

11-96-01
II-A-618

I. THE EPA NOISE ABATEMENT AND CONTROL PROGRAM

AUTHORITIES

- ° THE NOISE CONTROL ACT OF 1972 (PL 92-574)
- ° THE QUIET COMMUNITIES ACT OF 1978 (PL 95-609)

THE STATUTORY REQUIREMENTS OF THE NOISE CONTROL ACT:

- DIRECTS FEDERAL AGENCIES TO ADMINISTER PROGRAMS IN A MANNER TO REDUCE NOISE CONSISTENT WITH THEIR AUTHORITIES
- REQUIRES EACH FEDERAL AGENCY TO COMPLY WITH FEDERAL, STATE, INTERSTATE AND LOCAL REQUIREMENTS FOR NOISE CONTROL UNLESS EXEMPTED BY THE PRESIDENT
- REQUIRES EPA TO COORDINATE ALL FEDERAL PROGRAMS RELATING TO NOISE RESEARCH AND NOISE CONTROL
- REQUIRES THAT OTHER AGENCIES CONSULT EPA BEFORE PRESCRIBING NOISE REGULATIONS AND ALLOWS EPA TO REQUIRE PUBLIC REVIEW OF ANY REGULATIONS THOUGHT INSUFFICIENT TO PROTECT PUBLIC HEALTH AND WELFARE
- REQUIRES EPA TO PERIODICALLY REPORT ON THE STATUS AND PROGRESS OF FEDERAL NOISE CONTROL ACTIVITIES

II. IDENTIFICATION OF MAJOR NOISE SOURCES, NOISE CRITERIA AND CONTROL TECHNOLOGY

- REQUIRES EPA TO PUBLISH CRITERIA WHICH REFLECT THE KIND AND EXTENT OF ALL IDENTIFIABLE EFFECTS ON THE PUBLIC HEALTH OR WELFARE RESULTING FROM DIFFERING QUANTITIES AND QUALITIES OF NOISE
- REQUIRES EPA TO PUBLISH INFORMATION ON LEVELS OF ENVIRONMENTAL NOISE WHICH IN DEFINED AREAS UNDER VARIOUS CONDITIONS ARE REQUISITE TO PROTECT THE PUBLIC HEALTH AND WELFARE WITH AN ADEQUATE MARGIN OF SAFETY
- REQUIRES EPA TO, AFTER CONSULTATION WITH APPROPRIATE FEDERAL AGENCIES, COMPILE AND PUBLISH A REPORT OR SERIES OF REPORTS (A) IDENTIFYING PRODUCTS WHICH ARE MAJOR SOURCES OF NOISE, AND (B) GIVING INFORMATION ON TECHNIQUES FOR CONTROL OF NOISE FROM SUCH PRODUCTS, INCLUDING AVAILABLE DATA ON THE TECHNOLOGY, COSTS, AND ALTERNATIVE METHODS OF NOISE CONTROL.

JULY 27, 1973, PUBLIC HEALTH AND WELFARE CRITERIA FOR NOISE WAS PUBLISHED.

MARCH 1974. INFORMATION ON LEVELS OF ENVIRONMENTAL NOISE REQUISITE TO PROTECT PUBLIC HEALTH AND WELFARE WITH AN ADEQUATE MARGIN FOR SAFETY WAS PUBLISHED.

THE FOLLOWING PRODUCTS WERE IDENTIFIED AS MAJOR SOURCES OF NOISE:

JUNE 19, 1974 (39 FR 22297)

PORTABLE AIR COMPRESSORS
MEDIUM AND HEAVY TRUCKS

MAY 20, 1975 (40 FR 23105)

WHEEL AND CRAWLER TRACTORS
TRUCK-MOUNTED SOLID WASTE COMPACTORS
MOTORCYCLES AND MOTORCYCLES REPLACEMENT
EXHAUST SYSTEMS
BUSES
TRUCK-TRANSPORT REFRIGERATION UNITS

DECEMBER 30, 1976 (42 FR 2525)

POWER LAWN MOWERS

JANUARY 19, 1977 (42 FR 6722)

PAVEMENT BREAKERS AND ROCK DRILLS

PRE-IDENTIFICATION STUDIES WERE CARRIED
OUT ON AUTOMOBILES AND LIGHT TRUCKS,
TIRES, AIR CONDITIONERS, CHAINSAWS, SNOWMOBILES,
MOTORBOATS, AND EARTHMOVING EQUIPMENT USED IN
CONSTRUCTION.

