

Y 4 .In 8/4: 95-173

95/4
In 8/4
95-173

NOISE ACT AUTHORIZATION FOR FISCAL YEAR 1979

GOVERNMENT

DOCUMENTS

Storage

FEB 9 1979

FARRELL LIBRARY
KANSAS STATE UNIVERSITY

HEARING

BEFORE THE

SUBCOMMITTEE ON
TRANSPORTATION AND COMMERCE

OF THE

COMMITTEE ON
INTERSTATE AND FOREIGN COMMERCE
HOUSE OF REPRESENTATIVES

NINETY-FIFTH CONGRESS

SECOND SESSION

ON

H.R. 12068 and H.R. 12069

BILLS TO EXTEND PROVISIONS OF THE NOISE CONTROL
ACT OF 1972

APRIL 13, 1978

Serial No. 95-173

Printed for the use of the
Committee on Interstate and Foreign Commerce



U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1978

35-827 O

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION



871-20:4/8 RE. AY

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

HARLEY O. STAGGERS, West Virginia, *Chairman*

JOHN E. MOSS, California	SAMUEL L. DEVINE, Ohio
JOHN D. DINGELL, Michigan	JAMES T. BROYHILL, North Carolina
PAUL G. ROGERS, Florida	TOM LEE CARTER, Kentucky
LIONEL VAN DEERLIN, California	CLARENCE J. BROWN, Ohio
FRED B. ROONEY, Pennsylvania	JOE SKUBITZ, Kansas
JOHN M. MURPHY, New York	JAMES M. COLLINS, Texas
DAVID E. SATTERFIELD III, Virginia	LOUIS FREY, Jr., Florida
BOB ECKHARDT, Texas	NORMAN F. LENT, New York
RICHARDSON PREYER, North Carolina	EDWARD R. MADIGAN, Illinois
CHARLES J. CARNEY, Ohio	CARLOS J. MOORHEAD, California
RALPH H. METCALFE, Illinois	MATTHEW J. RINALDO, New Jersey
JAMES H. SCHEUER, New York	W. HENSON MOORE, Louisiana
RICHARD L. OTTINGER, New York	DAVE STOCKMAN, Michigan
HENRY A. WAXMAN, California	MARC L. MARKS, Pennsylvania
ROBERT (BOB) KRUEGER, Texas	
TIMOTHY E. WIRTH, Colorado	
PHILIP R. SHARP, Indiana	
JAMES J. FLORIO, New Jersey	
ANTHONY TOBY MOFFETT, Connecticut	
JIM SANTINI, Nevada	
ANDREW MAGUIRE, New Jersey	
MARTY RUSSO, Illinois	
EDWARD J. MARKEY, Massachusetts	
THOMAS A. LUKEN, Ohio	
DOUG WALGREN, Pennsylvania	
BOB GAMMAGE, Texas	
ALBERT GORE, Jr., Tennessee	
BARBARA A. MIKULSKI, Maryland	

W. E. WILLIAMSON, *Chief Clerk and Staff Director*

KENNETH J. PAINTER, *First Assistant Clerk*

ELEANOR A. DINKINS, *Assistant Clerk*

THOMAS M. RYAN, *Professional Staff*

SUBCOMMITTEE ON TRANSPORTATION AND COMMERCE

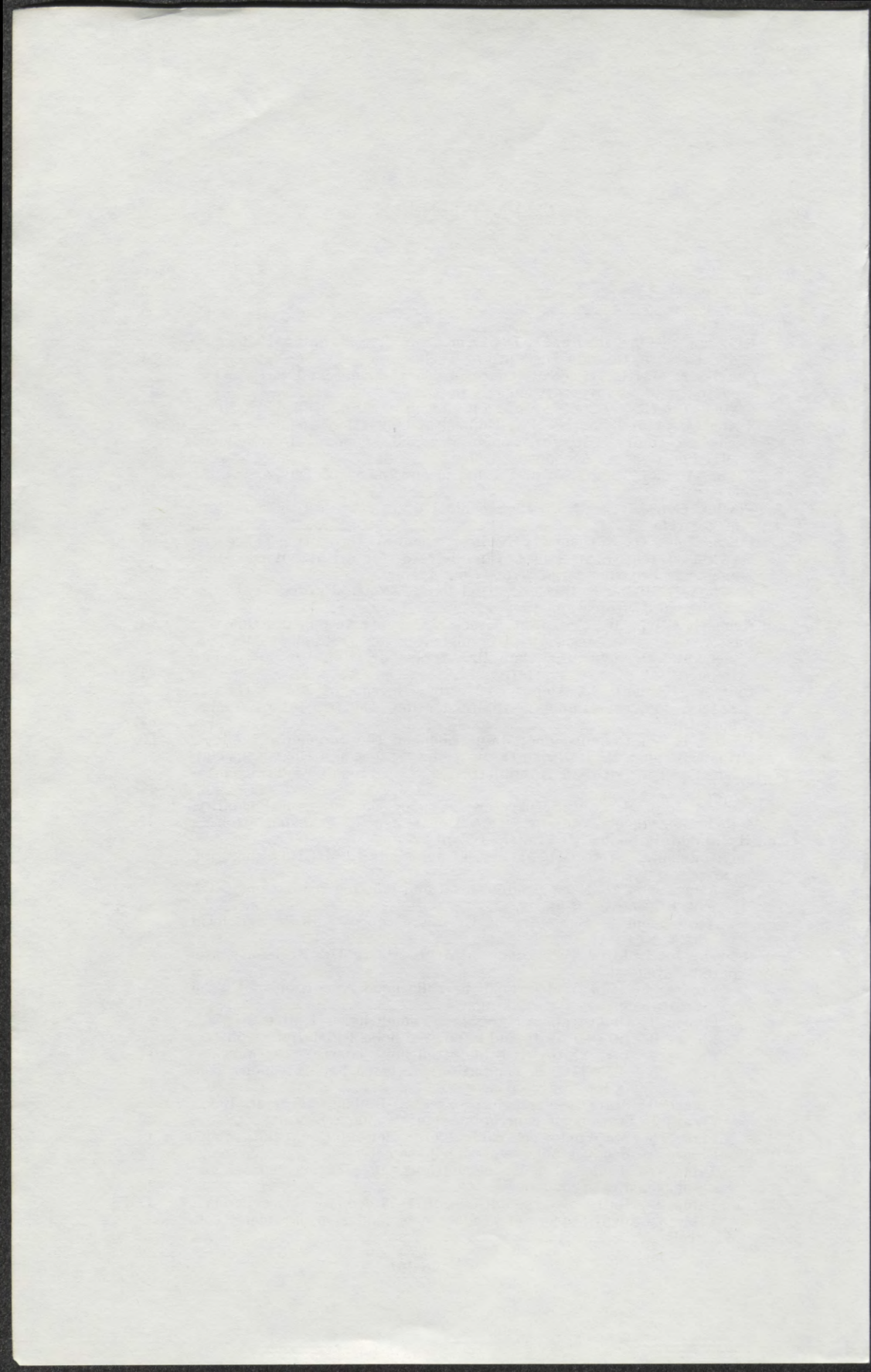
FRED B. ROONEY, Pennsylvania, *Chairman*

