

Columnist and Member Combine to Distinguish "Buy Quiet" Approach From Federal Regulation

In a column carried by several newspapers during November 1980, the well-known commentator James J. Kilpatrick labeled the federal regulation of trash compactor (truck) noise levels "pure garbage." This column elicited a response from Ray Hughes, the Deputy Purchasing Agent of Shelby County, TN and one of NIGP's most enthusiastic members. In his response to Kilpatrick, Hughes advanced the Buy Quiet approach as a preferable alternative to federal regulation. Mr. Hughes' response caught Kilpatrick's eye and became the basis of a second column on garbage truck noise in January.

To help you and your fellow government officials understand how Buy Quiet differs from regulatory approach to noise control, we have reprinted both Kilpatrick's columns below.

Regulation of Truck Noise Is "Pure Garbage"

by James J. Kilpatrick

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.

(cont. on page 11)

A Better Garbage Truck

by James J. Kilpatrick

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.

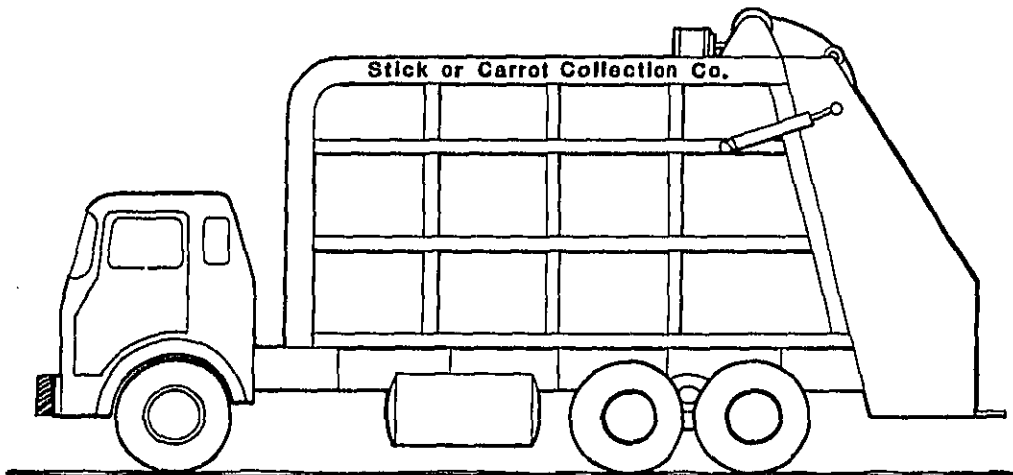
The letter comes from Raymond Hughes, deputy purchasing administrator for Shelby County, Tenn. The answer to the noise problem, in his view, lies in the "Buy Quiet" program initiated by the National Institute of Governmental Purchasing and the National League of Cities.

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.

(cont. on page 12)



"Pure Garbage" (cont. from page 10, Col. 1)

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 \$21.3 million a year. That is for starters. The EPA defensively puts the costs at 50 cents per household per year.

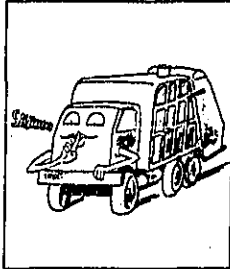
Costs and benefits to one side, this petty, stupid, nit-picking regulation based almost entirely upon gauzy conjecture as to "sleep and activity interference" -- offers one more instance of a bureaucracy gone berserk. Such cities as New York and San Francisco have coped with the issue by local ordinance. 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.

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Institute President Answers Writer's Inquiry

The quiet power mower does exist

With reference to the article by Gwinn Owens on the Other Voices page of September 18, "Can't somebody build a silent power



lawn mower?" quiet power lawn mowers are available and can be purchased at competitive prices.

I am aware of this fact because my professional organization, the National Institute of Governmental Purchasing, (NIGP), is involved

with the National League of Cities in the "Buy Quiet" program, a voluntary program that helps cities and counties purchase quieter models of the products that they use. The City of Baltimore is conducting a test of a quieter lawn mower provided for evaluation by the federal government.

Known models of power lawn mowers vary in noise level from 89dBA to 92dBA at the operator's ear. Quiet power mowers, which operate in the 80dBA to 86dBA range, are available through well-known manufacturers and distributors, including Lawn-Boy and Sears, Roebuck and Co. The quietest power lawn mower that I am aware of operates at 80dBA at the operator's ear and is manufactured by the Seifert Manufacturing Company of Kiel, WI.

Lawn mowers and other powered equipment items do not have to be noisy to get the job done.

STANLEY D. ZEMANSKY
City Purchasing Agent

*(Reprinted from the Baltimore Evening Sun,
December 2, 1980 edition)*

NIGP Announces Three **bq** Demonstration/Workshops

Workshops on "Purchasing Quieter Products and Services" will be conducted in Nashville, TN on February 27; St. Paul, MN on March 20; and Arlington, TX on April 10. Speakers at these workshops, which are modeled on the ones conducted in College Park, MD last October, will tell government purchasing officers and other officials why they should buy quiet, and they will show the participants how to buy quiet. A special afternoon session will explain the benefits of intergovernmental cooperative purchasing for buying quiet and show how IGCP can contribute to increased productivity for smaller units of local government.

By sitting in on an industry panel and witnessing a demonstration of "loud" and "quiet" models of several types of equipment used by governments in delivering services, participants will see firsthand that quieter models of noisy products are generally available at competitive prices.

