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State/Local Programs and Capability for Noise Control *Penner-Hawm Movers*

Prior to the establishment of EPA's Office of Noise Abatement and Control and the passage of Federal noise control legislation, many cities and States had in place varying types of legislation and were implementing programs to control noise within their jurisdictions. In 1971, before the passage of the Noise Control Act of 1972, an EPA questionnaire was completed by 114 cities with populations over 100,000 and by 41 States. Although the responses often indicated relatively minimal or fragmented efforts to address the problem, twenty-two (22) States and sixty-one (61) of the cities had some legal authority and/or programs to control noise.

Local Programs

34RD ANR-490

EPA's national goal has been to provide health and welfare protection by ~~1985~~ to 72 million people most adversely affected by noise. To accomplish this, ONAC established the target of establishing 400 active local programs from the 839 cities of over 25,000 population with a total population of 93 million.

As of June 30, 1981, based on figures submitted by each EPA Region, there were 272 cities with populations of 25,000 and over, that had active noise control programs based on a strict definition requiring ordinances with dB limits, commitment of personnel and budget, and active enforcement programs. These strictly defined active local programs provide the health and welfare benefits of noise control to a total population of 40.3 million. Many more communities have ordinances, whether quantitative or nuisance type, which give them the capability to enforce noise control if they choose to do so. It is reasonable to assume that projecting this growth from 1981 to 1985 should achieve our national objective of the number of communities and total population covered by active noise programs.

Growth in the number and population of active local programs from 1977 to 1981 and projected through 1985 is shown in the following table:

	<u>1977</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>Proposed</u> <u>1983</u>	<u>1985</u>
No. Active Local Programs	90	213	272	310*	370*	400*
Population (in millions)	21	32	40	48*	59*	72*
No. Communities w/ordinances	900	1200+	1300*	1400*	1450*	1500*

*Estimated

In 1981, twenty-four States have enabling legislation for noise control and a number of others have programs operating under general authorization, e.g., in Health Departments, though not mandated. (State and Local Noise Control Programs, 1980 Assessment National League of Cities).

Buy Quiet

In addition to a State/local capacity to regulate use of noisy products, there exists a new approach as an alternative to regulations, known as the Buy-Quiet Program. This approach leverages the competitive forces in the market in which supplying institutions are geared to improve profit and protect market share, and buying institutions are geared to seek high product quality at low cost. By organizing a new market entity - a market for low social impact products - and by incorporating an impact reduction incentive into the buy-sell transaction, competitive forces direct supplier responses toward lower noise levels at competitive prices. Rather than requiring manufacturers to reduce noise levels of products consistent with technological and economic feasibility, manufacturers are induced to reduce those levels through competitive market forces.

Currently the market for quiet is being organized through State and local agencies and some utilities, but can easily be expanded to the private sector market. Over 100 State and local units of government are currently participating. The major units are listed in the attached table, along with 12 products currently included in the program.

Network Effect for In-Use Control

Many of the local ordinances now in effect are based on the EPA Model Ordinance and current studies cited include only those ordinances with quantitative criteria. However, many other communities have only nuisance ordinances, but these can be and are used to effectively control noise. Considering the geographical dispersion of cities with in-use noise control ordinances and States with preemptive noise standards, there is, in effect, a national noise control network which alleviates the need for Federal standards. This is true regardless of whatever source or product the jurisdiction wants to control, whether it be a decibel limitation on allowable noise from a lawnmower at a neighbor's property line, a restrictive curfew on garbage truck operations, or curfews on noise at construction sites. This network of in-use controls can and does provide limitations on noise beyond a particular jurisdiction's boundaries. A product that is to be used or operated in several cities or across State lines must of necessity meet the most restrictive ordinance of any of the jurisdictions served. An inter-State motor carrier must meet the size, load or noise restrictions of any State or local jurisdiction through which it passes. For example, an intercity motor carrier of passengers serving a number of cities in several states would have to comply with the most restrictive noise control "in-use" limit imposed by any of the jurisdictions in route. In addition, the impetus for noise control can and often does spread to neighboring jurisdictions. A successful program in a

small suburb of Dayton, Ohio, sparked interest in similar programs in other suburbs in the metropolitan area and finally a like ordinance being adopted by Dayton.

