metropolitan airports as well as addressing the less intense problems around the even greater number of general aviation (non-commercial) airports in the nation.

If there is anything I can do to help you support the continuation of funding for these valuable, effective, and efficient programs, please let me know.

Very truly yours,


James V. Adams
Zoning Inspector

JVA/jta

**National
Environmental
Health
Association**

February 27, 1981

1200 Lincoln St., Suite 704
Denver, CO 80203
Phone (303) 861-9090

The Honorable
James J. Florio
U.S. House of Representatives
Subcommittee Commerce, Transportation,
and Tourism
H 2151
Washington, D.C. 20515

Attn: Mrs. Betty Staples

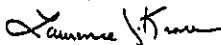
Dear Mr. Florio:

This letter is written on behalf of the 5,500 members of the National Environmental Health Association urging that the Noise Control Section of the Environmental Protection Agency not be eliminated. We realize that severe budget cuts must and will be made; however, we strongly urge that these cuts be limited in depth so that they do not hamper the viable Noise Control Program. In other words, the section should be retained at a level whereby federal and state programs in noise control can continue to operate.

Both federal and state programs are involved in the E.P.A. noise control budget. Moreover, the programs serve a significant environmental health purpose for the consumer, namely, public health education through newspaper advertising about unnecessary and damaging noise levels. Regardless of what is being said about the E.P.A. Noise Control Section, two very important points should be made: the Noise Control Section has significant rapport among state and local professional environmental health practitioners, and noise control and/or abatement is a public health concern. In today's society, U.S. citizens are aware of the dangers of excessive noise levels.

Thank you for your time and deliberation on this matter.

Sincerely,



Lawrence J. Krone, Ph.D., R.S.
Executive Director

LJK/sjh



84



National Association of Neighborhoods
1651 Fuller Street, Northwest
Washington, D.C. 20009
(202) 332-7766

6 March 1981

The Honorable James J. Florio
U.S. House of Representatives
Washington, DC 20515

Dear Representative Florio,

The National Association of Neighborhoods recognizes the importance of quality neighborhood environments which provide safe, healthy and pleasant living spaces for urban residents. An essential ingredient for such a livable neighborhood environment is quiet - the absence of disruptive, damaging noise.

This concern for a reasonable level of quiet in our neighborhoods had led the National Association of Neighborhoods to offer its strong support for the re-authorization of the Noise Control Act of 1972 as amended by the Quiet Communities Act of 1978 and for the necessary budget resources to accomplish the Act's objectives. Specifically, the N.A.N. is endorsing the state, local, and community assistance components of Sec. 14 Quiet Communities, and is urging that these elements be included in the 1982 budget for the Office of Noise Abatement and Control of the Environmental Protection Agency that is now being considered.

I urge you to support the extension of the Quiet Communities Act and the resources and assistance that it has provided to many of our neighborhoods throughout the nation.

Sincerely,

Milton Kotler
Executive Director

enclosures



National Association of Neighborhoods
 1651 Fuller Street, Northwest
 Washington, D.C. 20009
 (202) 332-7766

TESTIMONY SUBMITTED TO THE HOUSE SUBCOMMITTEE ON COMMERCE, TRANSPORTATION
 AND TOURISM ON THE REAUTHORIZATION OF THE NOISE CONTROL ACT OF 1972 AS
 AMENDED BY THE QUIET COMMUNITIES ACT OF 1978

Mr. Chairman and Members of the Subcommittee:

The National Association of Neighborhoods is a unique multi-issue member organization composed of over 1000 block clubs, neighborhood organizations, city-wide neighborhood coalitions and individual citizens. Since 1975, the members of the N.A.N. have united to address specific issues that affect the quality of life in their neighborhoods. During the past several years, a growing number of our members and numerous other neighborhood organizations have begun to grapple with an environmental pollutant that has special significance for urban neighborhoods; that is, unnecessary and unwanted noise.

The National Neighborhood Platform (see attachment) developed by hundreds of neighborhood leaders from across the country, recognizes this problem and the neighborhood response to it when it states that:

"...Noise is a growing health problem which degrades life in our neighborhoods...
 ...A healthy environment is essential to our well-being. We believe that our environment must be protected by strong measures of state, local and neighborhood control.

Noise affects not only the well-being of individual neighbors, but also threatens to damage the overall quality, fabric and vitality of the neighborhood itself. Excess noise can serve to initiate or hasten the decline of a neighborhood thereby making it unattractive for the present neighbors and for the investment of needed resources. The extreme level of noise generated by

industry and jet traffic in the Ironbound neighborhood in Newark, New Jersey is a prime illustration of a neighborhood, at times, literally besieged by noise.

Fortunately, neighborhoods such as Ironbound and other concerned localities and states have not been left on their own to combat the noise that threatens their communities. The Noise Control Act of 1972, supplemented by the support of the Quiet Communities Act of 1978, has provided a framework of assistance for communities as they strive to achieve a reasonable level of quiet. The N.A.N. recognizes the importance and accomplishments of this Act and wholeheartedly supports its reauthorization. In addition, the N.A.N. is prescribing certain changes that are designed to strengthen this Act and increase its effectiveness as we all strive to produce "quiet communities."

The effort "to promote an environment for all Americans free from noise that jeopardizes their health or welfare" was initiated in 1972 with the passage of the Noise Control Act which was primarily concerned with regulation. Six years later, the Act was substantially improved by the addition of the Quiet Communities Act which took a significant step towards promoting "the development of effective state and local noise control programs." The Quiet Communities Act placed a new emphasis on activities at the local level rather than on the promulgation of federal regulations. The Quiet Communities Act underscored our belief - and the belief of many others - that the most successful noise control efforts are those that are debated, selected and implemented at the local level, not in Washington. It demonstrated, for example, that Newark's noise problems are best addressed by the government, business and community interests of Newark. The Quiet Communities Act provided the initial impetus and limited, but significant, resources for these types of actions. The

Act has resulted in grants to states and localities for research and development of their noise control programs, for the production of educational and training materials on noise and its control, and for the provision of needed technical assistance to numerous communities. These projects, supported by the Quiet Communities Act, have spurred considerable progress in the area of community noise control.