RALPH H. METCALFE, Illinois	JOE SKUBITZ, Kansas
BARBARA A. MIKULSKI, Maryland	EDWARD R. MADIGAN, Illinois
JAMES J. FLORIO, New Jersey	NORMAN F. LENT, New York
JIM SANTINI, Nevada	SAMUEL L. DEVINE, Ohio (Ex Officio)
MARTY RUSSO, Illinois	
BOB GAMMAGE, Texas	
JOHN M. MURPHY, New York	
HARLEY O. STAGGERS, West Virginia	
(Ex Officio)	

WILLIAM T. DRUHAN, *Staff Director*

CONTENTS

Text of—	Page
H.R. 12068	2
H.R. 12069	3
Statement of—	
Bragdon, Clifford R., Ph. D., Department of City Planning, College of Architecture, Georgia Institute of Technology.....	4
Convisser, Martin, Director, Office of Environment and Safety, Department of Transportation.....	47
Elkins, Charles, Deputy Assistant Administrator, Office of Noise Abatement and Control, Environmental Protection Agency.....	35
Eschwege, Henry, Director, Community and Economic Development Division, General Accounting Office.....	64
Fedor, Daniel, Chief, Noise Section, Department of Environmental Control	30
Fowler, Hon. Wyche, Jr., a Representative in Congress from the State of Georgia	4
Fultz, Keith O., Supervisory Auditor, General Accounting Office....	64
Hawkins, David G., Assistant Administrator for Air and Waste Management, Environmental Protection Agency.....	35
Kozlowski, Richard, Director, Division of Noise Enforcement, Environmental Protection Agency.....	35
Krueger, Oliver W., Assistant Director, General Accounting Office...	64
Pastor, George J., Associate Administrator for Technology Development and Deployment, Urban Mass Transportation Administration, Department of Transportation.....	47
Pierson, Kenneth L., Deputy Director, Bureau of Motor Carrier Safety, Federal Highway Administration, Department of Transportation	47
Poston, H. W., Commissioner, Department of Environmental Control..	30
Urman, Stephen C., Railroad Occupational Safety and Health Specialist, Federal Railroad Administration, Department of Transportation	47
Wesler, John E., Acting Director, Office of Environmental Quality, Federal Aviation Administration, Department of Transportation....	47
Additional material submitted for the record by—	
Environmental Protection Agency, attachments to Mr. Hawkins' prepared statement:	
Attachment 1—Noise product level and labeling regulations, NCA of 1972—Secs. 6 and 8.....	43
Attachment 2—Summary of EPA assistance to State and local agencies	43
Georgia Institute of Technology, attachments to Dr. Bragdon's prepared statement:	
Figure 1—1976 undesirable neighborhood conditions: United States comparative ranking.....	13
Figure 2—Undesirable neighborhood conditions: United States...	14
Figure 3—1971-77 State and municipal noise legislation: Totals...	15
Figure 4—1977 States with budgeted noise control programs.....	17
Figure 5—1973-77 U.S. population protected by State noise control legislation budgeted programs.....	18
Figure 6—State noise control programs: Budget characteristics...	18
Figure 7—State noise control budgets: A comparison.....	19
Figure 8—State noise control budgets: Per capita expenditures...	19
Figure 9—Product noise emission parameters.....	20
Table 1.—Municipal noise regulations, 1971-77 acoustical and nonacoustical provisions	16
Table 2.—State noise regulations, 1971-77 acoustical provisions...	17
Table 3.—Identification of product noise emission parameter controls	22



NOISE ACT AUTHORIZATION FOR FISCAL YEAR 1979

THURSDAY, APRIL 13, 1978

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON TRANSPORTATION AND COMMERCE,
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
Washington, D.C.

The subcommittee met at 2 p.m., pursuant to notice, in room 2123, Rayburn House Office Building. Hon. Fred B. Rooney, chairman, presiding.