III. NOISE EMISSION PRODUCT STANDARDS

- EPA IS REQUIRED TO PUBLISH PROPOSED REGULATIONS FOR EACH PRODUCT WHICH IS IDENTIFIED IN ANY REPORT PUBLISHED UNDER SECTION 5(B)(1) AS A MAJOR SOURCE OF NOISE FOR WHICH NOISE EMISSION STANDARDS ARE FEASIBLE AND WHICH FALLS IN ONE OF THE FOLLOWING CATEGORIES: CONSTRUCTION EQUIPMENT, TRANSPORTATION EQUIPMENT (INCLUDING RECREATIONAL VEHICLES), ANY MOTOR OR ENGINE, AND ELECTRICAL OR ELECTRONIC EQUIPMENT.
- EPA MAY PUBLISH PROPOSED REGULATIONS FOR ANY PRODUCT FOR WHICH IT IS NOT REQUIRED TO PRESCRIBE REGULATIONS BUT FOR WHICH NOISE EMISSION STANDARDS ARE FEASIBLE AND ARE REQUISITE TO PROTECT THE PUBLIC HEALTH AND WELFARE. THE REGULATION MUST BE BASED ON CRITERIA PUBLISHED UNDER SECTION 5.
- INITIAL PROPOSED REGULATION(S) SHALL BE PUBLISHED NOT LATER THAN 18 MONTHS AFTER THE DATE OF ENACTMENT OF THE ACT.
- EPA IS REQUIRED TO PRESCRIBE FINAL REGULATIONS FOR EACH PRODUCT FOR WHICH PROPOSED REGULATIONS WERE PUBLISHED UNLESS NOISE EMISSION STANDARDS ARE NOT FEASIBLE. FINAL REGULATIONS ARE DUE NOT EARLIER THAN 6 MONTHS AFTER PROPOSAL NOR LATER THAN 24 MONTHS AFTER IDENTIFICATION AS MAJOR NOISE SOURCE.
- EPA MAY REVISE ANY REGULATION BY (A) PUBLICATION OF PROPOSED REVISED REGULATIONS AND (B) THE PROMULGATION, NOT EARLIER THAN 6 MONTHS AFTER THE DATE OF SUCH PUBLICATION, OR REGULATIONS MAKING THE REVISION.

SECTION 6: PRODUCT STANDARDS

<u>REGULATIONS</u>	<u>DATE OF IDENTIFICATION</u>	<u>DATE OF PROPOSED REGULATION</u>	<u>DATE OF FINAL REGULATION</u>
PORTABLE AIR COMPRESSORS.....	6/19/74	10/29/74	12/31/76
MEDIUM AND HEAVY DUTY TRUCK.....	6/19/74	10/30/74	3/31/76
WHEEL AND CRAWLER TRACTORS.....	5/20/75	6/23/77	-
TRUCK TRANSPORT REFRIGERATION UNITS....	5/20/75	-	-
TRUCK MOUNTED SOLID WASTE COMPACTORS...	5/20/75	8/12/77	9/14/79
MOTORCYCLES.....	5/20/75	3/1/78	12/19/80
BUSES.....	5/20/75	8/29/77	-
POWER LAWN MOWERS.....	12/30/76	-	-
PAVEMENT BREAKERS/ROCK DRILLS.....	1/19/77	-	-