This focus on developing community-based solutions to noise problems has led to the increased involvement of neighborhood organizations that are working for quieter, more livable neighborhoods. By utilizing the resources and the philosophy embodied in the Quiet Communities Act, the N.A.N., through its Quiet Neighborhood Self-Help Project (see attachment), has been instrumental in developing cooperative, constructive partnerships between neighborhood organizations and state and local noise control programs. The efforts of the following neighborhood organizations involved in N.A.N.'s national network demonstrate this type of productive action which involves all of the actors necessary for a quiet community.

- In Philadelphia, a concerted effort among elected officials, the Department of Health and several neighborhood organizations is producing better, more enforceable regulations for Philadelphia's Noise and Vibration Control Ordinance. Together, they are choosing the type of noise control program and regulations that will meet the needs of the community.
- The residents of a noisy Newark neighborhood and the neighborhood leaders of the Ironbound Community Health Project are taking a two-

pronged approach to noise control in their neighborhoods. They have successfully negotiated with several industries and a disco in the neighborhood to reach mutually agreeable solutions to several disturbing noise problems. Now, they are working with local and state officials to develop a workable, comprehensive noise control program for Newark. Their hard work is being rewarded by a quieter neighborhood.

From Citizens Against Noise in Hawaii to Project Traffic in Sarasota, neighborhood organizations are conducting noise awareness campaigns to educate themselves, their neighbors, their elected officials, and the business sector to noise problems. In addition, they are often the motivating forces in bringing these various interests together to develop solutions to those problems.

The Quiet Neighborhood Self-Help Project has also begun to involve neighborhood organizations in support of such national noise programs as Buy Quiet - a market approach to quieter products, the Quiet Schools Program and the Sound-proofing/Weatherization Program.

These efforts indicate the present scope and the potential for greater activity as a result of the Quiet Communities Act. It has been our experience that the limited resources provided by the Act have served as an extremely effective catalyst in expanding the scope of state and local involvement in noise control activities. However, in the absence of a continued national commitment to quiet communities, the majority of these state and local efforts will be dismantled. No longer will there be even minimal resources to leverage or support these activities.

Therefore, the N.A.N. is urging that the Noise Control Act of 1972 as amended by the Quiet Communities Act of 1978 be reauthorized in a manner which will further the goal of achieving quiet communities. Specifically, the N.A.N. is recommending that:

- o the regulatory elements of the Act be limited to those areas that clearly require federal initiative; and
- o that Section 14, Quiet Communities, Research, Public Information be preserved and expanded in the interests of developing more effective state, local and neighborhood-based noise control efforts. This should be accomplished primarily by emphasizing four major components:
 - Increased public awareness and education efforts designed to elicit greater involvement and partnership efforts in noise control programs by various sectors (neighborhood, civic, business, etc.) of the public.
 - Increased levels of financial and technical assistance to state and local noise control programs through a variety of sources (EPA grants, ECHO programs, NANCO, Regional Technical Assistance Centers, etc.).
 - Direct assistance and support to increase the capacity and effectiveness of neighborhood and voluntary organizations that are actively involved in partnership efforts with state and local noise control programs.
 - Development and promotion of non-regulatory, market incentive approaches to quieter products and services (Buy Quiet concept).



Quiet Neighborhood Self-Help Project

"Noise is a growing health problem which degrades life in our neighborhoods."

N.A.N. National Neighborhood Platform

One important function of a neighborhood is that ideally it provides a comfortable place for living—for eating, sleeping, working, playing and thinking. Our neighborhoods should be places which allow us to relax with friends, express our diverse cultures and pursue our interests.

Unfortunately, many residents in both urban and suburban neighborhoods are finding that the peace and quiet of their neighborhoods is being threatened and disrupted by increasing amounts of noise which they cannot control. Since 1973, city residents have named noise as the most undesirable aspect of their living environments, surpassing crime, air pollution and traffic congestion. Our environment is so noisy that the U.S. Environmental Protection Agency (EPA) estimates that some 20 million Americans are subjected to noise levels that could permanently damage their hearing, and about 18 million have already suffered some degree of hearing loss due to noise exposure. Truly, the need for control of noise has become critical.

The National Association of Neighborhoods, in responding to this need, is assisting neighbors in their efforts to produce quieter, more livable communities. In cooperation with the Office of Noise Abatement and Control (ONAC) of EPA, N.A.N.'s Quiet Neighborhood Self-Help Project is aiding neighborhood organizations as they combat the noise generated by trucks, airplanes, rowdy bars, overly-amplified stereos, and other activities in our lives which produce unwanted sound.

The Quiet Neighborhood Self-Help Project is being advised by a Task Force. Earlier this year, the Task Force met in Washington, D.C., to lend some guidance to the Project's activities. These Task Force members are representative of community organizations whose encouraging successes have clearly demonstrated that neighborhood organizations can fight noise in a number of ways. Their experiences and recommendations have been very useful in identifying the ability and needs of neighborhood organizations involved in noise reduction activities. Based on their

input, the Quiet Neighborhood Self-Help Project is providing several types of assistance to concerned neighborhoods. Many of these services may be useful to you or your organization:

- a network of neighborhood-based, city-wide, state, and national organizations concerned with noise control
- a Quiet Neighborhoods newsletter containing information about the health effects of noise, identifying helpful resource people, and providing examples of successful noise reduction strategies
- bibliography of books, flyers, and films dealing with noise pollution and control.

The Project is also planning several activities which will involve neighborhood organizations:

- development of a model of neighborhood organizations working with city noise officials and municipal programs to reduce community noise
- city-wide workshops focusing on neighborhood based strategies to reduce noise
- case studies and a Quiet Neighborhood Guide describing how organizations can address their noise problems to produce quieter neighborhoods.

Because of a neighborhood organization's base in the community and its relationships with other neighbors, businesses, and government officials, it can be very successful in proposing or developing noise reduction strategies. A neighborhood organization can identify the problem and bring together those people and organizations who have the resources to create change.

If your neighborhood has a noise problem and you need help, advice, or would like to contact neighborhood organizations with similar problems, get in touch with:

Noisees Help
Quiet Neighborhood Self-Help Project
National Association of Neighborhoods

Quiet Neighborhood Self-Help Project—National Association of Neighborhoods

1631 Fuller Street, N.W., Washington, D.C. 20009 (202) 331-7766

Noise Hurts!