Mr. ROONEY. Today the committee is holding hearings on the implementation and the reauthorization of the Noise Control Act of 1972. Noise pollution is perhaps the least visible of all of the environmental pollutants. As such, since 1972 it has perhaps received the least attention from the administration and from the Congress.

It is becoming increasingly obvious to me that noise pollution drastically affects the quality of our environment today. Recent studies have indicated that noise may have disastrous affects on our health, not only the obvious effects on hearing loss but also a cause of the so-called stress diseases: High blood pressure, heart disease, and mental illness.

The focus of these hearings today will be to determine if the continuing criticism of the implementation of the noise program are true and what legislative remedies are necessary to improve the implementation of the act.

During the past year this subcommittee has received quarterly reports on the implementation of the act from the Environmental Protection Agency, the Department of Transportation, and from the General Accounting Office.

In requesting these reports a year ago, it was my hope that this committee would be able to conclude whether or not the act as it presently exists is workable; and if not, why not; and whether or not it can be made to work.

My initial view was that there had been an improvement in the implementation of the act on the part of all of the agencies, especially the EPA. However, coordination and cooperation among the several agencies involved has not improved as much as I had hoped. Before this committee reauthorizes the noise program it must see evidence that the parties involved are actively implementing the act and not willfully or innocently frustrating it.

In the past, efforts have been concentrated on identifying and regulating the major sources of noise. And while this was an important step, it is my belief that we must now concentrate on more effective enforcement and implementation at the State and the local level. And to this

end it may even be necessary for Congress to amend the present act to more clearly define its intent in this area and to provide adequate funds for the development of effective State and local programs.

I have introduced, in addition to the authorization requested by the administration, a bill which would increase EPA's funding by \$7 million. And I look forward to hearing from our witnesses today whether or not they feel this increase is warranted and where the funds would best be spent.

Without objection the text of H.R. 12068 and H.R. 12069 will be printed at this point in the record.

[The text of the bills referred to follow:]

95TH CONGRESS
2D SESSION

H. R. 12068

IN THE HOUSE OF REPRESENTATIVES

APRIL 12, 1978

Mr. ROONEY introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

A BILL

To extend provisions of the Noise Control Act of 1972, as amended, for one year.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That section 19 of the Noise Control Act of 1972, as
- 4 amended (42 U.S.C. 4918) is amended by striking "and"
- 5 and by inserting immediately following "1977;": "\$17,-
- 6 812,000 for the fiscal year ending September 30, 1979;".

95TH CONGRESS
2D SESSION

H. R. 12069

IN THE HOUSE OF REPRESENTATIVES

APRIL 12, 1978

Mr. ROONEY (by request) introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

A BILL

To extend provisions of the Noise Control Act of 1972, as amended, for two years.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 19 of the Noise Control Act of 1972, as amended
4 (42 U.S.C. 4918), is amended by striking "and" and by
5 inserting immediately following "1977;": "\$10,812,000 for
6 the fiscal year ending September 30, 1979; and such sums
7 as may be necessary for the fiscal year ending September 30,
8 1980;".

I

Mr. ROONEY. Our first witness will be Dr. Clifford R. Bragdon, professor of city planning, College of Architecture, Georgia Institute of Technology. Dr. Bragdon will be introduced by one of our distinguished colleagues from the great State of Georgia, Congressman Wyche Fowler.

I welcome the Georgia delegation to this committee. I might say for the record I used to spend many hours at the Georgia Tech campus, and I am a graduate of the University of Georgia. So we have a lot in common to start off with, Professor.

Mr. Fowler.

**STATEMENT OF HON. WYCHE FOWLER, JR., A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF GEORGIA**

Mr. FOWLER. Mr. Chairman, thank you very much for this opportunity to introduce my friend and constituent and one of the, if not the paramount expert on noise control in the country, Dr. Clifford Bragdon. Dr. Bragdon is here to testify before your subcommittee on the strengthening of the Noise Control Act particularly in terms of providing technical assistance to local and State governments. He has proposed establishing a series of regional noise technical centers in each of the regions, to be located at universities, preferably where the regional headquarters is situated. And he will be giving you details of course of that testimony.

Dr. Bragdon's credentials weigh 5 or 6 pounds. I will submit those for the record. He was educated at Michigan State University in East Lansing where he received his masters of urban planning degree in 1965. And he went on to the University of Pennsylvania where he received his doctor of philosophy degree in city planning in 1970. He has almost every expert professional affiliation and honor deemed by his profession. And I only repeat to say that the committee is fortunate to have a man of this caliber and stature to be able to lend us his advice and assistance in this matter.

It is my pleasure to be able to present to you Dr. Clifford Bragdon from Georgia Tech.

Mr. ROONEY. Thank you very much, Mr. Fowler. With that Pennsylvania and Georgia education you are going to make a great witness I am sure.

**STATEMENT OF CLIFFORD R. BRAGDON, Ph. D., DEPARTMENT OF
CITY PLANNING, COLLEGE OF ARCHITECTURE, GEORGIA INSTITUTE OF TECHNOLOGY**

Dr. BRAGDON. Thank you, Mr. Chairman and Congressman Fowler for that introduction. I am pleased to be here today. And I would like to expedite my testimony and just submit for the record a written copy of my presentation as well as a report that I have recently completed for EPA, the Status of Noise Control in the United States.

Mr. ROONEY. Without objection your statement and report will become part of the record.

Dr. BRAGDON. The only other remark I would like to make is that I would like to speak not as a consultant to any Federal agency which I have appeared before EPA as well as others, and not as a professor of city planning directly, but rather as an authority in the environ-

mental noise field. And at this time I would like to move to a series of presentation boards which I have. We were hopeful of an easel but because of time we will go without that if I can have somebody to help me hold these in position.

