

DOCKET OPMD-0154

ITEM 13

SYNOPSIS

March 29, 1984 Meeting

n-96-01
II-A-966

In response to EPA's March 20, 1984 invitation to petitioners requesting a deferral of the 80 decibel noise emission standard for medium and heavy trucks, a meeting was held at 2:00 p.m. on March 29, 1984 at the Agency's headquarters, 401 M. Street, S. W., Washington, D. C., Room 908 West Tower. Listed below are the organizations and their respective representatives that were present:

1. International Harvester Company:

Mr. Dean Stanley, Vice President, Engineering, Truck Group,
(219) 461-5907

Mr. Farrel Krall, Manager, Technical Legislation, (219) 461-6623

2. American Trucking Associations, Inc.

Mr. Jim Barr, Environmental Specialist, (202) 797-5335

Mr. L. W. Strawhoun (202) 797-5331

3. Ford Motor Company

Mr. Donald R. Buist, Director, Automotive Emissions
and Fuel Economy Office, (313) 574-0842

Mr. Keith Lewis, Heavy Truck Engineering, (313) 322-6562

Mr. William King, Washington Affairs Office (202) 785-6032

4. General Motors Corporation

Mr. Eugene Pezon, Environmental Activities Staff, (313) 575-2008

Mr. Ronald Joyner, Truck and Bus Division, (313) 456-5266

Mr. William J. Way, Washington Office, (202) 775-5024

5. Motor Vehicle Manufacturers Association of the United States, Inc.

Mr. Peter Griskivich, Vice President
Motor Truck Manufacturers Division (202) 862-3900

Mr. Edward Good, Legal Counsel (313) 872-4311

Mr. Linas Gobis (313) 872-4311

Mr. Rob Sedgwick, Wilmer, Cutler, and Pickering, (202) 872-6060

6. U. S. Environmental Protection Agency

Mr. Kenneth E. Feith, Director of Review, Office of Air and Radiation
(202) 382-7753

Mrs. Louise P. Giersch, Director, Program Coordination Staff, Office
of Air and Radiation, (202) 382-2935

Mr. Robert C. Rose, Program Coordination Staff, Office of Air and
Radiation (202) 382-7748

Mr. Sam Gutter, Attorney, Office of General Counsel, (202) 382-7630

Mr. Rob Weissman, Office of Mobile Sources, Office of Air and Radiation,
(202) 382-7647

The following is a chronological presentation of key statements, issues,
recommendations and agreements which comprised the March 29th meeting:

1. The attendees were informed by S. Gutter (EPA) that the meeting was
"on-the-record." Further a docket would be opened and a synopsis of the meeting,
and all other information and data relevant to the petitioners request for
deferral of the 80 decibel (dB) noise standard for medium and heavy trucks,
would be placed in the docket. A docket number was not available at this
time.

2. L. Giersch (EPA) informed attendees that the Bureau of National Affairs
(BNA) BNA Reporter had inquired if the March 29th meeting was "open." Giersch
informed A. Kohut of BNA that the meeting was to discuss basis for petitions
and EPA's intended review process. Thus, while the meeting was not "closed,"
EPA reviewing staff believed the petitioners and EPA Staff would be more candid
in their discussion if the Press were not present. In response to a request
for copies of petitions and other documents, Giersch stated that she advised

Kohut that all such documents would be placed in the docket for public review in about a week.

3. K. Feith (EPA) presented a brief summary of the Agency's two previous assessments and deferrals of the 80 dB standard and the Agency's previous conclusion that the deferral from January 1, 1982 to January 1, 1986 was then considered sufficient time for the industry to comply, given the then economic shape of the country and the depressed truck market. He went on to state that the Agency's preliminary review of the petitioners most recent submittals revealed little new substantive data. Based on this preliminary review EPA staff did not believe it could recommend a third deferral of the 80 dB effective date.

4. Feith pointed out that the Agency's primary concern is with the public's health and welfare and any potential loss of benefits that might occur from a further deferral. He also expressed concern that if post 1978 trucks are not being properly maintained to the existing 83 dB noise standard, i.e., proper maintenance of exhaust systems and the continued use of low noise radial tires, then the health and welfare benefits that the petitioners claim will off-set the deferral of the 80 dB standard, may in fact not be as large as they believe.

5. S. Gutter stated that it is the truck manufacturers responsibility to make their case for further deferral. The information and data they submit to EPA must be adequate to justify whatever action is taken by the Administrator.

6. International Harvester (IH) in response to Feith's earlier statement that truck manufacturers have already been given four additional years to comply with the 80 dB standard, stated that they have been losing money every year since 1979 as a result of a prolonged labor strike and the depressed economy of the country. IH further stated they have closed a number of plants, reduced their workforce, and undertaken other cost saving actions in order to

stay in business. IH stated that the personnel and financial resources required to meet the 80 dB standard by January 1, 1986, are needed to comply with anticipated new exhaust emissions standards and for other immediate business requirements. Consequently, a delay of the 80 dB standard would be very beneficial to IH.

7. K. Feith reiterated concern that a deferral of the 80 dB standard could result in a near term loss of health and welfare benefits in the absence of some other counter balancing action.

8. American Trucking Association (ATA) stated that trucks are getting noisier because there is no longer any enforcement of the Federal Interstate Motor Carrier (IMC) noise emission regulation. Therefore lowering the noise level requirements won't help when there is no enforcement.