Anyone who has ever been rudely awakened by a rumbling, grinding garbage truck knows that noise can be a real annoyance. However, noise is more than annoying, especially when it is enduring and excessive. It is a significant hazard to people's health. It affects one's social and mental well-being, often causing extreme emotions and anti-social behavior. And when it becomes unbearable, noise can cause economic decline in a neighborhood.

What is Sound?

It is important to have a basic understanding of sound before considering the harmful effects of too much sound. Sound travels through the air in the form of moving pressure disturbances or waves. These pressure waves, which are caused by minute, back-and-forth movements of the air molecules, are formed by the vibration or motion of the sound source. These waves eventually travel to the ear where hearing occurs, or to some other object which vibrates in response to the wave.

Decibels are the units which measure the air pressure disturbance created by these sound waves. One decibel represents the smallest change in sound that can be picked up by the normal ear. It is important to realize that decibels are based on a logarithmic scale, so that a 10-unit rise in decibels reflects a tenfold increase in sound energy and sounds twice as loud.

What is Noise?

When does sound become noise? Although this is a subjective distinction, sound essentially becomes noise when it is unwanted or perceived as dissonant. Authorities differ on the exact points at which noise-induced danger begins, but they do agree that the effects of noise are cumulative over time. EPA, the federal agency mandated with the responsibility of identifying major sources of noise and regulating them, believes that 70 decibels are potentially hazardous. If one is subjected to them year after year. The chart below provides an idea of the intensity of decibels and the related effects.



Health Effects of Noise

Noise can take a tremendous toll on the well being of the human body.

The most obvious effect associated with noise is loss of hearing. The first awareness of noise-induced hearing loss usually begins with inability to hear certain words in general conversation and with difficulty in understanding speech heard on the telephone. As hearing damage continues, it can become quite significant and handicapping. Increased damage can result in the inability to distinguish certain sounds, pain when exposed to a very loud noise, ringing in the ears, and ultimately, emotional anguish when significant hearing impairment results in a sense of isolation.

Noise produces other harmful reactions in the body, such as constriction of blood vessels, changes in blood pressure and increased gastro-intestinal activity. A sudden noise intensifies the body's reactions, causing muscles to tense, eyes to dilate and an increased rate of breathing. These involuntary reactions to noise add to stress and stress-related problems. Stress has been recognized as a contributing factor in ulcers, hypertension, allergies, skin disorders and heart disease.

Mental and Social Effects of Noise

In addition to the demands and dangers that noise inflicts on a person's body, it can also interfere with one's mental health. As noise intrudes into the home, work setting and public areas, it:

- causes annoyances and can transform annoyance into an extreme emotional response
 - aggravates existing emotional disorders
 - disrupts sleep.
- Noise can also hamper one's ability to interact with other people by:
- interfering with conversation and social interaction
 - disrupting concentration, creating distractions, and hampering work efficiency
 - disrupting the education process and possibly hindering the development of language skills in children.

(Continued on page 4)

Common Sounds	Decibel Level (dB)	Effect
Normal conversation	60	
City traffic	70	
Garage door	80	
Blender	85	
Power lawnmower	90	
Jackhammer	100	
Rock concert	110	
Jet airplane	120	
Shaver	130	
Rock concert (close)	140	
Jet airplane (close)	150	
Shaver (close)	160	
Jet airplane (very close)	170	
Shaver (very close)	180	
Jet airplane (extremely close)	190	
Shaver (extremely close)	200	
Jet airplane (extremely close)	210	
Shaver (extremely close)	220	
Jet airplane (extremely close)	230	
Shaver (extremely close)	240	
Jet airplane (extremely close)	250	
Shaver (extremely close)	260	
Jet airplane (extremely close)	270	
Shaver (extremely close)	280	
Jet airplane (extremely close)	290	
Shaver (extremely close)	300	
Jet airplane (extremely close)	310	
Shaver (extremely close)	320	
Jet airplane (extremely close)	330	
Shaver (extremely close)	340	
Jet airplane (extremely close)	350	
Shaver (extremely close)	360	
Jet airplane (extremely close)	370	
Shaver (extremely close)	380	
Jet airplane (extremely close)	390	
Shaver (extremely close)	400	
Jet airplane (extremely close)	410	
Shaver (extremely close)	420	
Jet airplane (extremely close)	430	
Shaver (extremely close)	440	
Jet airplane (extremely close)	450	
Shaver (extremely close)	460	
Jet airplane (extremely close)	470	
Shaver (extremely close)	480	
Jet airplane (extremely close)	490	
Shaver (extremely close)	500	
Jet airplane (extremely close)	510	
Shaver (extremely close)	520	
Jet airplane (extremely close)	530	
Shaver (extremely close)	540	
Jet airplane (extremely close)	550	
Shaver (extremely close)	560	
Jet airplane (extremely close)	570	
Shaver (extremely close)	580	
Jet airplane (extremely close)	590	
Shaver (extremely close)	600	
Jet airplane (extremely close)	610	
Shaver (extremely close)	620	
Jet airplane (extremely close)	630	
Shaver (extremely close)	640	
Jet airplane (extremely close)	650	
Shaver (extremely close)	660	
Jet airplane (extremely close)	670	
Shaver (extremely close)	680	
Jet airplane (extremely close)	690	
Shaver (extremely close)	700	
Jet airplane (extremely close)	710	
Shaver (extremely close)	720	
Jet airplane (extremely close)	730	
Shaver (extremely close)	740	
Jet airplane (extremely close)	750	
Shaver (extremely close)	760	
Jet airplane (extremely close)	770	
Shaver (extremely close)	780	
Jet airplane (extremely close)	790	
Shaver (extremely close)	800	
Jet airplane (extremely close)	810	
Shaver (extremely close)	820	
Jet airplane (extremely close)	830	
Shaver (extremely close)	840	
Jet airplane (extremely close)	850	
Shaver (extremely close)	860	
Jet airplane (extremely close)	870	
Shaver (extremely close)	880	
Jet airplane (extremely close)	890	
Shaver (extremely close)	900	
Jet airplane (extremely close)	910	
Shaver (extremely close)	920	
Jet airplane (extremely close)	930	
Shaver (extremely close)	940	
Jet airplane (extremely close)	950	
Shaver (extremely close)	960	
Jet airplane (extremely close)	970	
Shaver (extremely close)	980	
Jet airplane (extremely close)	990	
Shaver (extremely close)	1000	

Neighborhoods Unite for Quiet

Profiles

Working Together to Fight Noise

When neighbors are forced to stay inside their homes because of screeching brakes, barking dogs and sirens blasting away, they begin to develop solutions which will bring them the peace and quiet they desire. This is definitely the case in Allentown, PA, the first community to participate in EPA's Quiet Communities Program. From July 1976 to June 1977, the police responded to more than 1,600 noise complaints. Various segments of the community, including the police, elected officials and neighbors, recognized the growing problem and were willing to work together to resolve it. The emphasis of the Quiet Communities Program was on total community involvement and action, and Allentown's Community of Neighborhood Organizations played a key role in the process.