IV. AIRCRAFT NOISE STANDARDS -

- EPA IS REQUIRED TO DO A STUDY OF: THE ADEQUACY OF FAA FLIGHT AND OPERATIONAL NOISE CONTROLS; ADEQUACY OF PRESENT AIRCRAFT NOISE EMISSIONS STANDARDS (INCLUDING RECOMMENDATIONS ON RETROFIT); IMPLICATIONS OF ACHIEVING LEVELS OF CUMULATIVE NOISE EXPOSURE AROUND AIRPORTS; AND ADDITIONAL MEASURES AVAILABLE TO AIRPORT OPERATORS AND LOCAL GOVERNMENTS TO CONTROL NOISE.
- THE FAA IS EMPOWERED TO PRESCRIBE AND AMEND AIRCRAFT NOISE MEASUREMENT AND NOISE EMISSION REGULATIONS UNDER SECTION 611 OF THE FAA ACT OF 1958. EPA IS REQUIRED TO SUBMIT RECOMMENDATIONS FOR REGULATIONS TO FAA WHICH EPA FEELS NECESSARY TO PROTECT THE HEALTH AND WELFARE. A DETAILED PROCESS FOR PUBLIC DISSEMINATION OF INFORMATION REGARDING FAA'S ACTION ON EPA'S RECOMMENDATION IS REQUIRED OF THE FAA.
- EPA IS REQUIRED TO BE CONSULTED PRIOR TO THE ISSUANCE OF ANY AIRCRAFT NOISE STANDARD BY FAA
- NO EXEMPTION FROM ANY NOISE STANDARD OR REGULATION MAY BE GRANTED BY FAA UNLESS THEY HAVE CONSULTED WITH EPA

AVIATION NOISE REGULATIONS PROPOSED BY EPA TO FAA

<u>TITLE</u>	<u>DATE TO FAA</u>	<u>FAA ACTION</u>
1. NOISE STANDARDS FOR PROPELLER DRIVEN SMALL AIRPLANES	6 DEC 74	NP & P 23 DEC 76 41 FR 56056
2. NOISE ABATEMENT MINIMUM ALTITUDES FOR TURBOJET POWERED AIRPLANES IN TERMINAL AREAS	6 DEC 74	NP 29 NOV 76 41 FR 52393
3. CIVIL SUBSONIC TURBOJET ENGINE-POWERED AIRPLANES; NOISE RETROFIT REQUIREMENTS	28 JAN 75	P&NP 23 DEC 76 41 FR 52393
4. FLEET NOISE LEVEL REQUIREMENTS	28 JAN 75	NP 29 NOV 76 41 FR 52398
5. AIRCRAFT NOISE REQUIREMENTS; CIVIL SUPERSONIC AIRPLANES	27 FEB 75	P&NP 29 JUN 78 43 FR 28406
6. REDUCED FLAP SETTING NOISE ABATEMENT APPROACH FOR TURBOJET	29 AUG 75	P 29 NOV 76 41 FR 52388
7. VISUAL TWO-SEGMENT NOISE ABATEMENT APPROACH FOR TURBOJET	29 AUG 75	NP 29 NOV 76 41 FR 52388
8. TWO SEGMENT ILS NOISE ABATEMENT APPROACH FOR TURBOJET ENGINE- POWERED AIRPLANES	29 AUG 75	NP 29 NOV 76 41 FR 52388
9. AIRPLANE NOISE REQUIREMENTS FOR OPERATION TO OR FROM U.S. AIRPORTS	13 JAN 76	NP 29 JUN 78 43 FR 28405
10. NOISE LEVELS FOR TURBOJET POWERED AIRPLANES AND LARGE PROPELLER DRIVEN AIRPLANES	1 OCT 76	NONE
11. AIRPORT NOISE REGULATORY PROCESS	22 OCT 76	NP & P 26 JAN 81 46 FR 8316
12. TAKEOFF PROCEDURES FOR AIRCRAFT NOISE CONTROL		PROJECT REPORT IN PREPARATION
13. NOISE STANDARDS FOR HELICOPTERS		UNDER EVALUATION
14. NOISE STANDARDS FOR SHORT AND REDUCED TAKEOFF AND LANDING AIRCRAFT (STOL AND RTOL)		UNDER EVALUATION

* NP = NONPRESCRIPTION;

P = PRESCRIPTION;

V. JOINT AIRPORT STUDY BY EPA AND FAA

THE SECRETARY OF TRANSPORTATION AND THE ADMINISTRATOR ARE REQUIRED TO JOINTLY STUDY THE AIRCRAFT NOISE EFFECTS FROM AN AIRPORT ON COMMUNITIES LOCATED IN A STATE OTHER THAN THE STATE IN WHICH THE AIRPORT IS LOCATED.

REPORT TO CONGRESS - EFFECTS OF AIRPORT NOISE ON A NEIGHBORING STATE WAS PUBLISHED AND WAS TRANSMITTED TO THE HOUSE AND THE SENATE ON NOVEMBER 6 AND 7, 1980.

