ENVIRONMENTAL PROTECTION AGENCY

FR Part 205
IL 1931-21

Noise Emission Standards: Medium and Heavy Trucks—Truck-Mounted Solid Waste Compactors

ACTING ENVIRONMENTAL PROTECTION AGENCY (EPA).

ACTION: Deferral of effective date: Final rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA) hereby defers the effective date for the noise emission standard of 60 decibels (db) for medium and heavy trucks from January 1, 1983 to January 1, 1984. This action is being taken in response to a number of comments and new technical information that were received by the Agency in response to a Federal Register notice on January 27, 1981 (46 FR 6497) which defered the effective date for the 78 db standard. The Agency is also deferring the effective date for the 78 db standard to January 1, 1984. All truck-mounted solid waste compactors manufactured after January 1, 1980 must not emit a noise level (A-weighted) in excess of 60 db when measured as prescribed in 40 CFR Part 205, Subpart B, Noise Emission Standards for Medium and Heavy Trucks (41 FR 15331).

All truck-mounted solid waste compactors manufactured after January 1, 1980 must not emit a noise level (A-weighted) in excess of 78 db when measured as prescribed in 40 CFR Part 205, Subpart B, Noise Emission Standards for Medium and Heavy Trucks (41 FR 15331).

These amendments take effect on or before March 19, 1983.

ADDRESS: Copies of the public docket (ONCA Dockets 1084—Medium and Heavy Trucks); the Agency's analysis of the comments to the document in the Agency report entitled, "Updated Analysis of the Benefits and Cost of the 60 db Noise Emission Regulation for Medium and Heavy Trucks", included in this Notice, correspondence and other documents supporting these amendments are available for public inspection between the hours of 8:00 a.m. and 4:00 p.m. at the Central Docket Section of the Environmental Protection Agency, West Tower, 4th Floor, 401 M Street, S.W., Washington, D.C. 20460. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

FURTHER INFORMATION CONTACT: Timothy M. Berry, Program Manager, Standards and Regulations Division, (ANR-490), U.S. Environmental Protection Agency, Washington, D.C. 20460, or phone (202) 557-D710.

SUPPLEMENTARY INFORMATION:

1. Background

EPA published a noise emission regulation for medium and heavy trucks on April 13, 1978 (41 FR 15532). The regulations required that trucks having a gross vehicle weight rating (GVWR) greater than 10,000 pounds and manufactured after January 1, 1978 meet a maximum noise level of 85 db when measured in accordance with the specified test procedure. Trucks manufactured after January 1, 1980 were required to meet a maximum noise level of 80 db.

In response to petitions for reconsideration of the 80 db standard which were submitted by International Harvester Company and Mack Trucks Incorporation, the Agency on January 19, 1981 (published in the Federal Register on January 27, 1981 (46 FR 6497)) deferred the effective date for the 80 db noise emission standard for medium and heavy trucks one year, from January 1, 1981 to January 1, 1982. The Agency further stated that because the 78 db noise emission standard for truck-mounted solid waste compactors is related to the availability of 60 db truck chassis, the effective date for the 78 db standard was also being deferred one year, from July 1, 1982 to July 1, 1983.

The Agency believed that this action would provide adequate temporary economic relief to the truck manufacturing industry by freeing resources that would otherwise be expended in 1981 to bring their medium and heavy trucks into compliance with the 1982, 80 db regulation.

The Agency anticipated some parties affected by the 80 db standard might consider the one-year deferral either too long or too short. To ensure maximum consideration of both industry and public concerns, the deferral notice also established a 30-day public comment period and specifically invited comment and new information on whether a further deferral of the 80 db standard, beyond one year, might be warranted. On March 19, 1981, the Agency issued a second Federal Register notice (46 FR 17783) that requested public comment on whether or not the Agency should consider withdrawing the 80 db standard for medium and heavy trucks. The public docket (ONCA Dockets 11-05—Medium and Heavy Trucks) for both notices closed on April 24, 1981.

IL Discussion

Analysis of the comments and new technical and cost information received in response to the Agency's January 19, 1981 and March 19, 1981 Federal Register notices revealed no new substantive issues from those previously addressed in the January 27, 1981 Federal Register notice (46 FR 6497) that either extend or limit the one-year deferral. The Agency's analysis and responses to these
A joint letter submitted to EPA by truck manufacturers requested that the 60 dB standard or at least the standard be revised to provide an opportunity to fully re-evaluate its benefits and costs. The truck industry, however, supported retention of the present Federal 55 dB noise standard, citing its environmental benefits and the reapportionment it affords truck manufacturers over non-identical State and local rules.

On the other hand, comments received from six State and three local governments requested the Agency to withdraw the 60 dB standard. One cited the potential adverse economic effects on its noise barrier program should the 60 dB rule be rescinded. A State recommended that if the Agency decides to withdraw the 60 dB standard, it should delay the truck regulation in its entirety, thus eliminating the present dB standard along with its application to State and local rules, leaving the control of these products totally to State and local governments.