With assistance from EPA, the Allentown Office of Environment and various neighborhood leaders cooperated to produce:

- an attitudinal survey which identified noise control needs;
- an effort to educate the community about noise and noise control;
- a noise control ordinance adopted by the City Council in 1979.

The importance of the neighborhood organizations' involvement was best demonstrated by the effort to develop and pass the noise ordinance. When the local press and business community ridiculed and criticized both the Quiet Communities Program and the proposed ordinance as unneeded, harmful to business and an example of federal government bonfire-dogging, the community reacted. They led a grassroots campaign to educate other community members about Allentown's noise problems and the benefits of the ordinance. When the ordinance finally came up for a vote, neighbors rallied in support, wearing their "Quiet City" pins.

The adopted ordinance contains components which are essential for effective control of noise:

- establishment and duties of the Noise Control Officer;
- lower decibel levels for nighttime use of radios, musical instruments and television sets and for certain activities such as construction, loading and unloading cargo, etc.;
- posting of signs warning of possible permanent hearing impairment in places of public entertainment where decibels exceed a specified level;
- establishment of a Hearing Board to resolve differences between the Noise Control Officer and property owners, as it is related to the ordinance.

Please contact the N.A.N. office if you would like a copy of:

- *Noise and Vibration Ordinance, Allentown, PA, 1979*
- *Noise Control Ordinance, EPA and National Institute of Municipal Law Officers, 1976.*

Don't Just Complain, React!

Neighbors in Madison, WI, aggravated by growing aircraft noise from two nearby airports, decided to translate their complaints into positive action. A door-knocking and leafleting campaign led to the organization of a 60 member anti-noise group appropriately titled REACT; Reduced Excessive Aircraft Traffic. Recognizing that they needed information as fuel for their fight, neighborhood leaders obtained technical information from the Federal Aviation Administration (FAA) and examined successful noise reduction programs at other airports. New channels of communication were created between the neighborhoods and airport officials, and REACT worked with FAA in a good spirit of cooperation.

(Continued on page 4)

If your neighborhood is plagued with similar problems—you're not alone. As these profiles demonstrate, many community groups around the country have been aggravated by noisy environments and have led successful struggles against noise generated by traffic, aircraft, machinery and even their neighbors. If you would like more information about these efforts or have your own success story to share, please contact N.A.N.'s Quiet Neighborhood Self-Help Project.

Quiet Neighborhoods



(Continued from page 1)

Economic Decline Produced by Noise

Enduring, excessive noise can be so disruptive to the community that eventually neighbors see only one solution to the problem—moving to a quieter, more peaceful area. Noise can become a blighting influence causing residential abandonment and deterioration of residential and commercial areas. The extreme problems which noise can produce are clearly demonstrated in the case of Inglewood, CA, one of the older major cities in Los Angeles County.

Because of the busy Los Angeles International Airport, the noise level in almost all of the neighborhoods exceeds 65 decibels and exceeds 100 decibels in severely impacted areas. These totally unacceptable noise levels produced, or contributed to, significant economic declines including:

- extremely high unemployment in certain areas
- redlining by the financial community
- lower land and housing values
- high levels of residential turnover and abandonment
- declaration that half of the city was ineligible for many housing and construction grants.

For information concerning sound, noise, and its harmful effects, contact the N.A.N. office for copies of the following materials and additional references:

About Sound, EPA, ONAC, May 1976.
Noise: A Health Problem, EPA, ONAC, August 1977.



"Noise is not the price of progress.
 Noise is not the inevitable by-product of technology.
 Noise is the price you and I pay for greed and insensitivity, and our own indifference.
 A quieter world is possible if... we don't take noise for an answer."
 From THE TYRANNY OF NOISE Copyright © 1976 by Robert A. Lee. Reprinted by permission of Harper & Row, Publishers, Inc., New York, N.Y.

National Association of Neighborhoods
 1651 Falley St., N.W.
 Washington, D.C. 20009

(Continued from page 1)

Their negotiations and patience have paid off. After a struggle with the County Airport Commission, a Noise Abatement Committee was established to make recommendations which would affect operations at the commercial airport. Three of the nine people appointed to the Committee were also REACT members and residents of neighborhoods severely affected by planes using the airport. Their continued efforts and proposals resulted in the Committee's recent recommendation for an informal "preferred runway use" plan. A preferred runway use plan reduces air traffic over densely populated areas by diverting it over more compatible, less-settled areas.

When the Air National Guard announced plans to switch from propeller to jet aircraft at its airport, REACT members met with officials to develop a noise abatement policy. The adopted policy contains instructions for pilots to:

- use alternate take-off routes to reduce the impact on any single area
- remain at high altitudes longer before negotiating a landing over populated areas in good weather
- land and take off towards less-populated areas whenever possible.

The success from the Air National Guard's policy has been clearly evident. REACT estimates that this plan has reduced the amount of Guard aircraft noise over homes by an amazing 80%.

Please contact the N.A.N. office if you would like a copy of:

- *Air National Guard Flying Procedures Negotiated with REACT*
- *Airport Noise Abatement Planning, EPA, June 1977.*

Non-Profit
 U.S. Postage
 PAID
 Permit No. 48882
 Washington, D.C.