Mr. ROONEY. Staff is getting you an easel now. You may proceed.

Dr. BRAGDON. I would like to indicate essentially four elements of an analysis that I have made in this report, Mr. Chairman, dealing with noise in the United States.

First of all, dealing with the question of public awareness, because I think this is one of the basic issues behind any type of program for control, whether it be an environmental issue or not.

This first chart indicates a survey of some 75,000 homes that was done as part of a U.S. Housing and Urban Development annual survey since 1973. A question was asked of these individuals surveyed throughout the country: What was the problem, the most leading problem in their neighborhood that was considered as undesirable characteristic?

And summarizing this for 1976, the most recent year the data was completed, 24 percent of the 74,000-plus people interviewed indicated that noise ranked as the leading environmental problem, actually the leading neighborhood problem in the communities where they lived. And that was a cross-section throughout the entire United States.

Second to this, 24 percent said it was heavy traffic; 14 percent said street repair. Very significant is the fact that crime ranked 8 percent, but noise ranked 24 percent; a ratio of 3 to 1. People ranked this as a greater problem where they lived in their community.

The second issue raised relative to this is, well, is noise a new issue; something that has just come on board and has not been prominent in the history of this country? Well, this again refers to the HUD study that has been done since 1973. And it indicates that noise has consistently ranked No. 1 in a survey of anywhere from 69,000 to 74,000 homeowners. Again, this was drawn from throughout the United States with the assistance of the U.S. Census Bureau. It indicates, for example, in 1973 26 percent felt that noise was the leading environmental problem or leading neighborhood problem; 25 percent in 1974; and 24 percent in 1976. It has been relatively constant.

The other point is that these other factors have been going down very slightly. But the important thing is that noise does have a sustaining power in terms of its constituent awareness, which I think has been overlooked. And I will mention some of the reasons for this a little later.

But I think this is a very significant fact that we have this awareness level. And I propose that the awareness level has not been transferred through the governmental process to active legislation and active programs for the protection of the public's interest.

Now, relative to noise, there has been a very large growth of noise in the United States. This chart indicates from the year 1971 to the year 1977. I have been preparing on an annual basis a summary of noise control development, legislative development history in the United States and maintain a repository of legislation.

In 1971 it was selected as a beginning point not because there was not noise legislation previously at the local and State level, but this is really a point in which there is almost a beginning point, a bench-

mark. And we see the yellow indicating municipalities on this chart, the blue indicating States. For example, in 1971 there were 59 cities regulating noise as an environmental problem. Now today we have 1,067 cities. So there has been a rapid growth in terms of noise. In fact, just between 1972 and 1973 the increase from 175 to almost 660 environmental noise laws were generated.

So there has been an increased awareness, which most recently has leveled off within the last 2 years. But this represents a significant number of cities, 58 percent of all cities above 10,000 that have some type of noise legislation [indicating].

Municipalities were the first to regulate noise in the country, dating back to the 1850's in Boston with the peace and tranquility law. However, the States did not start it until 1964, the State of New York being the first.

The blue indicates State laws and their evolution. The first two laws were in 1971 and have proceeded to this day where we now have 27 State laws relative to noise in this country. We have 27 out of 50 States. So this gives you a little background. And you notice there has been a leveling off again within the last 2 years.

For the first 4 years it was actually doubling every year in terms of legislation.

Now, to give you an indicating of the type of laws, for example, motor vehicle, which is the second most popular category of regulation at the municipal level—zoning ranks No. 1; zoning and land use—motor vehicle legislation was also written.

The green [indicating] indicates laws that actually have acoustical provisions. And I would encourage you to use this as a benchmark of effectiveness as opposed to laws which do not have any quantifiable limits which are referred to as "nonacoustical." And these would have only subjective discussions or discussions legally of what noise is, which is "unnecessarily loud" as opposed to an actual, specific, quantifiable level in terms of decibels.

So this does show a rapid increase. But again, within the last 3 years, municipal control of motor vehicles has leveled off significantly.

We can turn to the States with this next chart, and we see the State interest in municipal noise control is also increased. We have on this particular chart—and we have this in the report in detail—that in 1971 the first State, California, had with actually quantifiable limits, Mr. Chairman, an effective noise control program; so that moves up until 1977 [indicating] where we now have 17 States. So we do have an interest in various types of noise sources, motor vehicles being one of the more significant.

What I have done very recently is compare the provisions of the motor vehicle laws at the State and local level with what EPA is coming up with at the Federal level. It is interesting to note that the municipalities are generally doing an independent course of action in terms of noise control. Even though EPA is establishing some limits, in many cases these are not indicative of what is being done at the local level. There is an inconsistency between awareness by the local government in many cases, as opposed to the Federal efforts.

Well, the end line of this is not the fact that we do have noise laws: We want to see where they are distributed. And this next chart really addresses the question of impact. Now, the blue indicates that there

are 27 States with noise laws in the United States. And they are really in three basic areas: The Northeast, the upper Midwest, and the Northwest and west coast. There are three areas then—the Southwest, the Southeast, and the lower Midwest—that have not regulated noise to this day relative to these other States.

But this [indicating] indicates 27 States with noise laws. And I will come back to this later because the translation is a very significant one.

I will put these next two charts next to one another. My concern is that we have public awareness. And you can think of it as sort of a step function: The first step is public awareness. The next step is legislation. The third step is where the money is going. The fourth step is enforcement. Well, this [indicating] is step 2. We do have 27 States with laws, and that is step 2. Step 3 is very critical, and I think this is what we should address ourselves to: Where are the resources going?

