





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

OFFICE OF  
AIR, NOISE AND RADIATION

MEMORANDUM

Date : September 22, 1982

Subject: Phase-Out of the Office of Noise Abatement and Control, Progress to Date and Actions That Continue into Fiscal Year 1983

From : John M. Ropes, Director  
Office of Noise Abatement and Control (ANR-471)

To : Kathleen M. Bennett, Assistant Administrator  
for Air, Noise and Radiation (ANR-443)

It is with pleasure that I make this final report to you on the phase-out of the Office of Noise Abatement and Control (ONAC). I would like to summarize a few of the accomplishments we made during the phase-out and to discuss those few actions which, of necessity, must carry over into the next fiscal year.

Given the rapid growth of State and local government involved in noise abatement and control during the past 10 years, and given the fact that noise is essentially a localized environmental problem which can be most effectively solved by State and local governments, the decision in February 1981 to curtail involvement in the area of noise abatement at the Federal level is understandable. The rationale for returning responsibility to the appropriate level of government is extensively supported by the following:

- o In 1972, at the time of the passage of the Noise Control Act, only 10 States and 61 cities had some legal authority or active programs to control noise.
- o By June 1981, over 300 cities, having populations in excess of 25,000, and 24 States had developed active noise control programs that protected over 40 million people from excessive noise.
- o Our EPA analysts consider it reasonable to assume continued growth at the local level; they project that by 1985 there will be over 400 active local programs in effect protecting a population in excess of 93 million.

The decision to phase-out ONAC over an 18-month period ensured that this projection will become a reality. During this period we engaged in a multitude of tasks to effect the smooth, efficient transition of noise abatement responsibility to States and localities and also to ensure maximum return on the taxpayer's investment in material and trained personnel. Further, we dedicated ourselves to provide maximum assistance for our cadre of dedicated federal employees in locating other employment. A brief enumeration of the highlights of this phase-out is summarized in the following sections.

### State Program Capacity Building

Following notification of the phase-out of the Noise Program a plan was developed to assist the States to assume full responsibility for noise abatement within their jurisdictions. In October 1981 a meeting was held with 24 States that had active noise control programs. The primary focus of the meeting was: 1) the steps required by the States to preserve and enhance their programs, and 2) the types of assistance EPA could provide to accomplish that goal. Group discussions and individual meetings with State representatives were held to develop State strategies or action plans that would be implemented prior to September 30, 1982. Follow-up activities continued with the 24 States and, in addition, some form of technical assistance was provided to 16 additional States. Highlights of this effort were:

- o On-Site Technical Assistance Visits: Twenty States were furnished assistance by 56 on-site visits conducted to help States develop viable noise programs. Ten States received special assistance in submitting applications for Federal Aviation Agency (FAA) airport grants. If successfully consummated, these grants will provide over 2.0 million dollars to State noise control agencies to deal with airport noise problems.
- o Equipment Loan: Forty States were loaned over 600 pieces of noise abatement equipment valued in excess of \$2 million.
- o Training: EPA-funded Technical Assistance Centers trained over 800 people from 20 States and 245 communities in noise abatement planning and enforcement in 34 training events. This will leave a cadre of well-trained noise control officials in place to assist with local noise problems.
- o Assistance Referral: Over 100 noise experts have volunteered to assist others in solving noise problems. Lists of these individuals plus several hundred State and local noise officials able to respond to various noise control problems have been compiled and distributed to State Noise Control agencies for use in resolving noise problem complaints.
- o Publications: Almost half a million noise publications have been distributed the States. Supplies of publications have been made available for future distribution to States and cities as well as national and international organizations representing large constituencies; EPA noise publications are available for purchase from the National Technical Information Service (NTIS). A complete EPA Noise Publication Bibliography which includes abstracts and other pertinent information was developed and circulated to all State and local noise program officials as well as other interested individuals for their use in dealing with specific local noise problems.