VI. TRANSPORTATION PLANNING

EPA DEVELOPED ABATEMENT PLANS FOR AREAS AROUND MAJOR TRANSPORTATION FACILITIES (INCLUDING AIRPORTS, HIGHWAYS, AND RAIL YARDS) AND OTHER MAJOR STATIONARY SOURCES OF NOISE, AND, WHERE APPROPRIATE, FOR THE FACILITY OR SOURCE ITSELF; AND EPA DEVELOPED THE AIRPORT NOISE EVALUATION PROCESS (A SIMPLIFIED AND OBJECTIVE APPROACH TO DETERMINING AVIATION NOISE IMPACTS) AND A WORKBOOK MANUAL CALCULATION OF DAY-NIGHT LEVEL (LDN) RESULTING FROM CIVIL AIRCRAFT OPERATIONS.

EPA DEVELOPED THE HIGHWAY NOISE EVALUATION PROCESS (A SIMPLIFIED OBJECTIVE APPROACH TO DETERMINING HIGHWAY NOISE IMPACTS).

EPA INITIATED A PROGRAM TO IDENTIFY, EVALUATE AND DEMONSTRATE WAYS FOR STATE AND LOCAL GOVERNMENTS TO CONTROL SURFACE TRANSPORTATION NOISE. FIVE DEMONSTRATIONS PROJECTS WERE FUNDED AND WERE COMPLETED BY THE END OF FY 1982.

VII. RAILROAD NOISE EMISSION STANDARDS

WITHIN 9 MONTHS AFTER THE DATE OF ENACTMENT OF THE ACT, EPA WAS REQUIRED TO PUBLISH PROPOSED NOISE EMISSION REGULATIONS FOR SURFACE CARRIERS ENGAGED IN INTERSTATE COMMERCE BY RAILROAD. SUCH PROPOSED REGULATIONS SHOULD INCLUDE NOISE EMISSION STANDARDS SETTING SUCH LIMITS ON NOISE EMISSIONS STANDARDS FROM OPERATION OF THE EQUIPMENT AND FACILITIES OF SURFACE CARRIERS ENGAGED IN INTERSTATE COMMERCE BY RAILROAD WHICH REFLECT THE DEGREE OF NOISE REDUCTION ACHIEVABLE THROUGH THE APPLICATION OF THE BEST AVAILABLE TECHNOLOGY, TAKING INTO ACCOUNT THE COST OF COMPLIANCE.

WITHIN 90 DAYS AFTER THE PUBLICATION OF SUCH REGULATIONS EPA IS REQUIRED TO PROMULGATE FINAL REGULATIONS. THE DEPARTMENT OF TRANSPORTATION IS CHARGED WITH THE RESPONSIBILITY OF ASSURING COMPLIANCE WITH EPA'S RAILROAD NOISE EMISSION REGULATIONS THROUGH THEIR FEDERAL RAILROAD ADMINISTRATION (FRA).

STATE AND LOCAL GOVERNMENTS ARE PROHIBITED FROM ESTABLISHING OPERATIONAL NOISE EMISSION LIMITS DIFFERENT FROM APPLICABLE FEDERAL STANDARDS, BUT THE ADMINISTRATOR MAY ALLOW A DIFFERENT STANDARD IF HE DETERMINES IN CONSULTATION WITH THE SECRETARY OF TRANSPORTATION THAT LOCAL CONDITIONS NECESSITATE SUCH DIFFERENT REGULATIONS.

DECEMBER 31, 1975. EPA PUBLISHED A FINAL REGULATION FOR SETTING SPECIFIC MAXIMUM IN-USE NOISE STANDARDS FOR LOCOMOTIVE AND RAIL CARS MOVING IN INTERSTATE COMMERCE.

AUGUST 23, 1977. FRA COMPLIANCE PROCEDURES FOR THE DECEMBER 31, 1975 EPA REGULATIONS WERE PUBLISHED.

JANUARY 4, 1980. FINAL REGULATIONS WERE PUBLISHED FOR 4 MAJOR RAIL YARD NOISE EMISSION SOURCES, I.E., SWITCHES, LOCOMOTIVE, RETARDER OPERATION, LOAD CELL TEST STAND OPERATION AND CAR COUPLING ACTIVITIES (IN COMPLIANCE WITH A COURT ORDER).