Availability of Trained Personnel

A local jurisdiction's ability to control noise from either stationary or moving sources is also affected by the availability of trained enforcement personnel and technical assistance in the early stages of a new program. Most of the State programs have made use of short-term Federal assistance to provide technical assistance and training to localities within State jurisdictions, through training seminars and State ECHO programs which facilitate the exchange of noise control expertise. Whether or not States continue this type of activity (most indicate they will) when EPA grants conclude in FY 1982, a cadre of local officials trained in noise control is now and will be in place.

These State training efforts leading to a trained cadre in place have been complemented significantly by technical assistance and training performed by the Regional Technical Assistance Centers, other national organizations and the development of a correspondence course in noise which is accredited by a nationally recognized university. During FY 1980, for example, the Regional Technical Assistance Centers provided technical assistance to 7 States and 100 communities, and training to 31 State officials and 499 local officials. This effort will be conducted through September 1982. Under a contract from EPA, Penn State University has developed a correspondence course which is being offered for credit at the graduate and undergraduate level. To date some 140 State and local noise control officials have received free training under this program. Another excellent training resource is the International Brotherhood of Police Officers (IBPO) which has developed a module for noise control

enforcement in their approved apprenticeship standards for police officers which will soon become available to all police officers as they attend State police academies. These efforts by Penn State University and the IBPO will continue to support State and local noise control efforts after the phase-out of the national program.

Equipment

Subsequent to the passage of the Quiet Communities Act of 1978, the State and local governments and some universities have acquired a considerable amount of noise monitoring equipment purchased under grants or on loan from EPA. Steps are being taken to transfer all this equipment plus what is on hand at EPA's Office of Noise Abatement and Control and the 10 Regional Offices to those State and local governments or universities which will have continuing noise abatement activities. This inventory is valued at approximately \$1.5 million.

Summary

From the above discussion and data, it appears that adequate protection to citizens for those products identified for de-identification and de-regulation exists at the State/local levels through the existence of a variety of effective alternatives.

Foremost is a substantive and growing network of active State and local noise control programs that in effect is a self-regulating mechanism. Supplementing these active programs are a great number of State/local governments with stand-by laws/ordinances which can be used whenever the jurisdictions deem it necessary. An added dimension to the State/local government level has been the growth of the Buy-Quiet Program, which is an alternative to regula-

tions, and induces manufacturers to reduce noise levels of products through competitive market forces (procurement specifications). Some 100 State/local units of government are now participating with 12 products currently included in the program.

This growth of activity at the State/local level has been supported by Federal seed money efforts in such areas as technical assistance, training and the furnishing of equipment. The "seeds" have obviously taken root, as the private sector has responded with the introduction of academic and police officer training in noise abatement to provide the training needed to effectively implement and carry out these programs.

It would appear that our objective of achieving health and welfare protection for 72 million people most adversely affected by noise can be accomplished without further Federal regulations or intervention.