All these tasks were efficiently accomplished by the ONAC staff within a very tight time frame. A thorough knowledge of the process of State and local government and a willingness by the staff to work long hours to accomplish these goals led to the success of this effort. The timely completion of technical assistance to the States will most certainly enhance the long-term viability

of State noise programs. The dedication, spirit and willingness of ONAC employees in this accomplishment would have been exemplary even during normal times, and are singular when viewed from the perspective of phasing out long-term federal careers in noise abatement and of the possible loss of employment.

#### Clearing the Regulatory Agenda

The provisions of the Noise Control Act specify that all noise regulations issued by EPA are preemptive. In order that State and local governments be given the option of implementing their own locally determined noise abatement regulations it was necessary to reduce the number of proposed products subject to regulation through regulatory withdrawal actions. Upon completion of the Agency review process, these proposed regulatory actions will be formally announced in the Federal Register.

The following actions have been undertaken to date but due to unforeseen delays in the overall EPA administrative review process final completion will of necessity carry over into the next fiscal year:

- o Proposal to rescind the Garbage Truck regulation. Promulgation is projected for mid-April.
- o Revision of the Product Verification and Record-keeping Reporting Package (for Trucks, Compressors, Motorcycles and Hearing Protectors). This final rule is undergoing EPA's internal administrative review process before being published in the Federal Register. Promulgation is projected for mid-November.
- o Withdrawal of the Notice of Proposed Rulemakings for Rail Carrier Property Lines, Motorcycle Test Provisions, and Special Local Conditions for Interstate Rail and Motor Carriers. These final rules are also undergoing the internal administrative process before being published in the Federal Register. Promulgation is projected for mid-November.
- o Proposed withdrawal of the reports that identify the following potential noise sources: Lawnmowers, Pavement Breakers, Rock Drills, Truck Mounted Refrigeration Units, Wheel and Crawler Tractors, and Buses and the proposed regulations for Buses and Wheel and Crawler Tractors. These were identified under the provisions of Section 5(b)(1) of the Noise Control Act. Promulgation is projected for late April.
- o Proposal to amend the existing Interstate Motor Carrier Regulation in order to bring it into alignment with the Medium- and Heavy-Duty Truck Product Regulation. Promulgation is projected for late April.

#### Outplacement of Noise Office Staff

At the time of the original announcement, there were 92 employees working in ONAC at EPA Headquarters in Washington. During August of 1981 a truly dynamic program was designed that by September 1, 1982 succeeded in outplacing all but 12 employees. Elements of this outplacement effort included such things as:

- o Job counseling with employees by senior staff experienced in personnel matters,
- o Arranging for interviews for impacted employees both within EPA and with other Federal agencies and the private sector,
- o Assistance in preparation of personal resumes for employees and preparation of effective SF 171's,
- o Assistance in drafting personal marketing letters to accompany resumes and/or Federal SF 171's,
- o Identifying individual training needs for highly specialized employees and approving short-term training to broaden their job market value both in the public and private sectors,
- o Refresher training in secretarial skills on the latest word processing equipment,
- o Conducting interview training programs for employees who were actively seeking employment elsewhere,
- o Conducting a training program in legal terminology for secretaries to enhance their value not only to EPA but also to other Federal agencies,
- o Aggressive management intervention with prospective employers,
- o Contacting other Federal Agencies who were in a hiring mode (such as the Department of the Army and the Department of the Navy) on behalf of employees actively seeking employment in those areas,
- o Conducting highly individualized retirement counseling seminars for those employees eligible for retirement,
- o Constant tracking of job vacancies to track action on employees who applied for posted vacancies both within EPA as well as external job searches,
- o Arranging for private employment agencies to assist ONAC personnel at no cost to the individual or the government, and
- o Pursuing every other possible outplacement avenue including contacts with various members of Congress who represent Noise Office personnel.

The goals of this extensive program were threefold: 1) to avoid an immediate reduction-in-force (RIF) with the resulting 'opportunity cost' savings to EPA by obviating the need for severance payments, payments of accrued annual leave, and payments of unemployment compensation; 2) to implement a vigorous and visible outplacement program which also served to dissuade the staff from a precipitous 'abandon ship' type of behavior and enabled us to fully utilize the talents of these trained experts during the transition period; 3) to gradually outplace all

staff to prevent the traumatization of the workforce which a RIF or threat of a RIF would have engendered, as well as to prevent unneeded and possibly unfavorable press attention.