VIII. MOTOR CARRIER NOISE EMISSION STANDARDS -

WITHIN 9 MONTHS AFTER THE DATE OF ENACTMENT OF THE ACT, EPA IS REQUIRED TO PUBLISH PROPOSED NOISE EMISSION REGULATIONS FOR MOTOR CARRIERS ENGAGED IN INTERSTATE COMMERCE. THE PROPOSED REGULATIONS SHALL INCLUDE NOISE EMISSION STANDARDS SETTING SUCH LIMITS ON NOISE EMISSIONS RESULTING FROM OPERATION OF MOTOR CARRIERS ENGAGED IN INTERSTATE COMMERCE WHICH REFLECT THE DEGREE OF NOISE REDUCTION ACHIEVABLE THROUGH THE APPLICATION OF THE BEST AVAILABLE TECHNOLOGY, TAKING INTO ACCOUNT THE COST OF COMPLIANCE.

WITHIN 90 DAYS AFTER THE PUBLICATION OF SUCH REGULATIONS EPA IS REQUIRED TO PROMULGATE FINAL REGULATIONS. THE DEPARTMENT OF TRANSPORTATION IS CHARGED WITH THE RESPONSIBILITY OF ASSURING COMPLIANCE WITH EPA'S INTERSTATE MOTOR CARRIER REGULATIONS THROUGH THE BUREAU OF MOTOR CARRIER SAFETY.

STATE AND LOCAL GOVERNMENTS ARE PROHIBITED FROM ESTABLISHING OPERATIONAL NOISE EMISSION LIMITS DIFFERENT FROM APPLICABLE FEDERAL STANDARDS, BUT THE ADMINISTRATOR MAY ALLOW A DIFFERENT STANDARD IF HE DETERMINES IN CONSULTATION WITH THE SECRETARY OF TRANSPORTATION THAT LOCAL CONDITIONS NECESSITATE SUCH DIFFERENT REGULATIONS.

OCTOBER 21, 1974. FINAL REGULATIONS SETTING SPECIFIC MAXIMUM IN-USE NOISE STANDARDS APPLICABLE TO VEHICLES OPERATED BY MOTOR CARRIERS ENGAGED IN INTERSTATE COMMERCE WERE PUBLISHED.

JANUARY 8, 1986. BOTH THE INTERSTATE MOTOR CARRIER REGULATION (TITLE 40, PART 202) AND THE MEDIUM AND HEAVY TRUCK REGULATION (TITLE 40, PART 205) WERE REVISITED AND AMENDED AS A RESULT OF PETITIONS FROM THE MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE UNITED STATES, INC., FORD MOTOR COMPANY, GENERAL MOTORS CORPORATION AND INTERNATIONAL HARVESTER COMPANY.

IX. IMPORTS

THE SECRETARY OF THE TREASURY SHALL, IN CONSULTATION WITH EPA, ISSUE REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS ACT WITH RESPECT TO NEW PRODUCTS IMPORTED OR OFFERED FOR IMPORTATION.

EPA CONSULTED WITH THE TREASURY DEPARTMENT AND DRAFTED THE REQUIRED REGULATIONS. BECAUSE OF RESOURCE CONSTRAINTS, NO PROPOSAL WAS ISSUED.

X. LABELING

EPA IS REQUIRED TO DESIGNATE BY REGULATION, ANY PRODUCT WHICH (A) EMITS NOISE CAPABLE OF ADVERSELY AFFECTING THE PUBLIC HEALTH OR WELFARE, OR (B) IS SOLD WHOLLY OR IN PART ON THE BASIS OF ITS EFFECTIVENESS IN REDUCING NOISE. EPA IS FURTHER DIRECTED TO REQUIRE, BY REGULATION, THE MANUFACTURER OF SUCH PRODUCT TO GIVE NOTICE OF THE NOISE LEVEL OR ITS EFFECTIVENESS IN REDUCING NOISE TO THE PROSPECTIVE USER. EPA'S REGULATIONS MUST INDICATE THE FORM OF SUCH NOTICE AND PRESCRIBE THE METHOD AND UNIT OF NOISE MEASUREMENTS.

SEPTEMBER 28, 1979. THE AGENCY PUBLISHED THE GENERAL PROVISIONS FOR NOISE LABELING AND ALSO INCLUDED AS PART OF THE NOTICE A NOISE LABELING REGULATION FOR HEARING PROTECTORS.