We have 27 States with laws. How many have noise control budgets, actual line-item budgets? In this case you can see that there are only 12, 12 with budgets. This means that 78 percent of all the States actually don't even have money to be spending on noise control.

And we have mentioned the State of Pennsylvania. It established a noise control program in the Bureau of Air Pollution and Noise Control. And it recently withdrew the noise control program. It is now called the Bureau of Air Pollution, which suggests the noise problem is solved. The interesting point is they don't have the resources. The problem remains, if not worsened, but the fiscal resources are not there.

So we have 12 States out of 27, technically 12 out of 50, where there is any noise control activity. So what I am trying to get to here is that we have public awareness that is translated into many States a demand for action, but in even fewer States has it been translated into actual dollar budgeting.

This chart here gives a little score chart of how we are doing in terms of the budgeting process. And it is a very poor scoreboard. I wouldn't like this if I were the team. It indicates, and it may be hard to read here, that seven States have eliminated budgets for noise control in the United States. Furthermore, only one State has initiated a new budget. Four additional States have actually reduced their existing budgets. And then we have 8 States that have increased some; with 38 with actually no budgets at all.

And we see problems again such as with Pennsylvania; in cities such as Baltimore, that we are spending almost \$200,000 one week and the next week we are spending no money at all. And this is a very significant concern.

Now, there is a legislative and fiscal history behind it. In this next chart the green area indicates in this particular case funded programs. The red indicates the deficit in the sense that the programs that are funded are the programs that have been enacted in this line here [indicating], but the deficit is where there is money to regulate these programs.

It is interesting at one point in 1973 that there was more money being spent on programs than actually those with quantifiable laws. But since that point there has been an increasing disparity between dollars allocated for noise control in this country and the actual legislation.

So we have a lot of laws, which I call paper laws, but we don't have the fiscal resources to implement them. Now, it wouldn't be so bad if it was just a question of dollar allocation in the sense that, yes; we are not spending enough money. But we have public interest here. We have constituents who think there are noise control laws, and there are not programs. Now, how severe is that problem?

At the present time there are 140 million people that technically should be regulated by noise in the United States because they have State laws. There are only 80 million people that actually have laws with fiscal budgets. So that means that this line [indicating] also represents a deficit of 60 million people that are not being protected by noise, from noise in the United States, including the State of Pennsylvania. They think they have a law. They think they are protected. They have even advocated such a position and supported it, but yet there are no resources.

So there is a lack of protection among these 60 million people here, which doesn't show up in dollars but certainly does show up in terms of constituent representation.

Mr. ROONEY. Dr. Bragdon, the bells have rung. There is a vote on the floor. The committee will take a 10-minute recess.

[Brief recess.]

Mr. FLORIO [presiding]. The chairman has asked me to reconvene the meeting. He will return as soon as possible. Dr. Bragdon.

Dr. BRAGDON. Thank you. We left off discussing the fact that there is a discrepancy between the actual allocation of resources for programs at the State and local levels, and this discrepancy is fairly significant; indicating that there are, for example, 27 State laws but only 12 that actually have funded programs. And the transfer here is that there are 140 million people being regulated by noise at the State level, but only 80 million people that actually have budgeted programs for their protection. In other words, there is that discrepancy of 60 million people that don't have that protection.

Now, what are we spending on noise? It is one thing to say that there are noise control laws and there are actual fiscal resources, but what are we actually spending in terms of dollars to regulate noise?

This chart here which indicates, first of all, in the green the actual dollars being spent, shown on the vertical axis in millions of dollars, the first year where there is any definitive information it indicates that we are spending around \$1.6 million for all the noise control programs in the United States. And in 1974 or 1973, there were seven programs. Now, in 1977 this total approaches \$3 million, roughly \$2.7 million.

Now, it looks like that is a fairly healthy increase. The problem is that the number of programs has grown from 7 and has grown to this day of actually budgeted programs, to 12.

So if you discount the absolute growth of programs and the fact that there is inflation in the programs that exist, we are not really spending any more for noise control today than we were in 1973. On a per capita basis this shows [indicating] that the per capita is about eight-tenths of 1 cent. We are really a little bit over 1 cent per person today.

Just an indication of that, yesterday I was having a discussion with some people in Georgia. Under the Federal program for protection for consumers right now, consumer products, they are spending 20

cents per person with a Federal grant, which is now to every State, of 20 cents per person on consumer protection, which is a new program started last year. Noise, which was started in 1971 at the State level, for that we are spending less than around 1 cent. So that is 20 versus 1.

What is the actual dollar allocation through all of these laws that we do have? Well, again the figure looks good. We are spending almost \$2.75 million. But is it equitably distributed among all of our States? This figure [indicating] indicates that it isn't. If we look at the \$2.7 million in the United States, \$1.6 million is being spent in one State, California. They have over 200 people working full time on noise in their State program.

What they have done, probably more adequately than any other State, is they have translated the public awareness through the legislative process to fiscal resources. They have harnessed those three ingredients probably more effectively than any other single State. So they are indicating this in terms of resources: \$1.6 million out of \$2.7 million for the total State is being spent in one jurisdiction, one State. Followed by Illinois and Oregon.

And from this chart it certainly indicates that only three States are spending over \$200,000 in noise control. Now, another way of looking at this would be what is the per capita cost, which is a good translation of it. Because of Hawaii's low population, you can see that Hawaii is spending some 17 cents per person; obviously because of their high budget and low population. Oregon is second with 9 cents; California with a little over 8 cents. Now, what I call these are really the Big Three programs, because if we are spending less than 3 cents per persons to regulate noise at the State level, it is my opinion that we are not actually spending enough money to regulate noise in the States.