Seven truck manufacturers submitted a cost and pricing data that reflect the current assessment of possible sales to meet the 60 dB standard.

In addition, EPA also issued comprehensive guidance on maintenance and compliance costs associated with the 60 dB standard. The revised costs reflect the average annual rating costs for approximately 0.27% or about 25 per truck per year.

Revised cost and pricing estimation that the Agency provided to the industry as a basis for its decision. The Agency revealed a reduction in initial compliance costs compared to recent estimates. However, the Noise Control Act of 1972 requires the Administrator to take into consideration the costs of the noise standard. Based on the estimated cost data, EPA has identified a near-term capital outlay of approximately $5 million for the required truck manufacturers to comply with the 60 dB standard.

In light of the present economic state of the industry, this diversion of resources could impose an economic burden on the truck industry during a time when the industry is focusing its attention on recovery and re-evaluating its markets.

Further, several manufacturers requested that the Administrator resolve the effective date of the 55 dB standard. These manufacturers stated that coordination of the effective date for the noise and anticipated future air standards would allow truck manufacturers to effect designs that would meet the needs of both standards at the same time, thus resulting in potentially significant reductions in design and engineering costs.

The Agency has given careful consideration to the concerns of State and local governments who believe that the established deferrals of the effective date for the 60 dB standard would deprive their citizens of the protection they had anticipated through the adoption of complementary regulations which contain the initial 1962-80 dB Federal standard. Based on their current assessment of the 60 dB standard, the Administrator has also given consideration to the fact that the Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978, is currently undergoing revision by the Congress. Consequently, the future of the Federal noise regulatory program and the medium and heavy truck noise emission regulation, in particular, is uncertain.

HL Conclusion

The Administrator has concluded that the one-year deferral of the 60 dB medium and heavy truck noise emission standard that was issued on January 29, 1971, will not provide adequate time to the truck industry to effect a reasonable level of economic recovery, or to integrate, in a cost-effective manner, further noise reduction requirements with new air quality and fuel economy regulations and engineering. Therefore, the Administrator is deferring for an additional three years, the effective date of this standard, from January 1, 1983, to January 1, 1986.

Based on comments and information received by the Agency, and the length of this deferral, the Administrator believes it unnecessary to decide at this time whether the 60 dB noise emission standard should be withdrawn. This action is expected to save truck manufacturers up to $10 million in interest charges or opportunity costs as a result of deferring inventory and capital equipment investments of approximately $40 million. This deferral should also result in an improved near-term cash flow position for manufacturers.

For truck users, EPA estimates a potential near-term savings of approximately $374 million since users will not incur the increased purchase price and operating costs associated with the 60 dB standard for an additional three years.

In summary, this additional three-year deferral is expected to prevent several near-term effects: Ensure that the trucking industry and the public will not incur noise regulatory costs that may become unnecessary as a result of Congressional revisions to the Act; provide cost-reduction relief and a significant cost savings to both truck manufacturers and purchasers as a result of deferred investments and avoided increased costs; provide the industry with time to align, and thus economize, the design requirements of the 60 dB standard with the 80 dB standard, Federal air emissions requirements anticipated in the 1986 timeframe, and customer demands for improved fuel economy; and introduce a small loss of anticipated near-term health and welfare benefits due to the delayed entry of vehicles qualified below the current 80 dB Federal standards into the fleet.

Because the 70 dB noise emission standard for truck-mounted solid waste compactors is dependent, in large part, on the availability of truck chassis that meet the 60 dB standard, the Agency is also deferring, for an additional three years, the effective date of the 70 dB noise emission standard from July 1, 1983, to July 1, 1986.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This deferral of the effective date for the 80 dB standard is intended to provide regulatory relief. Consequently, it is not judged "major" because...
(1) The deferral will not have an annual adverse effect on the economy of $100 million or more.

(2) It will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and

(3) It will not cause significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The amendment was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12866 and received its concurrence on September 14, 1991.

Under the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., I hereby certify that this action will not have a significant economic impact on a substantial number of small entities. These amendments are intended to ease manufacturer compliance with the noise emission standards for the affected products and thus should reduce any adverse economic effects on these industries.

These amendments are issued under authority of Section 6 of the Noise Control Act, 42 U.S.C. 4962.

Date: February 6, 1992.

Ann M. Corwin,
Administrator.

PART 205—TRANSPORTATION EQUIPMENT NOISE EMISSION CONTROLS

For the reasons set forth in the preamble, the noise emission standards for medium and heavy trucks and truck-mounted solid waste compactors are amended as follows:

§ 205.22 [Amended]
1. 40 CFR Part 205, Subpart B, is amended by removing the word “1983” and inserting in its place, the word “1995” in § 205.22(a).

§ 205.202 [Amended]
2. 40 CFR Part 205, Subpart F, is amended by removing the word “1983” and inserting in its place, the word “1995” in § 205.202(a).

(See 67 Fed. Reg. 27424, June 14, 2002.)