UNIVERSITY OF CALIFORNIA, LOS ANGELES

UCLA

BERKELEY · DAVIS · IRVINE · LOS ANGELES · RIVERSIDE · SAN DIEGO · SAN FRANCISCO



SANTA BARBARA · SANTA CRUZ

SCHOOL OF ARCHITECTURE AND URBAN PLANNING
LOS ANGELES, CALIFORNIA 90024

March 12, 1981

Congressman James Florio, Chairman
Sub-Committee on Transportation and Commerce
Inter-State and Foreign Commerce Committee
1726 Longworth Office Building
Washington, D.C. 20515

Dear Congressman Florio:

We have heard that the Office of Noise Abatement and Control within the U.S. Environmental Protection Agency is being phased out during the next two years. We would like to register our protest at this, hoping that such a drastic action will not be taken. Noise is a major urban problem today, affecting millions and millions of Americans. Surveys repeatedly show that noise is one of the most discomforting irritants of urban life. As many people complain about noise, for example, as complain about crime. Noise affects the physical and psychological health of urban residents, adding to the tension and anxiety of urban life. It also affects people in all types of urban areas, not only the large metropolises but small cities as well. The Office of Noise Abatement and Control has been in the forefront of actions designed to curtail the excessive noise levels that urban residents have to experience. They have sponsored research, initiated public awareness campaigns, and provided state and local authorities with a wide range of technical tools designed to abate excessive noise levels. Thanks to their efforts, people no longer feel helpless in the face of increasing noise levels but are starting to become aware that noise, like other urban problems, can be dealt with.

We feel that it is completely unacceptable to close down this important program. We can understand the need to cut specific projects, given the necessity for budgetary constraint. But to eliminate an entire agency that deals with an important human problem would be a tragedy. Consequently, we hope that you will do everything in your power to block the elimination of this office in order to save an important program aimed at improving life in our cities.

Sincerely,

Faculty Members of the Department of Urban Planning
University of California at Los Angeles

Bill Myers
Edward Egan
Dolores Hayden
Robert Forman
Richard Williamson

Michael D. Bradley
Maryann Hoffman
Martin Wachs
Roberto Estrada
John S. Lippert
John Hill-nott

ASSOCIATION OF
AMERICAN RAILROADS
AMERICAN RAILROADS BUILDING • WASHINGTON, D. C. 20038

WILLIAM H. DEMPSEY
President and CNA Executive Officer

April 6, 1981

The Honorable James J. Florio, Chairman
Subcommittee on Commerce, Transportation
and Tourism
Committee on Energy and Commerce
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

The Association of American Railroads has been invited by your Subcommittee to comment on a proposal to repeal most of the substantive provisions of the Noise Control Act of 1972 (42 U.S.C. §4901 et seq.) including Section 17 of that Act (42 U.S.C. §4916) which provides for Federal regulation of railroad noise and for preemption of independent state and local regulation. In our judgment, the reasons prompting the enactment of Section 17 of the Noise Control Act in 1972 -- the avoidance of undue burdens on interstate commerce -- are as valid today as they were in 1972.

The interstate railroad system is an integrated, unified whole. It consists of interdependent closely fitted parts that include railroad locomotives and rolling stock that move in line-haul service, stations, yards, terminals, shops, signal and communication systems, employees, and the land on which rights-of-way and tracks are located. The effective performance of interstate rail transportation requires that all of these parts function as a system. That is why Federal or other industry-wide standards exist for virtually every piece of rail equipment and every facet of rail operation. Noise standards impact the economy and efficiency of rail operations fully as much as these other industry-wide standards and, like those standards, should be applied only on a uniform basis.

At repair facilities, for example, normally located within yards and terminals, the essential repair and maintenance of cars and locomotives take place. Without such maintenance and repairs, the line-haul movement of trains would be impossible. Yards and terminals may vary in size, shape, and special characteristics, but they invariably are areas where rail cars are assembled into trains prior to line-haul movement and where incoming trains are broken up for the purpose of delivering individual cars to their proper destinations. Line-haul movements occur within and through yards. The work done in yards and terminals is an inseparable part of the process

of moving freight. Without that work, the system would stop functioning.

Retarders are mechanisms in yards that are essential to the making up of trains and without which yards and terminals would be crippled. The other noises propagated in rail yards, such as the sounds of idling locomotives, the noise of coupling impacts from the switching of cars, and the sounds from standing mechanical refrigerator cars, are all engendered by activities that are essential to the production of interstate transportation service. Without the activity, the trains would not move.

The need for Federal preemption of state and local noise regulations was explained in the Report of the Senate Committee on Public Works, the only legislative Committee Report discussing these provisions (S. Rep. No. 1160, 92nd Cong., 1st Sess., reprinted in 1972 U.S. Code Cong. & Ad. News 4655). The Committee found that this section was needed to avoid the burdens that would be imposed on railroads by noise regulations that differed from one state or locality to another. In floor debate, the manager of the bill clearly enunciated the need for uniform Federal regulation and preemption of state and local regulation:

Without some degree of uniformity, provided by Federal regulations of country-wide applicability which will by statute preempt and supersede any different State and local regulations or standards, there would be great confusion and chaos. Carriers, if there were not Federal preemption, would be subject to a great variety of differing and perhaps inconsistent standards and requirements from place to place. This would be excessively burdensome and would not be in the public interest.
(118 Cong. Rec. 35881 (1972)).

In *Association of American Railroads v. Costle*, 562 F. 2d 1310 (D.C. Cir. 1977), the Association of American Railroads brought an action against the United States Environmental Protection Agency (EPA) on the ground that Section 17 of the Act requires EPA to issue regulations resulting in the preemption of any state or local regulation of railroad noise (with the exception of state and local regulations approved by EPA under Section 17(c)(2)). In agreeing with the railroad position, the United States Court of Appeals for the District of Columbia Circuit discussed the need for uniform regulations governing railroad noise. The Court noted that uniform regulations were needed not only for noise sources that moved from one jurisdiction to another, *i.e.*, locomotives and rail cars,

but also for rail yards and other facilities.

[Although a physical source of noise--for instance, a particular yard or terminal ("facilities") --may be permanently located in only one jurisdiction, the railroad itself... as distinguished from the single yard, will be subject to conflicting or differing noise regulations of the jurisdictions in which all of the various yards are located. (Association of American Railroads, supra, at 1318).

The three Federal agencies with the most experience in railroad matters -- the Interstate Commerce Commission, the Department of Transportation, and the Department of Commerce -- supported the industry's position that uniform noise regulations governing rail yard facilities are essential (see the Record Appendix filed with the Court in Association of American Railroads, supra, pp. 189, 210, 214-216).