THE AGENCY PUBLISHED AS PART OF THE "GENERAL PROVISIONS," MINIMUM REQUIREMENTS FOR VOLUNTARY PRODUCT NOISE LABELING BY MANUFACTURERS THAT COULD OBTAIN THE NEED FOR MANDATORY FEDERAL LABELING. MANUFACTURERS OF BOTH NOISE PRODUCING AND REDUCING PRODUCTS WERE ENCOURAGED TO DEVELOP VOLUNTARY LABELING PROGRAMS, THUS MINIMIZING FEDERAL INVOLVEMENT.

XI. QUIET COMMUNITIES, RESEARCH, PUBLIC INFORMATION

- TO PROMOTE THE DEVELOPMENT OF EFFECTIVE STATE AND LOCAL NOISE CONTROL PROGRAMS, TO PROVIDE AN ADEQUATE FEDERAL NOISE CONTROL RESEARCH PROGRAM, AND TO OTHERWISE CARRY OUT THE POLICY OF THIS ACT, EPA IS REQUIRED, IN COOPERATION WITH OTHER FEDERAL AGENCIES AND THROUGH THE USE OF GRANTS, CONTRACTS, AND DIRECT FEDERAL ACTIONS TO:
 - DEVELOP AND DISSEMINATE INFORMATION AND EDUCATIONAL MATERIALS TO ALL SEGMENTS OF THE PUBLIC ON THE PUBLIC HEALTH AND OTHER EFFECTS OF NOISE AND THE MOST EFFECTIVE MEANS FOR NOISE CONTROL, THROUGH THE USE OF MATERIALS FOR SCHOOL CURRICULA, VOLUNTEER ORGANIZATIONS, RADIO AND TELEVISION PROGRAMS, PUBLICATION, AND OTHER MEANS;
 - CONDUCT OR FINANCE RESEARCH ON THE EFFECTS, MEASUREMENT, AND CONTROL OF NOISE, INCLUDING BUT NOT LIMITED TO:
 - o INVESTIGATION OF THE PSYCHOLOGICAL AND PHYSIOLOGICAL EFFECTS OF NOISE ON HUMANS AND THE DETERMINATION OF DOSE/RESPONSE RELATIONSHIPS SUITABLE FOR USE IN DECISION-MAKING, WITH SPECIAL EMPHASIS ON THE NON-AUDITORY EFFECTS OF NOISE.
 - o INVESTIGATION, DEVELOPMENT, AND DEMONSTRATION OF NOISE CONTROL TECHNOLOGY FOR PRODUCTS SUBJECT TO POSSIBLE REGULATION UNDER SECTIONS 6, 7, AND 8 OF THIS ACT;
 - o INVESTIGATION OF THE ECONOMIC IMPACT OF NOISE ON PROPERTY AND HUMAN ACTIVITIES; AND
 - o INVESTIGATION AND DEMONSTRATION OF THE USE OF ECONOMIC INCENTIVES (INCLUDING EMISSION CHARGES) IN THE CONTROL OF NOISE.

XII. - ADMINISTER A NATIONWIDE QUIET COMMUNITIES PROGRAM
WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO:

GRANTS TO STATE, LOCAL GOVERNMENTS, AND AUTHORIZED REGIONAL PLANNING AGENCIES FOR THE PURPOSE OF -

- IDENTIFYING AND DETERMINING THE NATURE AND EXTENT OF THE NOISE PROBLEM WITHIN THE SUBJECT JURISDICTION;
- PLANNING, DEVELOPING, AND ESTABLISHING A NOISE CONTROL CAPACITY IN SUCH JURISDICTION, INCLUDING PURCHASING INITIAL EQUIPMENT;
- DEVELOP AND IMPLEMENT A NATIONAL NOISE ENVIRONMENTAL ASSESSMENT PROGRAM TO IDENTIFY TRENDS IN NOISE EXPOSURE AND RESPONSE, AMBIENT LEVELS, AND COMPLIANCE DATA AND TO DETERMINE OTHERWISE THE EFFECTIVENESS OF NOISE ABATEMENT ACTIONS THROUGH THE COLLECTION OF PHYSICAL, SOCIAL, AND HUMAN RESPONSE DATA;
- ESTABLISH REGIONAL TECHNICAL ASSISTANCE CENTERS WHICH USE THE CAPABILITIES OF UNIVERSITY AND PRIVATE ORGANIZATIONS TO ASSIST STATE AND LOCAL NOISE CONTROL PROGRAMS;
- PROVIDE TECHNICAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS TO FACILITATE THEIR DEVELOPMENT AND ENFORCEMENT OF NOISE CONTROL, INCLUDING DIRECT ONSITE ASSISTANCE OF AGENCY OR OTHER PERSONNEL WITH TECHNICAL EXPERTISE, AND PREPARATION OF MODEL STATE OR LOCAL LEGISLATION FOR NOISE CONTROL.