These efforts on behalf of the 92 ONAC employees resulted in 26 securing permanent positions in other EPA programs; 26 accepted positions in other Federal agencies; 12 found employment in the private sector; 16 employees retired; and the remaining 12 have been reassigned on detail to other program offices within EPA.

As a result of these efforts the goal of phasing out the program without the necessity of a formal reduction-in-force became a reality. Additionally, the success of these efforts resulted in a potential savings of over one million dollars in personnel costs to the Agency and nearly one-half million dollars in actual 'in pocket' savings.

#### Realization of Operating Economies

Savings amounting to \$118,300 have been realized from rigorous control over our FY82 intramural expenses which include travel, moving expenses, rent, printing, office supplies, data processing and other miscellaneous expenses such as leased equipment. We were able to reallocate resources in excess of \$490,000 to important phase-out activities. These funds were derived from the timely discontinuation of field activities (a technical reference center and a public information dissemination center) and the termination of contracts that were considered unnecessary during the phase-out of the office.

Funds totaling \$136,800, which were committed during prior fiscal years, have been deobligated as a result of an exhaustive effort to reconcile all outstanding financial accounts prior to the Office closure.

In February of 1981, ONAC occupied over 21,000 square feet of office space in the Crystal Mall #2 Building, Crystal City, Virginia. From that time on, the steady reduction of our physical plant (i.e., office space, furnishings, and equipment) was a highly visible concern to the office. By March of 1982, slightly one year after the phase-out announcement, ONAC had relinquished over 15,000 square feet (or over 70 percent) of office space to other EPA program offices. The remaining 6,000 plus square feet have been gradually relinquished since then.

ONAC's inventory of accountable equipment and office furnishings has likewise been systematically reduced. Nearly 1,300 items of furniture and office furnishings and 263 items of equipment (including both office machines and noise monitoring devices) have been expeditiously disposed of--transferred to other ongoing entities within and outside EPA, or returned to the EPA warehouse as surplus available for requisition by other program offices. A taxpayer investment, estimated at over \$440,000, has been protected from these activities.

ONAC records, program files, and reference collections have been preserved for use by those individuals in OANR retaining responsibility for the remaining noise efforts. Archived in the Federal Records Center (FRC) in Suitland, Maryland, are 751 cubic feet of documents. (Sixty-six percent of this, or 495 cubic feet, constitute the bulk of a Noise Technical Reference Collection.) This

material will be held by the FRC for various retention periods, ranging from 3 to 20 years, depending upon the currency and importance of the data therein, as specified in the EPA records management and retention schedule. Until their ultimate acquisition by the National Archives or their destruction, these documents may be retrieved by EPA personnel as the need for noise information arises. A complete listing of these records is being furnished to you for use by personnel within your immediate office.

#### Activities Continuing Into FY 1983

Of necessity, several activities must carry over into FY83. For example, the FY82 financial accounts cannot be entirely closed until the end of the fiscal year; requests for assistance or information on noise-related matters will continue to be received by EPA from the public and Congress. The necessary background resources needed for these and other continuing activities have been assembled in a series of notebooks for easy reference by your staff.

The notebooks (or 3-ring binders), fully indexed, that may serve as ready reference sources for noise-related or ONAC-administrative matters include:

o General and administrative volumes:

- Correspondence Manual. A collection of typical (sample) responses that may be made to congressional or general public requests for information or assistance and guidance on how and where to obtain information to reply to inquiries. (In addition, we are forwarding to you our existing supply of the popular document "A Model Noise Control Ordinance" which may be mailed along with responses, as appropriate, while the supply lasts.)
- Bibliography. A collection of all ONAC-produced or ONAC-sponsored literature, and information on how copies may be acquired from ongoing service centers (e.g., the National Technical Information Service in Springfield, Virginia).
- Archived Records. A volume containing all necessary information and instructions for retrieving archived material from the Federal Records Center.
- Active Contracts. The termination of several necessary contracts coincides with the end of the fiscal year; two contracts will end during the first quarter of FY83. Information necessary to close these contracts is contained in this volume. (Three volumes of data on contracts that have already closed have been transferred to Mr. Tim Brincefield of your office.)
- Financial Accounts. The SPUR report of May 1982, which shows the status of open financial accounts, and the supporting documentation for deobligation actions already taken is contained in this notebook. The FY82 Document Control Register will be transferred to your office September 30, 1982. (Other historical financial records have already been transferred to Mr. Brincefield.)