Speakers at these workshops will include William B. Whitson, CPPO (Nashville-Davidson County, TN); Raymond Hughes (Shelby County, TN); William E. Peter, CPPO (City of St. Paul/Ramsey County, MN); William E. Binger, CPPO (Hennepin County, MN); and William Dillon (City of Davenport, IA). The State of Tennessee Chapter of NIGP will co-sponsor the Nashville workshop. The State of Minnesota and the League of Minnesota Cities will join with NIGP in sponsoring the St. Paul workshop. The North Central Texas Council of Governments will sponsor the Arlington workshop with NIGP. All three workshops are co-sponsored by the National League of Cities, with whom NIGP is cooperating in the national Buy Quiet effort.

For registration information write the Buy Quiet Program, c/o NIGP, 1735 Jefferson Davis Highway, Suite 101, Arlington, VA 22202, or call Steve Gordon at (703) 920-4020.

bq Buy Quiet!

K	243,331.06	Not provided
K-alt.	218,148.00	85 (Does not comply)
L	223,839.00	Does not exceed 81

According to Mr. Pope, the commission will extend the Buy Quiet concept to their entire range of noisy products. "After this good experience with the tractor, I don't see any reason why we can't go out for quieter models of pavement breakers, air compressors, and other kinds of tractors. If you have the necessary information, requesting and getting quieter products is easy. NIGP can provide you all the information you need to include realistic noise level requirements in your specification." The demonstration workshop in College Park (NIGP Letter Service Bulletin, September/October/November 1980, p. 10) was the reason Mr. Pope gave for considering "buying quiet" in the first place. If you would like a copy of the specifications used in this purchase, please contact NIGP Headquarters.

Virginia Contracts (cont. from page 9) decibels (A scale), at the operator's ear, based on S.A.E. J1174 "Operator Ear Sound Level Measurement Procedure for Small Engine Powered Equipment."

At this writing, evaluation of the bids received by the Commonwealth has not been completed. Award information will be available soon through the NIGP office.

The State of West Virginia is currently going out for bids on quieter lawn mowers, using the NIGP/Buy Quiet suggested specifications. Information on the West Virginia purchase will also be available soon through the NIGP office.

"Buy Quiet" Movies Available

If you have access to a 3/4 inch video cassette player, you can watch the film clips "Buy Quiet I" and "Buy Quiet II" in your office or chapter meeting room.

Buy Quiet I features "loud" and "quieter" models of pile drivers, pavement breakers, and lawn mowers. Buy Quiet II features "loud" and "quieter" models of trash compactor trucks, portable air compressors, and vacuum cleaners.

To borrow these movies, contact NIGP.

Buy Quiet Scholarship (cont. from page 9) earn \$1,500 credit; the next four, \$750 credit; and, the next two, \$500 credit. Governments may use the credit they earn to waive NIGP seminar and annual conference fees and to defray the travel and subsistence costs associated with participation in NIGP seminars and the NIGP Annual Conference and Products Exposition.

The scoring system is as follows:

Category One: Purchases of "quieter" lawnmowers, chain saws, trash compactors, pavement breakers, motorcycles, vacuum cleaners, or wheel and crawler tractors, using the information contained in Product Information Supplements Nos. 1-7 to set a maximum noise level requirement.

2 points for each product so purchased

Category Two: Purchases of "quieter" lawnmowers, chain saws, trash compactors, pavement breakers, motorcycles, vacuum cleaners, or wheel and crawler tractors, using the information contained in Product Information Supplements Nos. 1-7 to set a maximum noise level requirement AND include and use the suggested method of contract award which encourages bidders to offer product models that are even quieter than the maximum noise level requirement.

4 points for each product so purchased

Category Three: Category One or Two purchases in which a government serves as the "lead" contracting agency for an intergovernmental cooperative purchase.

2 additional points for each such purchase "led"

Category Four: Category One or Two purchases made through an intergovernmental cooperative purchasing arrangement "led" by another agency or government.

2 points for each such purchase

To be considered for receipt of the scholarships governments must submit the invitation for bids, bid tabulations, award or other sufficient documentation data for each purchase claimed to Steve Gordon, Director, Buy Quiet Program, NIGP, 1735 Jefferson Davis Highway, Suite 101, Arlington, VA 22202. For additional information, call Steve at (703) 920-4020.

"Better Truck" (cont. from page 10)

"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 equipment, 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 essential 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-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.

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W.S.S.C. Buys (cont. from page 9)

employer recently purchased 7 industrial backhoe-loader-tractor combinations, specified that the equipment purchased would have a maximum noise level, when operating, of "81 decibels (A Scale) when measured in accordance with SAE J88b".

WSSC Buyer Roy Ashlin, who worked with Brady Moore of the Mobile Equipment Division to develop the specifications, used Buy Quiet Product Information Supplement No. 7 (for wheel and crawler tractors) to select an appropriate maximum noise level and to word the noise level requirement. The noise level that Ashlin and Moore included in the specification was the median noise level for "wheel loader" type tractors, and not surprisingly nearly half of WSSC's usual bidders were able to offer models that complied with the noise level requirement.

The bid tabulations, with noise level in accordance with SAE J88b, are shown below:

<u>Company</u>	<u>Amount</u>	<u>Noise Level (dBA)</u>
A	\$165,782.62	Does not exceed 81
B	180,243.00	Does not exceed 81
B-alt.	200,858.00	Not provided
C	195,064.45	77.4
D	195,774.74	Does not exceed 81
E	195,909.00	77.4
F	196,893.04	Does not exceed 81
G	201,659.92	77.4
H	208,495.00	Not provided
I	213,177.79	Does not exceed 81
J	216,650.00	Does not exceed 81