XIII. OTHER PROVISIONS

PROHIBITED ACTS

MANUFACTURERS ARE PROHIBITED FROM DISTRIBUTING PRODUCTS WHICH DO NOT CONFORM WITH AN APPLICABLE LABELING OR NOISE EMISSION REGULATION AFTER THE EFFECTIVE DATE OF SUCH APPLICABLE REGULATION. ALL PERSONS ARE PROHIBITED FROM REMOVING A NOISE REDUCTION DEVICE FROM A PRODUCT IN COMPLIANCE WITH A NOISE EMISSION REGULATION AND FROM REMOVING A LABEL BEFORE SALE TO THE ULTIMATE PURCHASER. ALL PERSONS ARE PROHIBITED FROM REFUSING TO COMPLY WITH AN ORDER OF THE ADMINISTRATOR SPECIFYING RELIEF UNDER SEC. 11(D) OR REFUSING TO MAKE REQUIRED INFORMATION AVAILABLE TO THE ADMINISTRATOR, OR IMPORTING A PRODUCT IN VIOLATION OF THE IMPORT REGULATIONS OF SEC. 9. UNDER CERTAIN CIRCUMSTANCES, THE ADMINISTRATOR MAY EXEMPT CERTAIN PRODUCTS FROM COMPLIANCE FOR A SPECIFIED PERIOD OF TIME.

ENFORCEMENT

MANUFACTURERS OR IMPORTERS OF NON-CONFORMING OR MIS-LABELED PRODUCTS ARE SUBJECT TO FINES OF UP TO \$25,000 PER DAY FOR EACH VIOLATION AND TO IMPRISONMENT OF UP TO 1 YEAR. THE PENALTIES MAY BE DOUBLED FOR SUBSEQUENT CONVICTIONS. THE ADMINISTRATOR MAY ISSUE ORDERS SPECIFYING SUCH RELIEF AS HE DEEMS NECESSARY TO PROTECT THE PUBLIC HEALTH AND WELFARE. THE DISTRICT COURTS OF THE UNITED STATES HAVE JURISDICTION TO RESTRAIN VIOLATIONS OF THE ACT.

CITIZEN SUITS

ANY PERSON MAY COMMENCE A CIVIL ACTION ON HIS OWN BEHALF AGAINST ANY PERSON (INCLUDING THE UNITED STATES) FOR VIOLATION OF THIS ACT OR AGAINST THE ADMINISTRATOR OF EPA OR FAA FOR FAILURE TO PERFORM ANY NON-DISCRETIONARY DUTY UNDER THIS ACT. NO ACTION MAY BE COMMENCED UNTIL 60 DAYS AFTER NOTICE OF VIOLATION OR IF THE ADMINISTRATOR IS ALREADY DILIGENTLY PROSECUTING A CIVIL ACTION. THE ADMINISTRATOR MAY INTERVENE AS A MATTER OF RIGHT IN COSTS OF LITIGATION (INCLUDING REASONABLE ATTORNEY AND EXPERT WITNESS FEES) TO ANY PARTY. NOTHING IN THE SECTION RESTRICTS ANY RIGHT WHICH ANY PERSON MAY HAVE UNDER ANY OTHER STATUTE OR THE COMMON LAW TO ENFORCE A NOISE CONTROL REQUIREMENT.

XIV. CONTINUING AGENCY RESPONSIBILITIES
UNDER THE NOISE CONTROL ACT

- 1) REVISION OF RAILROAD STDS (SECTION 17(A)(2)) AND
MOTOR CARRIER STDS (SECTION 18 (A)(2))

[SEE LEGAL BRIEF BY WILMER, CUTLER & PICKERING, FEB. 1984
RE: NOISE EMISSION STDS FOR MEDIUM & HEAVY DUTY TRUCKS]

- 2) AIRCRAFT NOISE STANDARDS AND REGULATIONS (SECTION 7(A)(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.