- o State and local programs information:
  - Information on State Program Resources. This volume shows, by State, the assistance given to each State during our phase-out period and the contact personnel to whom requestors for assistance or information may be referred.
  - Loaned Equipment. An adjunct to the State Program Resources volume, above, this notebook contains all pertinent information required to renew the revocable license agreements under which the noise equipment has been loaned.
  - General Information for State and Local Programs. This catch-all volume has information about the various existing State programs, as well as data on aviation/airport concerns and health effect studies which have proven to be of interest to State and local governments.
  - Buy Quiet Program. This volume contains pertinent information on the "Buy Quiet" program, a successful utilization of marketplace forces to generate a quieter environment. Many State and local governments have adopted this approach to noise problems, rather than considering product regulation. Inquiries about this concept are expected to continue.
- o Standards and Regulations Information. This three-volume set contains summary information about all products and activities that have been regulated or studied preparatory to a regulation.

A number of active files are also being transferred to your office. These include:

- o Regulation files. Approximately 25 cubic feet of active files and published support material relative to the ongoing regulatory agenda. Mr. Robert Rose, who has been detailed to your staff, is the custodian of these records.
- o Grant files. Several grants extend beyond the end of FY82 to permit grantees greater time and flexibility in assuming their responsibilities from the Federal Government. Approximately 15 cubic feet of records have been transferred and are under the custodianship of Ms. Kathleen Sheehan, who is also detailed to your staff.

Activities to be Completed in Early FY 1983

- o Four final regulation packages are currently awaiting the Administrator's signature. These are the packages that withdraw the Notices of Proposed Rulemaking for Rail Carrier Property Lines, and Motorcycle Test Provisions relative to special local conditions for interstate rail and interstate motor carriers. Another final regulation pertaining to Product Verification Recordkeeping Reporting is now in Red Border.

- o Two proposed regulation packages are awaiting the Administrator's signature. These are the rescission of the Garbage Truck Regulation and the withdrawal of the reports that identify major noise sources (i.e., Lawnmowers, Pavement Breakers, Rock Drills, Refrigeration Units, Wheel and Crawler Tractors, and Buses) and the proposed regulations for Wheel and Crawler Tractors and Buses, to be completed by July 1983.

A third proposed action amending the Interstate Motor Carrier Regulation is currently in Red Border. In addition to completion of the regulatory agenda, the other carry-over activities are explained below:

- 1) Closing the FY82 accounts; the records being transferred to Tim Brincefield, as noted above, are adequate to perform this task.
- 2) Closing the remaining contracts; Ms. Carol Jordan is project officer for these 12 contracts; the information in our active contracts reference volume is sufficient to accomplish this task.
- 3) Closing the remaining grants; Ms. Kathleen Sheehan has the requisite knowledge and the active files to perform this activity.
- 4) Renewing the revocable license agreements for the equipment that has been loaned to State and local governments; the instructions and information in the Loaned Equipment reference volume is sufficient for Ms. Kay Chidlaw or designee to complete this effort for 1983 and subsequent years.

#### CONCLUSION

In summary, our foremost objective was to phase out the Noise Control Program in a manner that would reflect credit on this Administration. I hope you will agree that we accomplished that objective. I would be remiss, however, if I failed to acknowledge the cooperation and assistance I received from the entire Noise Program staff and especially the contributions made by Carol Jordan and Don Franklin. Had it not been for Carol and Don's dedicated and loyal support it would have indeed been a long and difficult undertaking.

I also want to extend my appreciation for your personal assistance and understanding throughout the phase-out. With your support we have indeed fulfilled our mandate to transfer the responsibility for noise abatement to the appropriate level of government.