Cities

- New York City
- Pittsburgh, PA
- Atlanta, GA
- Albany, GA - G
- Little Rock, AR
- Concord, NH - (L)
- Brookline, MA
- Cambridge, MA (L)
- Williamsburg, VA - (L)
- New Orleans, LA
- Inglewood, CA - G
- El Segundo, CA - B
- Skokie, IL
- Bangor, ME
- Jacksonville, FL
- Phoenix, AZ
- Austin, TX - (L)
- Baltimore, MD
- Scott's Bluff, NB
- McMinnville, TN
- Portland, ME
- Annore, AL
- State College, PA
- Chicago, IL - G
- St. Paul (Ramsay County), MN (L)
- Milwaukee - C (L)
- Huntington Woods, MI
- Louisville/Jefferson County, KY
- Kansas City, MO
- Eau Claire, WI
- Universal City, TX
- Davenport, IA - (L,C,T)
- Madison, WI
- Tucson, AZ
- Anniston, AL
- Sumter, SC
- Bethany Beach, DE
- Nashville/Davidson County, TN
- N. Las Vegas, NV - P
- St. Petersburg, FL
- Charlotte, NC
- Cincinnati, OH
- Greenville, MS
- Yonkers, NY
- Vineland, NJ

Counties

- Rock Island, IL
- St. Louis County, MO
- Passaic County, NJ - P
- Du Page County, IL
- Shelby County, TN (L)
- Maricopa County, AZ
- Beaufort County, SC
- Burlington County, NJ
- Hennepin County, MN
- Broward County, FL
- Hanover County, VA
- Palm Beach County, FL
- Prince Georges County, MD - G
- Mendocino County, CA
- Herkimer Cnty Sewer Dist.
- Pasco County, FL
- Anoka County, MN
- Pinella County, FL
- Jackson Cnty. Planning Comm. MS
- Arlington County, VA

States

- West Virginia (L,C)
- Idaho
- Washington (L,C,A)
- South Carolina
- Wyoming State Highway Dept.
- Illinois
- Louisiana
- North Carolina
- Iowa (L)
- Virginia DOT - P
- Missouri
- Florida

Utilities. Schools. Hospitals. etc.

- Los Angeles Water and Power - T
- Washington Suburban Sanitary Commission - T
- Miss. State University
- Richmond, VA Public Schools
- Northern Virginia Regional Park Authority
- Univ. Miss. Med. Center
- Fairfax County, VA Park Authority

• Has "Bought Quiet"

- L - lawnmowers enacted
- C - Chainsaws
- T - tractors
- G - garbage trucks
- B - brush chippers
- P - portable air compressors
- A - air conditioners

• Purchasing Cooperative

- Buy-Quiet ordinance reported or under consideration

• Buy in Progress

BUY QUIET

Product Information

Product	Specification Development Conference (Buyers-Sellers)		Product Information Supplement Published	Model Specification Available	Other Data Available
Garbage Trucks	Newark, NJ	7/81	yes	yes	yes
Air Compressors	Skokie, IL	6/81	yes	yes	yes
Lawnmowers	New Orleans, LA	4/80	yes	yes	yes
Chainsaws	Milwaukee, WI	6/80	yes	yes	yes
Vacuum Systems	Las Vegas, NV	10/80	yes	yes	yes
Tractors	Davenport, IO	9/81	yes	yes	yes
Trucks	Washington, DC..	11/81	yes	yes	yes
Jackhammers	scheduled		yes	scheduled	yes
Motor Cycles	scheduled		yes	scheduled	yes
Wood Chippers	---		---	---	yes
Typewriters	---		---	---	yes
Piledrivers	---		---	---	yes

Market Development

Market Development Conference

Industry Access to Market -
Quiet Products Demonstrated by Manufacturer

		Garbage Truck	Air Comp.	Jack-hammer	Lawn Mower	Vacuum System	Pile Driver (on film)
Washington, DC	10/81	✓	✓	✓	✓		✓
Nashville, TN	2/81	✓	✓	✓	✓		✓
St. Paul, MN	3/81		✓	✓	✓	✓	✓
Arlington, TX	4/81		✓	✓	✓		✓
Baton Rouge, LA	5/81		✓	✓	✓		✓
Inglewood, CA	6/81		✓	✓	✓		✓
Atlanta, GA	7/81		✓	✓	✓		✓
Denver, CO	8/81		✓	✓	✓		✓
Berhendorf, IO	9/81	✓	✓	✓	✓		✓