

81-02-40

April 22, 1981

Director, Standards and
Regulations Division
Attention: ONAC Docket 81-02
(Medium and Heavy Trucks)
ANR-190
U. S. Environmental Protection
Agency
Washington, D. C. 20460

n-96-01
II-A-1074

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Dear Sirs:

I am writing in protest to your March 19, 1981, notice regarding the medium and heavy duty truck noise regulation.

As an environmental scientist whose has been involved in noise control since 1971, I was appalled at your notice. My first reaction was, "why even bother to respond." The federal program is being abolished, EPA is currently spending close to a million dollars and a significant amount of staff time documenting new quiet truck technology (not to mention the millions that must have been spent on previous background studies), while at the same time seriously considering rescission of the first and only reduction in truck noise levels since the regulation was promulgated! If the truck manufacturers succeed, and you do end up holding at 83 dB, you will have succeeded only in preempting States and cities from dealing responsibly with perhaps one of the most significant sources of noise in today's environment. You see, there were several States and cities regulating at a "not to exceed" level of 83 dB in 1975. Before the EPA regulation was promulgated, the State of Florida, whose noise control program I administered from 1975 to 1978, had on the books new product standards of 82 dB effective 1/1/75, 80dB effective 1/1/82 and 75 dB effective 1/1/85. I am convinced that absent the federal preemptive regulations these and other State and local standards would have "encouraged" industry to develop the technology to meet the 75 dB and even lower levels. (4)

In your January 17th deferral notice you made a strong and detailed case for maintaining the 80dB standard while calling for comments by April 24th regarding further deferral. You also termed the deferral a "non-significant" action. Then out of the clear blue you published on March 19th an extremely brief notice, without fanfare, of your intention to rescind the 80 dB regulation, allowing only one month for review and comment.

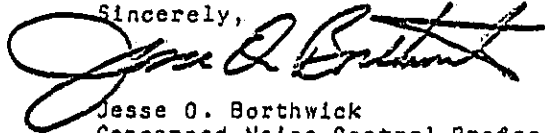
Where is the justification for such action? If you are intent on weakening the standard further, the least you can do is publish the documentation for what I would certainly consider to be a "significant" regulator action, and allow appropriate time for review and comment. Slipping it through is just not right! (5)

In recent months as each day passes and more and more of these kinds of senseless actions occur, I say to myself "its time for me to get into something else... something that people believe in." But I am wrong, it's people like you who have the audacity, lack of professionalism and dedication to the field of noise control who will idly stand by and

allow these regs to weaken, you should "get into something else!"
Leave the control of noise to we professionals and states and cities
who care. (5)

As for the technical and economic justifications for maintaining and strengthening these regulations, they no longer matter. It has all been said and we are tired of repeating ourselves. This is no longer a regulatory action governed by science, logic and reason. It is merely a political action. Why not report it as such! The trucking industry has put pressure on the ~~White House~~ and "it's being taken care of." (7)

Sincerely,



Jesse O. Borthwick
Concerned Noise Control Professional
343 Marie Circle
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P.S. As for the garbage truck regulation. You should have never promulgated it in the first place. Trying to regulate garbage truck noise at the federal level makes about as much sense as federal regulation/coordination of garbage collection. In short: can it!