- 3) INTERAGENCY GROUP ON INTERNATIONAL AVIATION (IGIA) (SECTION 7(A)(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

- 4) R&D DEMONSTRATIONS OR TRAINING EXEMPTIONS

SECTION 10(B)(1) NCA, 40 CFR 205.5-2(1)

- ° EXEMPTIONS FOR ALL PRODUCTS
- ° AIRCRAFT AND SONIC BOOM OR ANY OTHER REGULATION OR STANDARD

- 5) PARTIAL EXEMPTIONS FROM AVIATION NOISE STDS UNDER SECTION
7(B)(1) NCA AND SECTIONS 313(A), 601(C) AND 611(B) OF FAA
ACT OF 1958

- 6) GRANTING OF MODEL SPECIFIC CODES FOR LABELS ON ALL
IMPORTED MOTORCYCLES AND MOPEDS, SECTION 6(C)(1), 40 CFR
PART 205, 45 FR 86694

ALSO REVISION OF MOTORCYCLE REGS

- 7) SECTION 5(B)(1) MAJOR NOISE SOURCES IDENTIFICATION
[18 MONTHS TO ISSUE REGULATIONS]

WHEEL & CRAWLER TRACTORS
BUSES
POWER LAWN MOWERS
TRUCK TRANSPORTATION REFRIGERATION UNITS
PAVEMENT BREAKERS
ROCK DRILLS

8) GENERAL PROVISIONS FOR PRODUCT NOISE LABELING

[SECTION 8 NCA, 42 USC 4907] 44 FR 56120

EPA WILL ASSIST ANY PRODUCT MANUFACTURER OR TRADE ASSOCIATION TO DEVELOP A VOLUNTARY NOISE LABELING PROGRAM

ALSO APPROVAL OF ANY PRODUCT EXEMPTIONS FOR TESTING PURPOSES

9) 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.

10) 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.

11) OTHER RESPONSIBILITIES

- ° EACH FEDERAL AGENCY SHALL CONSULT WITH EPA IN PRESCRIBING STANDARDS OR REGULATIONS ON NOISE
- ° ALL AGENCIES ARE REQUIRED TO COORDINATE RESEARCH AND DEVELOPMENT WORK IN THE NOISE AREA WITH EPA.
- ° 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 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.
- ° RESPOND TO A LARGE NUMBER OF WRITTEN AND TELEPHONE REQUESTS FROM CONGRESS, INDUSTRY AND THE PUBLIC FOR INFORMATION OR ASSISTANCE.

12) ° 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 RESULT IN MORE FUTURE COURT ACTION.

LISTING OF EPA NOISE REGULATIONS

<u>Subject Area</u>	<u>Federal Register Publication Date</u>	<u>Federal Register Notice Location</u>
Interstate Motor Carriers	10/29/74 1/8/86	Title 40, Part 202 39 FR 38208 - 38216 51 FR 852
Medium & Heavy Trucks	4/13/76 3/1/77 6/13/77 12/5/77 11/27/79 1/27/81 (1st Deferral) 2/17/82 (2nd Deferral) 1/8/86 (3rd Deferral)	Title 40, Part 205 41 FR 15538 - 15558 42 FR 11835 - 11836 42 FR 30210 42 FR 61457 - 61460 44 FR 67659 - 67660 46 FR 8497 - 8512 47 FR 7186 - 7188 51 FR 850 - 852
Portable Air Compressors	1/14/76	Title 40, Part 204 41 FR 2162 - 2182
Motorcycle & Motorcycle Exhaust Systems	12/31/80	Title 40, Part 205 45 FR 86694 - 86730
General Product Labeling	9/28/79	Title 40, Part 211 44 FR 56120 - 56130
Labeling-Hearing Protectors	9/28/79	Title 40, Part 211 44 FR 56130 - 56147
Interstate Rail Carriers		Title 40, Part 201
°Locomotive/Railcars	1/14/76	45 FR 1252 - 1271
°Switcher Locomotives	1/14/80	45 FR 1252 - 1271
°Retarders	1/4/80	45 FR 1252 - 1271
°Load Cell Test Stands	1/4/80	45 FR 1252 - 1271
°Car Coupling	1/4/80	45 FR 1252 - 1271