So even though we have 12 States with laws, 9 of them really have programs that are very marginal in terms of providing any assistance in the enforcement mechanism. So we really have three programs, though you could put in Kentucky and Illinois and even Minnesota. But if you talk to the individuals from these States, they will indicate that they are really being pushed to have a comprehensive and effective program.

Now, one aspect of that, as I indicate, is we have 27 States with laws. And we do have 12 with budgets. There are only three States that regulate more than three different types of noise sources. So there are only three States that have what I would call comprehensive noise programs. In other words, they might regulate land use in some way; surface transportation; and recreational vehicles. Those three are most commonly regulated. So only three are even addressing that in terms of total protection.

Well, the result of this, looking at total dollars, is that in California, 78 percent of all U.S. money spent by States is spent by California, Oregon, and Illinois. All the rest of the money is being spent in these other jurisdictions. So you can see that we are not adequately addressing the issue at the State level.

Now, I don't have data on local governments, but you probably would be interested in knowing that really about 10 percent of all the cities in the United States even have budgets. And we are talking then

roughly around 70 to 100 cities have any type of budget in the United States. So this is a very significant factor—that not only we have States with inadequate resources, but we certainly have inadequate resources in terms of local governments.

Now, what I want to turn to at this point deals with the transfer of this problem, which I see at the local and State level, to how it fits in with the Noise Control Act and how it could even fit in better. The Noise Control Act, one of its primary focuses has been source regulation as required under the Noise Control Act when it was passed. And my proposal to you today is the fact that this source control alone is not going to protect the interests of the public either at the Federal, the State, or local level; that there has to be a partnership between the local government, the State government, and the Federal Government to make the program work.

And in terms of source control, which has been the primary emphasis in the noise control program—not the sole emphasis but a primary interest—there are six ways in which the problem of reducing source control is actually not going to be diminished to the point it should be. So these are what are called noise loopholes that have to be shored up. And one of the best ways of shoring up the loopholes would be to put local and State dollars in those loopholes. So no more swiss cheese; let's get some processed cheese.

One, for example, is source maintenance. If we do regulate a product and it says that the level should be a certain decibel when it is manufactured, what happens after that product is in the environment? Who is going to regulate that to insure that the product is going to operate as well as it does prior to the introduction to the public? We have an assembly-line requirement, a new products' standards, but how about it operating?

This is one of the weaknesses of the Noise Control Act. There is an antitampering provision which deals with that, but not about the level of noise on a product. All of us in this room are the recipients of those new products. Who is going to insure they are going to be quiet? We buy a new lawnmower, for example. It is not regulated now, but let's assume it is. And who is going to insure that the lawnmower is going to be as quiet as when it was produced? Well, EPA has transferred that responsibility from the Federal Government to the State and local governments. And they don't have the resources to enforce such a provision.

This is one weakness. The second is source growth. This point is that we regulate individual sources, but we don't regulate the absolute numbers of these sources, and these sources are growing. A case in point would be the snowmobile industry, the outboard motor industry, and many many other sources in the recreation field. So we regulate the individual source and individual level, but how about the absolute level that is generated by the multiplicity of these single sources?

Another example could be an apartment building. We regulate air-conditioners under the Noise Control Act. We say it should be x number of decibels and a certain distance for that one air-conditioner. What happens when we have 40 air-conditioners on that high-rise building? There is no regulation. Again, we transfer that function to the local and State governments, and resources are not picking it up.

A third factor is source power. This deals with the fact that the sources that we are producing in the United States in terms of their

horsepower output are increasing in number. Between the 1940's and the 1970's, there has been a 900-percent increase in the absolute horsepower of engine-powered equipment. We are building larger lawnmowers, bulldozers, larger cranes, and so forth in terms of their horsepower.

With that increased horsepower as well as the airplane, there is going to be a potential for increased noise. So this is a factor.

I think one of the keys to what we are now looking at is population growth in distribution. Again, we are looking at the source of the product; the source as being the product. But we are not looking at the people. Now, people are locating near very, very noisy sources. And there is no way we are going to protect the "health and welfare of the population" unless we at least directly or indirectly address the question of where these people are going.

A case in point could be an airport environment. More and more people are encroaching around airports in terms of potential incompatible land use. So we regulate the airplane or the aircraft noise for a particular class of aircraft, but there is no way we are addressing the question that more and more people are getting closer to the airport. So there is a disbenefit or a loss in terms of protection. So even though we are regulating the source, people are going where they want to go. And therefore, we are actually raising the actual exposure of population impact.

Another factor is source mobility. Where are these sources allowed to transfer their function? Where are they allowed to travel? Very rarely has EPA or any other agency looked at that question of the location and direction of where these sources may go. So what happens is that the source travels. It is allowed to go almost anywhere it wants to.

We are now beginning to raise some question about that fact. Do we allow, for example, all train vehicles to go anywhere they want? Do we allow snowmobiles to travel anywhere in the wilderness area on Federal lands? Now that question is finally being raised. Where are we going to put the limits on our recreation technology?

And this is where land-use planning maybe has a major role to play, which I think has been sadly overlooked and should be part of a comprehensive noise abatement strategy.

The last is source replacement. And that is that we are no longer replacing our sources on a day to day and week to week basis. We are building a large lifecycle into a product. Some of these lifecycles last up to 40 years. And what happens in terms of their impact on the environment?

OK, in conclusion I do have a series of recommendations that I think could address some of the questions I have raised. I would propose to the committee that they consider two series of recommendations or two sets of recommendations. One is for indirect technical assistance, which I think is significantly needed. And I am suggesting delivery of this indirect technical assistance can be setting up a series of regional noise technical assistance centers that can be set up in key areas of the country and that will provide a mechanism for changing some of the problems we see.

