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MACK TRUCKS, INC.
One of The Signal Companies

April 23, 1981

Director, Standards and Regulations Division
Attn: ONAC Docket 81-02 (Medium and Heavy Trucks)
ANR-490
U. S. Environmental Protection Agency
Washington, D. C. 20460

Gentlemen:

Retention of Federal Noise Emission Standards
For New Medium and Heavy Duty Trucks

Mack Trucks, Inc., a manufacturer of heavy duty diesel trucks of 26,000 pounds and greater, would like to express its concern over the numerous reports that the Environmental Protection Agency's Office of Noise Abatement and Control, as it applies to new medium and heavy duty trucks, may be disbanded. We are concerned that, as a result of this action, noise control activities will be left to state and local governments. Mack Trucks, Inc. wishes to go on record as requesting the continuation of a Federal Noise Regulation which preempts state and local noise regulations. We would also like to reemphasize our support for further reconsideration of the 80 dB(A) Truck Noise Standard. ②

Mack Trucks, Inc. supports the establishment of a modified version of the current 83 dB(A) Federal Truck Noise Regulation, which preempts state and local regulations. It is our understanding that such a revision would be in full compliance with the Noise Control Act.

The EPA has noted that the Reagan Administration considers noise control a state or local matter^{1/}. We interpret this to mean that should the Federal Noise Regulation be withdrawn, the regulation and control of new truck noise levels will revert back to individual states and/or municipalities. If this should, in fact occur, we envision an alarming discord of state and local noise regulations with which truck manufacturers would have to contend. ④

1/ "Regulatory Reform: ONAC To Receive No Funding Beyond October 1982; Noise Rules May Be Rescinded", The Bureau of National Affairs, Inc., Noise Regulation Reporter, Number 177 (February 23, 1981), A-13, 14.

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The predicament of varying state and/or local regulations could be eliminated if all jurisdictions would agree to adopt or establish virtually identical noise regulating criteria, including testing, based on the existing Federal requirements. However, a single, justifiably established Federal truck noise regulation, as is presently in effect, would appear to be more logical.

Because of the transcontinental, interstate and intrastate operations in which heavy duty trucks are engaged, we believe that the transfer of truck noise regulation from Federal to state and local control would undermine the overall environmental effects which have been established under the current Federal regulation. For example, a state which has a new truck noise regulation in effect could experience minimal benefits due to noise produced by out-of-state trucks which conform to less stringent regulations (or even no regulations). This scenario assumes that manufacturers will market trucks which comply only with specific state or local noise regulations, i.e., there would be a Pennsylvania truck, an Ohio truck, a Chicago truck, etc.

Marketing strategies, in this case, could be significantly hampered. Moreover, current ability to transfer used trucks from state to state, or even from locality to locality, could be severely restricted, depending on the variation of noise regulations. Variations in noise regulations can result in "more-specialized" vehicles. The "more-specialized" a vehicle is, the longer the time between the ordering and delivery of the vehicle. In many cases, the entire product line of a manufacturer would no longer be available in areas where stringent regulations are in effect. Although it would be possible to "rework" a chassis in order to reduce the noise level, that method of "manufacturing" is much more costly than initially manufacturing the chassis in compliance.

Manufacturing trucks to comply with individual state and local noise regulations reduces manufacturing efficiency. Varying regulations could necessitate low volume, high cost components for the more stringently regulated trucks. Based on current production levels, we estimate that approximately 10% of our production would be destined for specific areas of the country with more stringent noise requirements if the Federal noise standard was terminated by January 1, 1982. Due to the low volume of individual components, vehicle manufacturers and parts suppliers would be placed in a position where large capital tooling expenditures could not be justified and, therefore, these parts would not be available at the optimum cost-effective point. It is estimated that the initial

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~~purchaser of such vehicles will be paying approximately 31% more for the noise component package because of the low volume situation that such diverse local and state regulations will encourage. The additional cost to finance the increased vehicle purchase price would also become a significant cost factor to purchasers of fleets.~~ (17)

Another option available to vehicle manufacturers is to build all trucks to the most stringent regulation, assuming that will be possible. This approach overcomes some of the problems encountered with the previous scenario. However, in this case, the truck purchasers and their customers, in permissive or unregulated jurisdictions, in effect, will be subsidizing the noise programs of restrictive jurisdictions. Unfortunately, this practice of building only "quiet" trucks can place a manufacturer at a comparative price disadvantage in the permissive jurisdictions if all manufacturers do not follow the same practice.

~~Based on the preceding, we believe that a Federal truck noise regulation must be retained. We do, however, recommend that there be several changes in the current regulation in order to reduce the burden of compliance on vehicle manufacturers. We suggest that noise compliance be handled in a format similar to that utilized by the National Highway Traffic Safety Administration in managing the Federal Motor Vehicle Safety Standards. This method is based on a self-certification procedure set up by the vehicle manufacturer. It allows the testing of prototypes and subsequent production units which, in the best engineering judgement of the manufacturer, are most representative of the vehicles to be produced. Such an approach would eliminate the need to submit annual production verification reports and constant updates. It also would not entail the extensive record keeping required under the current truck noise regulation and would reduce much of the costly and time-consuming paperwork. Manufacturers then would be free to devise their own compliance scheme which would best fit their individual needs and satisfy the requirement that the vehicles produced comply with the regulation.~~ (23)

~~In summary, Mack Trucks, Inc. strongly supports the establishment of a revised Federal Noise regulation which preempts state and local regulation. We believe that such action will benefit vehicle operators, owners, and manufacturers, as well as the environment. We fully support the retention of the 83 dB(A) standard because we believe it to be cost effective and justified. Also, the effects of this standard on the environment have yet to be completely evaluated. We continue to advocate the withdrawal of the 80 dB(A) Standard in view of its questionable costs versus welfare benefits.~~ (24) (26)

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Regulations Division

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It is our opinion that the positions taken on these subjects are in keeping with the requirements of the Noise Control Act.

Very truly yours,

MACK TRUCKS, INC.



S. Robson
Project Engineer-
Vehicle Regulations

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