The fear that state and local governments would, absent Federal preemption, promulgate unreasonably burdensome noise regulations is not unfounded. The results of an informal Association of American Railroads survey conducted in late 1973 indicated that twenty-four states had enacted or were considering noise control statutes, and in fourteen states, cities and counties had the power to regulate noise. The survey also showed that thirty-one localities had general noise ordinances. According to a 1980 survey, more than thirty states and localities have attempted to impose more restrictive standards on the railroads but were unsuccessful because of preemption, and many others have indicated that they will promulgate noise regulations governing railroads if Section 17 is repealed.

Even with Section 17 in effect, state and local jurisdictions have not hesitated to enact noise regulations that would severely burden interstate commerce. Rule 209 of the Illinois Pollution Control Board, adopted on July 26, 1973, imposed a restriction on coupler noise. Coupler noise occurs when rail cars are joined together to make a train. Coupling is, of course, an essential part of railroad operations. The Federal Safety Appliance Act, 45 U.S.C. §51 et seq., prescribes the type of couplers Federally regulated railroads use, and coupler design is also subject to Federal regulation (49 C.F.R. §§231.1 et seq.). The Illinois Board's coupler noise restriction gave the railroads three years to develop adequate noise control techniques even though there was no evidence of any available technology for reducing coupler noise. Furthermore, the potential cost of retrofitting every rail car and locomotive in the country in order to meet the requirements of Rule

209 was apparently ignored. With promulgation of the Federal standard in 1980, the Illinois effort was nullified.

State and local governments often enact regulations requiring a reduction in railroad noise during the night. By necessity railroads are around-the-clock operations. For example, railroads must be able to place cars on the appropriate tracks or sidings at night in order to meet the requirements of perishable markets, as well as other scheduling requirements. Yet in March 1972, the Public Utilities Commission of the State of California ordered the Atchison, Topeka and Santa Fe Railway Company to refrain from using switch engines between the hours of 10 p.m. and 7 a.m. on certain sidings in Tustin, California (Investigation on the Commission's Own Motion..., Calif. P.U.C. Case No. 9219, Decision No. 79851, March 28, 1972). The Court in People of the State of Illinois v. Chicago & Eastern Illinois R.R., Cook County Cir. Ct. No. 75 CH 2444 (1975), actually entered an injunction forbidding the railroad from operating rail yards during certain hours on Sundays (the injunction was reversed by the Appellate Court of Illinois, First Judicial District, No. 62164). Other communities, in addition to seeking bans on railroad activities during certain hours, have attempted to impose unreasonable maximum decibel levels on railroads or have sought to ban "annoying" railroad noise.

Significantly, the curtailment of railroad operations at one location would have a reverberating effect on other rail facilities. A computer simulation conducted by the Southern Railway System demonstrated that total curtailment of nighttime classification on merely one pivotal freight yard facility would not only cripple that yard's productivity within three days but would also seriously affect system-wide operations to the point that total shutdown would ultimately occur.

During the course of the past six years, the Environmental Protection Agency has promulgated noise standards applicable to locomotives, rail cars, car retarders, car impacts, locomotive load-cell test stands, and switch locomotives. A rulemaking proceeding initiated by the Agency is now pending in which it is hoped the final step in developing railroad noise standards will be accomplished. The final rule is due to be published May 26, 1981. It would cause severe hardship to now undo all of the progress which has been made in the effort to develop uniform national standards for a truly national industry whose operations are integrated in a vast, interconnected rail network.

Retention of Section 17 would result in a minimal expenditure of Federal funds and would not require that the

Office of Noise Abatement and Control be continued. By the beginning of June, the regulatory program governing railroad noise emissions will be in place and that Office's basic mission with respect to railroad noise will have been accomplished. Section 17 gives the Federal Railroad Administration, not EPA, the authority to enforce these regulations. The only other governmental action required under Section 17 is the determination by EPA as to whether a state or local noise emission regulation is necessitated by a special local condition pursuant to Section 17(c)(2). The statute requires that EPA, (not specifically the Office of Noise Abatement and Control) determine whether special local conditions exist, and another division of EPA such as its Office of General Counsel could easily make those decisions. Furthermore, Section 17(c)(2) is only supposed to be applied to a small number of unique situations. As a result, few resources would have to be devoted to Section 17(c)(2) determinations.

The reasons behind the enactment of Section 17 of the Noise Control Act are still valid today. The railroad industry's unique operations require uniform noise regulations. In considering any proposal to reorient the Federal noise control program, the AAR urges that Congress recognize the special requirements of the railroad industry and retain Section 17. Given the imminent completion of the Federal regulatory scheme for controlling railroad noise, there is no need for any substantial funding of the Office of Noise Abatement and Control in the short run. Certainly, there is time to develop and consider alternative means of achieving Federal objectives with respect to the control of railroad noise. If, ultimately, the repeal of Section 17 is deemed to be in order, the public interest in effective noise control will not have suffered in the interim as a result of the delay in repealing Section 17.

Respectfully yours,

W. H. Langray

cc: Members of the Committee on Energy and Commerce



6-008749805N 02/23/61 1CB 144422 COP 14840
201202100 NUN 10M1 PARANAS NJ 07 02422 1021A EST

HONORABLE JAMES J. FLORIO
HOUSE SUBCOMMITTEE ON COMMENCE TRANSPORTATION
AND TOURISM ROOM 404191 INDOOR ANNEX 2
WASHINGTON DC 20515

DEAR MR FLORIO

THIS IS TO ADVISE YOU THAT A REPRESENTATIVE OF THE NEW JERSEY
DEPARTMENT OF ENVIRONMENT PROTECTION, OFFICE OF NOISE CONTROL, HAS
MET WITH THE BERGEN COUNTY HEALTH OFFICERS SOCIETY TO FORM A NETWORK
OF INDIVIDUALS IN THIS COUNTY TO DEVELOP SPECIAL SKILLS IN NOISE
CONTROL. OUR MEMBERSHIP REQUESTS THAT FUNDING BE CONTINUED FOR THIS
IMPORTANT PUBLIC HEALTH PROGRAM, REQUEST READING OF THIS MESSAGE INTO
THE SUBCOMMITTEE TESTIMONY.
JOHN HEDDER PRESIDENT BERGEN COUNTY HEALTH OFFICERS SOCIETY