These centers could provide assistance to local and State governments. They could become sounding boards for EPA policy. I think

this is one thing EPA needs is to have a reactive group of people stimulating EPA and a reaction to and from: So there would be a better dialog between EPA and the technical community.

Now, the second recommendation is for direct technical assistance, which would be for actually establishing operation programs. To get some of these programs started a lot of cities would be willing and capable of getting the thing, well, continuing the program to some extent once the program is initiated. They know very little about how to initiate a program. They don't have the manpower. They don't have the training. Third, they don't have the resources. Well, your regional technical centers could help in providing the manpower and the training.

Now, the resources I feel would have to be on a short-term basis to stimulate the development and the initiation of a significant number of programs to eliminate these loopholes, and then provide a potential partnership between the local governments, State governments, and the Federal Government. Because I think there is an inherent responsibility by the Federal Government, if they are going to establish a program to protect the public health and welfare, they should also establish a mechanism for that protection.

And I think one of the best mechanisms which right now is not being utilized, and certainly has the resources for it, would be the development of support for the local and State governments.

Now, I have one brief example at the Federal level where we have established an interstate motor carrier regulation for trucks. And it has been implemented through the Bureau of Motor Carrier Safety. Where they have 50 inspectors or possibly 100 inspectors for 50 States. Now, that to me is not protecting the "public health and welfare." They have not provided the necessary continuity for enforcement. Not only, that is, that these people are responsible for more things than just noise.

So either we establish a program with necessary resources or I would recommend we don't establish any program. We either have to do it completely or not at all. And right now I see us in this gray area of making half a commitment. But until we make the full commitment, it is my position that we are not going to effectively implement the Noise Control Act and give the public the adequate protection that they do desire.

I would be glad to answer any questions you have.

[Testimony resumes on p. 23.]

[Dr. Bragdon's prepared statement follows:]

STATEMENT OF CLIFFORD R. BRAGDON, PH. D., DEPARTMENT OF CITY PLANNING,
COLLEGE OF ARCHITECTURE, GEORGIA INSTITUTE OF TECHNOLOGY

Mr. Chairman, I am pleased to be here today to speak before the House Interstate and Foreign Commerce Committee, Transportation and Commerce Subcommittee, concerning the Noise Control Act (Public Law 92-574).

As part of my testimony I would like to submit a recently completed study prepared for the U.S. Environmental Protection Agency entitled The Status of Noise Control in the United States: State and Local Governments (April, 1978). I believe this study will be of possible interest to you in formulating your recommendations.

I speak to you not as a consultant to any Federal agency including EPA, which I have been since 1972, but rather a Professor of City Planning at Georgia Institute of Technology. Consequently, these remarks should be considered my own and do not represent any official agency or educational institution's official position.

RECOGNITION OF THE NOISE PROBLEM

There appears to be a significant disparity between public awareness and governmental action. All too frequently we have this misconception that noise is an environmental problem unrecognized by the public and therefore it does not receive governmental attention.

In reality it appears the problem may be between awareness by the general public and translating this concern to the elected officials. The U.S. HUD study has shown that noise ranks as the number one neighborhood problem (Figure 1)

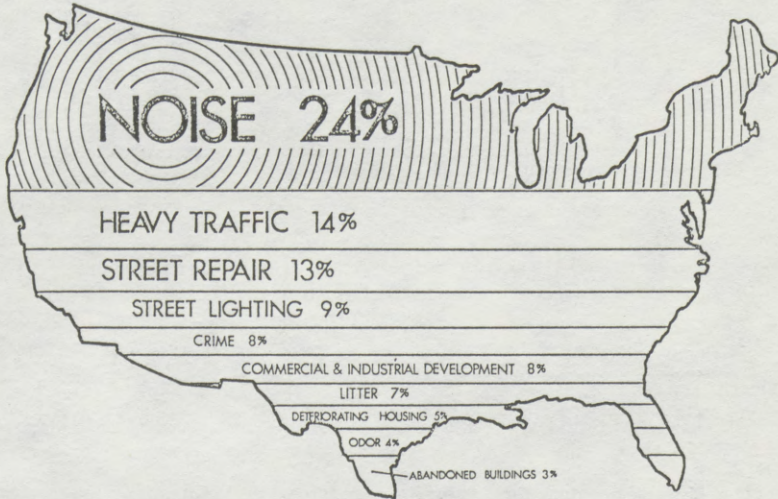


FIGURE 1 1976

UNDESIRABLE NEIGHBORHOOD CONDITIONS: UNITED STATES COMPARATIVE RANKING

HUD ANNUAL HOUSING SURVEY (SAMPLE SIZE 74,005)

and this problem has consistently ranked as number one since the annual survey began in 1973 (Figure 2).