9. K. Feith agreed with ATA. He stated that the Department of Transportation, Bureau of Motor Carrier Safety (BMCS) had suspended enforcement because almost every truck in the fleet today could meet the very liberal noise emission requirements in the IMC regulation. Further, it is these liberal IMC standards that permit new trucks to degrade without penalty. Feith went on to explain that State and local jurisdictions who adopted the Federal new medium and heavy truck noise emission standard of 83 dB, believing they could stem the possible degradation of new truck noise levels, found themselves precluded from enforcing this more stringent requirement because of preemption by the IMC regulation. Consequently, State and local jurisdictions as well as the BMCS see no reason to invest resources in an enforcement program that does not result in quieter trucks. Feith pointed out that this problem could possibly be remedied if the noise level standards of the IMC regulation were brought into alignment with the noise level standards for new medium and heavy trucks.

CORRECTION!

**THE PREVIOUS DOCUMENT(S)
MAY HAVE BEEN FILMED
INCORRECTLY ...**

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10. Feith suggested that a tightening of the IMC regulation could possibly counterbalance any potential near term loss of health and welfare benefits that might result from a further deferral of the 80 dB standard by preserving the benefits currently afforded by the existing 83 dB new medium and heavy truck standard.

11. ATA pointed out that the IMC and Medium and Heavy Truck standards were the result of two different regulations.

12. S. Gutter pointed out that while the IMC and the new medium and heavy truck regulations arise from different sections of the Noise Control Act, there is a relationship between them. Consequently, one could argue that a potential loss of benefits in one case might be off-set by picking up benefits in the other case.

13. ATA agreed that the IMC standard could be tightened for trucks manufactured after January 1, 1978.

14. Gutter stated that it is possible to combine a tightening of the IMC standard with any action the Administrator might consider taking with respect to the requested deferrals.

15. Feith inquired of the attendees their reaction to a possible tightening of the IMC as an integral element of any action the Administrator might take with respect to the petitioners request for deferral. Ford, General Motors, IH, and the Motor Vehicle Manufacturers Association of the United States (MVMA) all stated that they would support such an action.

16. The MVMA inquired the length of time it would take for the EPA to reach a decision concerning the requested deferrals. Feith stated that the decision could take anywhere from six to twenty eight months depending on the level of data submitted by the truck manufacturers in support of their deferral request and the degree of analysis the Agency would need to carry

out to assess the potential loss of health and welfare benefits from further deferrals. Feith pointed out that the claimed technological relationship between the engineering and design requirements to meet any new oxides of nitrogen and particulate exhaust emission standards and the 80 dB noise standard were not clear. Further, the Agency needed more definitive data on the stated cost and economic benefits that manufacturers claimed would be realized by combining engineering and design work for noise and exhaust emission standards.

17. Gutter stated that any action that might be taken by the Administrator would provide for a public comment period and review by the Office of Management and Budget (OMB).

18. Ford Motor Company inquired what action would take the least time for EPA to complete, their concern being their need to commit resources within the next several months if the Administrator were to deny their petitions. Feith responded that if manufacturers supplied sufficient information and data to support their deferral request and if the Agency determined that there would be minimal loss of health and welfare benefits, then the proposed deferral action might be completed within five months, with final rulemaking taking an estimated additional seven months. This expedited action presumes that health and welfare benefits are preserved through the concomitant tightening of the IMC standard.

19. Gutter, in response to a suggestion that the Agency consider an Interim Final Rulemaking, discussed the pros and cons.

20. ATA inquired when a "combined IMC tightening - 80dB deferral" action would become effective. More particularly, would it be tied to the effective date of an intermediate oxides of nitrogen/particulate exhaust emission standard? Feith stated that this was a possible option but would need to be examined.

21. IH stated that it would be desirable to have the 80 dB noise standard become effective after EPA's new exhaust emission standard to permit time to certify the exhaust emission of the engine before developing the noise suppression.

22. There was general discussion on the time requirements and process EPA followed in reaching previous deferral decisions.

23. Wilmer, Cutler, and Pickering, legal counsel to MVMA, requested EPA provide a list of issues and the areas where it requires more information. Feith stated that a list of questions would be drawn up and sent to the petitioners. However, in the interest of time the questions would not be tailored to each individual petitioner. The attendees agreed this was acceptable.

24. General Motors stated it would like to see an interim rulemaking if the Administrator decided to grant a deferral.

25. R. Weissman inquired if costs attendant to the redesign of engines for noise reduction would exist regardless of new exhaust emissions.

26. IH discussed present expenses, and capital vs. engineering costs.

27. Feith expressed Agency concern that if it granted an additional one or two year deferral, might it expect manufacturers to return in 1987 or 1988 to request yet another deferral, if final exhaust emission standards were not yet issued. While attendees stated the relationship between noise control and exhaust emission design and engineering remained, their new lower exhaust emission, high fuel efficiency engines would be in use. Consequently, any further exhaust emission design and engineering work would probably include, as an integral element, noise control considerations just as it would address further fuel economy.

28. ATA stated its concern that if a deferred noise standard effective date is not tied to the new exhaust emission effective date, then their industry

could possibly be caught having to replace exhaust systems twice (once for noise the other for exhaust) or do their own engineering work to minimize compliance costs.

29. Feith inquired ATA's position concerning the possible tightening of the IMC standards. ATA stated it favors tightening but not to the 83dB level stipulated in the new medium and heavy truck regulation. They commented that their letter to OMB stated their position. Feith requested permission to place letter in docket and ATA agreed.

30. Ford requested EPA send letter to petitioners stating it intends to formally review petitions and also listing specific areas and types of information it requires. Feith agreed to send letters within a week.

31. Feith stated that docket would be opened within next two weeks.

32. Feith expressed appreciation for attendance and candid exchange of views. Meeting was adjourned at approximately 4:00 p.m.