{1222 5g}

NDPCONF POP

101



4-0142078014 04/23/81 108 10PM122 COP NOMB
2010000001 MUM 10N1 PARAMUS NJ 01 02+23 1122A EST

REPRESENTATIVE JAMES J. FLORIO
HOUSE SUBCOMMITTEE ON COMMERCIAL TRANSPORTATION
AND TOWNSHIP GROUP NO. 151 POLICE ANNEX 2
WASHINGTON DC 20515

MELINDA STANISZEWSKA OF THE INDIAN JERSEY SOUND PROGRAM HAS RECENTLY
INTRODUCED A NEW COUNTY WIDE APPROACH TO SERVICE HOUSE CONTROL
PROCEDURES IN BERGEN COUNTY. HE STRONGLY ENDORSES THE CONTINUATION OF
LOCAL NOISE CONTROL ASSISTANCE. PLEASE READ THIS INFO THE TESTIMONY
SCHEDULED FOR FEBRUARY 24, 1981
MICHAEL J. GUARINO DIRECTOR BERGEN COUNTY DEPT OF HEALTH SERVICES
327 EAST RIDGEWOOD AVE PARAMUS NJ 07652

1142Z EST
NR0000P PUP

UNIV OF VIRGINIA HEALTH MEDICAL
DEPT OF OTOLOGY
CHARLOTTESVILLE VA 22904



Mailgram



#024713809 02/03/81 108 100022 00P WENN
0000240003 MUM [0M] CHARLOTTESVILLE VA 242 00-23 0307P 00T

HONORABLE JAMES J. MURKIN
CHAIRMAN, SUBCOMMITTEE ON
TRANSPORTATION AND COMMERCE
HOUSE OF REPRESENTATIVES
1726 LUNENBERG OFFICE BLDG
WASHINGTON, DC 20515

DEAR MR. MURKIN, IT IS MY UNDERSTANDING THAT YOUR SUBCOMMITTEE IS
REVIEWING PROPOSED BUDGET CUTS AND PARTICULARLY THE EXECUTIVE
DECISION TO ELIMINATE THE OFFICE OF NOISE ABATEMENT AND CONTROL OF
THE ENVIRONMENTAL PROTECTION AGENCY.

THE AMERICAN COUNCIL OF OTOLARYNGOLOGY - HEAD AND NECK SURGERY, WHICH
REPRESENTS APPROXIMATELY 4,000 PHYSICIANS WHO DEAL WITH THE EFFECTS
OF NOISE ON MAN, URGE YOU TO CAREFULLY CONSIDER THIS ITEM. WE
RECOGNIZE THAT IN ANY BUDGET, NOISE CONTROL DOES NOT HAVE A HIGH
PRIORITY BUT THIS COULD BE BECAUSE ALL OF THE EFFECTS OF NOISE ARE
NOT WELL DOCUMENTED. IT IS KNOWN THAT PROLONGED, INTENSE NOISE CAN
RESULT IN HEARING LOSS; THAT NOISE TRUCK CARS RESULT IN GREATER
FATIGUE FOR DRIVERS THAN QUIET CARS; AND THERE IS A GROWING BODY
OF SCIENTIFIC KNOWLEDGE THAT NOISE CAN RESULT IN ELEVATED BLOOD
PRESSURE AND HEART RATE AND CAUSE ALTERATIONS IN BODY CHEMISTRY, IN
PARTICULAR ELEVATE THE CHOLESTEROL LEVEL.

MUCH OF THIS INFORMATION HAS BEEN STIMULATED BY RESEARCH GRANTS FROM
THE OFFICE OF NOISE ABATEMENT AND CONTROL, AND THE AID THEY HAVE
GIVEN TO AMERICAN CITIES IN HELPING CRAFT NOISE CONTROL REGULATIONS
HAS BEEN APPRECIABLE.

WE, THE AMERICAN COUNCIL OF OTOLARYNGOLOGY - HEAD AND NECK SURGERY,
URGE YOU TO CONTINUE FUNDING THE OFFICE OF NOISE ABATEMENT AND
CONTROL. SINCERELY,
ROBERT W. CARRELL, MD, CHAIRMAN
MEDICAL ASPECTS OF NOISE CONTROL, ACO

13100 EST

MGPCMP.PDP

103

1-010637C056 02/19/61 ICR ZPPHAMB NEM PCPT
10310 (RELAY) NEWORLEANS LA 03 02-25
260P EDT 10/56 83T



Telegram

1-020500A050 01103 1500P
MR JAMES J FLORIO,
U.S. HOUSE OF REPS
CAPITOL HILL DC

THE CITY OF NEW ORLEANS HAS PARTICIPATED IN VARIOUS
PROGRAMS SPONSORED BY EPA'S OFFICE OF NOISE ABATEMENT AND
CONTROL THAT HAVE AIDED US IN OUR NOISE CONTROL EFFORTS.
WE BELIEVE THE TECHNICAL AND FINANCIAL ASSISTANCE
PROGRAMS TO LOCAL GOVERNMENTS, THE QUIET SLEEP
PROGRAM, AND THE QUIET SCHOOL PROGRAM'S EFFORTS IN IMPROVING
THE SCHOOL ENVIRONMENT THROUGH NOISE CONTROL EDUCATION AND
PROJECTS ARE INVALUABLE TO LOCAL COMMUNITIES.
WE, THEREFORE, STRONGLY SUPPORT REAUTHORIZATION OF
THE NOISE CONTROL ACT AS AMENDED BY THE QUIET COMMUNITIES ACT
ERNEST N MURRAY MAYER

1510P 83T

ZPPHAMB NEM

[Whereupon, at 11:05 a.m., the hearing was adjourned.]

○

N-96-01
A-II-505

Calendar No. 141

98TH CONGRESS } SENATE { REPORT
1st Session } { No. 98-86

EXTENDING THE NOISE CONTROL ACT

Mar 16, 1983.—Ordered to be printed

Mr. DURENBERGER, from the Committee on Environment and Public Works, submitted the following

REPORT

(To accompany S. 1280)

The Committee on Environment and Public Works, reports an original bill (S. 1280), to extend the Noise Control Act of 1972 and recommends that the bill do pass.

