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EPA NOISE ABATEMENT AND CONTROL PROGRAM

1. Responsibilities that are essentially no cost on a continuing basis but would be very costly if any substantive work were ever required:

Regulations:

[See legal brief by Wilmer, Cutler & Pickering, Feb. 1984, Re: Noise Emission standards for medium & heavy duty trucks, relative to the legal requirement to respond to petitions for regulatory revision]

- Interstate Motor Carriers
- Medium & Heavy Trucks
- Portable Air Compressors
- Motorcycle & Motorcycle Exhaust Systems
- General Product Labeling

- Labeling-Hearing Protectors

- Interstate Rail Carriers

 - Locomotive/Railcars

 - Switcher Locomotives

 - Retarders

 - Load Cell Test Stands

 - Car Coupling

2. Responsibilities that are ongoing but can be done within present resources:

- Interagency Group on International Aviation (IGIA) [Section 7(a) NCA] Continuing formulation of U.S. positions on aviation noise for presentation to the international Civil Aviation Organization (ICAO) Committee on Aviation Environmental Protection

- Aircraft Noise Standards and Regulations [Section 7(b) of NCA and Section 611 of the Federal Aviation Act of 1958, 49 USC 1431, as amended] Consultation with FAA on all noise standards for aircraft

and granting of any exemptions from any standard or regulation. Agency also consults on special noise situations, such as the O'Hare Airport type.

- ° Respond to a large number of written and telephone requests from Congress, industry and the public for information or assistance. [Approximately 500 letters (congressional, industry & public) and 150 phone calls responded to on an annual basis.] EPA provides a large number of publications related to noise to the public. This number ranges somewhere around 1,500 -2,000 copies annually.

- ° The Administrations basic premise in phasing out the noise office was that the responsibility had been shifted to State and local governments. EPA should take a positive step to determine the actual status of this shift and determine if it has really been effective. The Agency needs to again become the active focal point for State and local governments to talk to in noise control. [Presently working with the State of Maryland on the noise portion of the State Environmental Protection Plan] The amount of assistance rendered obviously will be constrained by available resources that can be devoted to State and local needs.

- ° Continue working with a wide variety of public interest groups that have noise abatement and hearing protection as goals. Agency has been involved with the American Speech & Hearing Association, Better Hearing Institute, Alexander Graham Bell Association, etc. for a long number of years. Several of these agencies assisted is the development of the EPA "Quiet School Program."

- Continue working with professional and governmental groups interested in noise abatement and control. EPA has worked with the National Association of Counties, the National League of Cities, the National Governor's Conference and the Mayors of dozens of cities. Work was also done with dozens of major universities (although we may be unable to provide funding as we did in the past, we can continue to maintain academic and professional ties with them in the health and hearing research areas).

3. Responsibilities that are provided only on demand and can probably be covered by present resources:

- Granting of model specific codes for labels on all imported motorcycles and mopeds, as required by Section 6(c)(1), 40 CFR Part 205, 45 FR 86694.
- Partial exemptions from aviation noise standards under Section 7(b)(1) NCA and Sections 313(a), 601(c) and 611(b) of FAA Act of 1958. This would cover all exemptions covering aircraft and sonic boom or any other regulation or standard in the aviation noise area.
- Research, investigations, studies, demonstrations or training exemptions under Section 10(b)(1) NCA, covering noise exemptions for manufactured products distributed in commerce that do not meet specified noise criteria.

- Hearing Protector regulation oversight [Subpart B, 40 CFR Part 211]
Executed an MOU with the safety equipment institute (SEI) to administer a voluntary program [not presently active due to a number of problems] will need to revisit later.
- General provisions for product noise labeling [Section 8 NCA, 42 USC 4907] 44 FR 56120. EPA will assist any product manufacturer or trade association in developing a voluntary noise labeling program. Additionally, under this section, the Agency must also approve any product exemptions for testing purposes.
- Agency testing under provisions Section 13(a), of products provided by manufacturers, to which regulations under Section 6 and 8 of the Act apply. This would include all the regulated products and all products that have an EPA noise label affixed.
- To determine whether a product is a Low-Noise-Emission Product (LNEP) and to certify or recertify such products that qualify under Section 15 of the Act. Also, to post-test those products certified to determine if noise emissions exceed the levels on which certification was based.
- If funding is made available, to approve financial assistance, through grants or cooperative agreements, to States, local governments, regional planning agencies and institutions of higher learning, under the provisions of Section 14 of the Act.

4. Responsibilities that are essentially no-cost at present, but can be very costly if pressed by any outside individual or agency:

- ° Decision eventually must be made on the question of what action to take in the case of the Section 5(b)(1) major noise sources identification [18 months to Issue regulations]. This is the regulatory package we now have in-hand that covers the following products:

Wheel & Crawler Tractors

Buses

Power lawn Mowers

Truck Transportation Refrigeration Units

Pavement Breakers

Rock Drills

- ° Special local determinations [Under Section 17 (railroads) and Section 18 (motor carriers) of the NCA] criteria for special local determinations was published in the Federal Register, [41 FR 52317 - 52323] on November 29, 1976, but was later withdrawn in favor of a case-by-case approach. On February 1986 Congressman Tom Carper wrote the agency on behalf of the State of Delaware and its ongoing problem with the CSX railyard in Elsmere, Delaware. The Agency maintained in the case of Baltimore & Ohio RR Co. vs. Oberly (3d Cir. No. 85-5272) that Delaware could not regulate the railyard because federal regulation was preemptive. (This is probably not the end of this problem.) Special local determinations could possibly result in more future court action.

- Each Federal Agency consults with EPA in prescribing standards or regulations on noise

- All agencies coordinate research and development work in the noise area with EPA.

- Citizen Suits

Section 12 of the Act states that any person may sue on his own behalf against the Administrator of EPA for failure to perform any act which is not discretionary under the noise control act.