GENERAL STATEMENT

The Congress enacted the Noise Control Act in 1972, authorizing the Federal Government to establish and enforce noise emission standards for products generally and railroads and motor carriers in particular. Until this enactment, noise control was within the virtually exclusive province of State and local governments.

In 1974 noise emission regulations were issued for interstate motor carriers. Regulations for new medium and heavy trucks were issued in 1976 and for newly manufactured garbage trucks in 1979. Standards for new motorcycles were issued in December 1980, to be phased in over a 3 to 5 year period. As of January 1981, however, the only emissions standards actually in effect were those which had been issued in 1974, and those essentially incorporated then-current emissions levels rather than mandating actual reductions.

Although the Federal law was intended to complement State and local regulation, a 1977 decision held the act to be preemptive. In *American Association of Railroads v. Costle* (562 F. 2d 1310), the court construed the Noise Control Act as embodying a congressional intention to preempt State and local regulation of railroad noise. Although the case was restricted on its facts only to railroad noise regulation, the language of the decision seemed to make it clear that the same rule would apply in other areas as well (e.g., cars, trucks, motorcycles, air-conditioners, jackhammers, etc.). Thus, the decision

had the effect of chilling all State and local regulation of noise emissions.

The reach of the court's decision was made clear in 1978 when the city of Dover, Del., sought to pass an ordinance regulating the manner in which rail cars were switched during the early morning. The city council decision was prompted by numerous complaints from neighborhood residents that switching was taking place as early as 3 a.m.

In the absence of the *AAR v. Cootle* decision construing the Noise Control Act as preemptive, the city's ordinances have been a legitimate exercise of the State's police powers. But a Federal district court held the city's authority had been preempted by the Noise Control Act and was therefore illegal. Thus, those seeking protection from noise were left with only one protector; namely, the Federal Government.

In early 1981, sentiment began building in the Congress and the public for reductions in Federal spending. One area targeted by the administration as appropriate was the Noise Control Act. In the budget justification submitted by the new administration, its policy toward noise regulation was explained as follows:

In 1982 we are revising our policy with respect to the Federal effort to reduce noise exposure. We plan to phase out the EPA noise control program by the end of 1982. This decision results from our determination that the benefits of noise control are highly localized and that the function of noise control can be adequately carried out at the State and local level without the presence of a Federal program.

In both 1981 and 1982, activities are being structured to achieve a prompt but orderly phase-out of current program activities. This will be done in such a way so as to transfer the knowledge and experience EPA has gained to the State and local programs. This orderly phase-out of present activities is essential if we are to facilitate an effective assumption of noise control responsibilities by State and local noise programs.

The Committee on Environment and Public Works concurred in this position and approved the requested savings in the Noise Control Act's implementation. To free the hands of State and local governments to assume the responsibility being abandoned by the Federal Government, however, the committee also agreed to seek a repeal of the decision in *AAR v. Cootle*, the Noise Control Act, or both.

Pursuant to the commitment, the committee reported and, in July 1981, the Senate approved, a bill to amend the Noise Control Act. The committee's proposal was vigorously resisted by an array of interest groups who sought to maintain the existing law with its preemptive effects. Those who expressed opposition to the proposal included manufacturers of motorcycles, light and heavy duty vehicles, and air-conditioners as well as the railroads.

Since the initial budget decisions of 1981, the regulatory program under the Noise Control Act has been eliminated. However, neither

the *AAR v. Castle* decision nor the Noise Control Act have been repealed.

The committee remains committed to partial or complete repeal of either the *AAR v. Castle* decision or the Noise Control Act. However, it is committed to an overriding obligation to assure that a program to regulate noise exists at least at one level of government. To preserve that option, the committee has reported a bill to authorize \$10 million for the revival of the regulatory program established under the Noise Control Act.

HEARINGS

No hearings have been held on this bill. The committee may hold hearings this year to explore the need for additional substantive amendments.

ROLLECALL VOTES

No rollecall votes were taken during consideration of this bill. The bill was ordered reported on May 10, 1983, by unanimous voice vote.

EVALUATION OF REGULATORY IMPACT

In compliance with section 11(b)(1) of the rule XXVI of the Standing Rules of the Senate, the committee makes the following evaluation of the regulatory impact of the reported bill.

The bill does not authorize any new regulatory programs. It does, however, restore funding for the development and enforcement of noise emission standards and other controls under the Noise Control Act. Thus, to the extent that funds are appropriated, the bill will have an as yet unquantified regulatory impact.

COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Control Act requires each report to contain a statement of the cost of the reported bill prepared by the Congressional Budget Office. That statement follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., May 11, 1983.

HON ROBERT T. STAFFORD,
Chairman, Committee on Environment and Public Works, U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for the Noise Control Act Reauthorization of 1983.

Should the committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

ALICE M. RIVLIN,
Director.

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

MAY 11, 1983.

1. Bill number : Not yet assigned.
2. Bill title : Noise Control Act Reauthorization of 1983.
3. Bill status : As ordered reported by the Senate Committee on Environment and Public Works, May 10, 1983.
4. Bill purpose : The bill authorizes the appropriation of \$10 million for fiscal year 1984 to carry out the provisions of the Noise Control Act of 1972. No funds were requested for 1984 by the President, and no funds have been appropriated to date for 1983.
5. Estimated cost to the Federal Government :

Authorization level:		Millions
Fiscal year:		
1984	-----	\$10.0
1985	-----	
1986	-----	
1987	-----	
1988	-----	
Estimated outlays:		
Fiscal year:		
1984	-----	7.5
1985	-----	2.0
1986	-----	.5
1987	-----	
1988	-----	

The costs of this bill fall within budget function 300.

Basis of estimate: The authorization level is that stated in the bill. For purposes of this estimate, it was assumed that the full amount authorized will be appropriated prior to the start of fiscal year 1984. Outlays were estimated based on previous spending patterns for this program.

6. Estimated cost to State and local governments : None.
7. Estimate comparison : None.
8. Previous CBO estimate : None.
9. Estimate prepared by : Anne E. Hoffman (226-2860).
10. Estimate approved by :

C. G. NUCKOLS
(For James L. Blum,
Assistant Director for Budget Analysis).

CHANGES IN EXISTING LAW

In the opinion of the committee, it is necessary to dispense with the requirement of section 12 of rule XXVI of the Standing Rules of the Senate in order to expedite the business of the Senate.