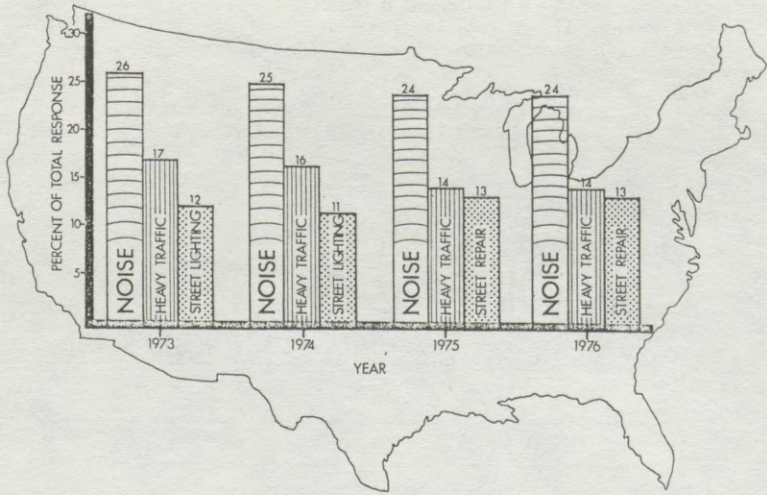


FIGURE 2 1973 - 1976

UNDESIRABLE NEIGHBORHOOD CONDITIONS: UNITED STATES

HUD ANNUAL HOUSING SURVEY (SAMPLE SIZE 69,337 - 74,005)

The biggest problem may therefore be strong and consistent public advocacy for noise control, beginning with recognizing the extent of the problem, establishing legislation and implementing the law through an enforcement program. There appear to be few if any interest groups that have the necessary staying power. Educational efforts aimed not solely at the public, but equally at elected officials is essential.

LEGISLATION

Legislative activity is rapidly growing, and to a certain extent it is indicative of governmental interest. This legislative interest appeared first at the local level and today nearly 1100 municipalities have enacted some type of noise legislation (Figure 3). State activity started considerably later, but today 27 states have noise laws with quantitative noise standards (Figure 3).

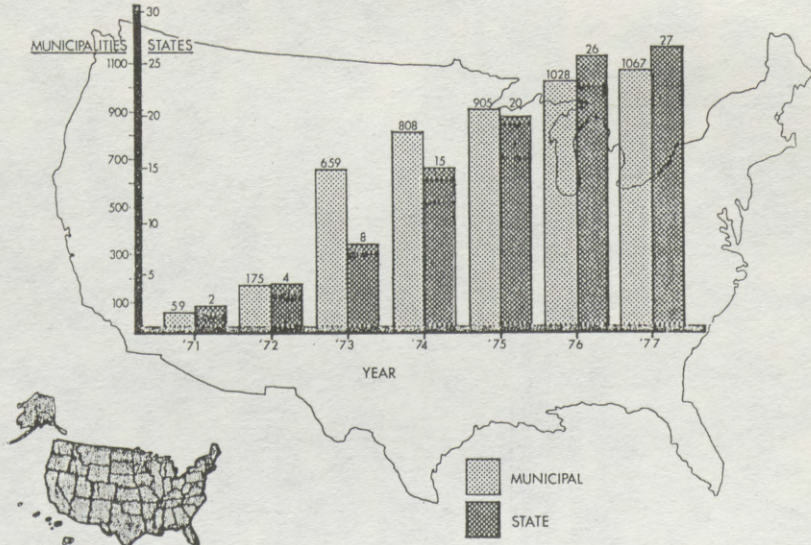


FIGURE 3 1971-1977

STATE & MUNICIPAL NOISE LEGISLATION: TOTALS

The absolute quantity of legislation is more impressive than its quality, particularly at the municipal level. The technical accuracy of a considerable number of municipal laws is questionable. There are however eight different categories of municipal noise regulation, as indicated in Table 1. Zoning laws appear to be the most frequent type, followed by vehicle regulations. Most municipal programs regulate no more than three noise categories. State laws are slightly narrower with laws containing six categories of regulations (Table 2). Recreation vehicles are the most commonly regulated source, followed by vehicles (i.e. automobiles, trucks, motorcycles).

TABLE 1.—MUNICIPAL NOISE REGULATIONS, 1971-77 ACOUSTICAL AND NONACOUSTICAL PROVISIONS

Year	Number of municipalities	Categories of regulations, acoustical criteria																
		Nuisance		Zoning/land use		Vehicle		Recreation vehicle		Railroad		Aircraft		Construction site		Building code		
		Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	
1971	59	17,745	099															
1972	175	47,208	593	2	48	19	4	7	6	1	1	3	3	2	7	2	2	
1973	659	52,401	919	24	124	53	9	15	27	0	1	1	1	5	7	8	4	
1974	808	82,125	517	66	229	466	14	29	57	1	1	3	3	7	9	11	4	
1975	905	66,294	095	113	359	563	18	117	93	2	2	1	1	20	36	23	4	
1976	1,028	67,383	478	158	410	594	22	139	115	45	17	12	6	26	52	25	8	
1977	1,067	67,972	178	163	443	602	23	153	129	59	22	16	11	26	45	71	26	
																		13

TABLE 2.—STATE NOISE REGULATIONS, 1971-77 ACOUSTICAL PROVISIONS

Year	Number of States	Population	Categories of regulations						
			Zoning/ land use	Vehicles	Recreation vehicles	Rail- roads	Air- craft	Construc- tion sites	Building codes
1971 -----	2	18,565,947	0	1	1	0	0	0	0
1972 -----	4	19,917,417	0	2	2	0	0	0	0
1973 -----	8	56,224,003	2	5	5	0	0	0	0
1974 -----	15	82,108,037	3	10	9	0	0	1	0
1975 -----	20	102,664,653	3	14	12	0	1	1	1
1976 -----	26	128,701,703	7	16	18	0	1	1	1
1977 -----	27	132,625,867	7	17	22	0	1	1	1

NOISE CONTROL PROGRAMS

One of the most difficult problems, beside the quality of noise legislation, is the acquisition of funding for enforcing these laws. Specific line items budgets for noise are generally uncommon. For example, there are 27 states with noise laws, but only 12 with line item budgets, therefore only 24 percent of all the states have even established proper administrative budgets (Figure 4).

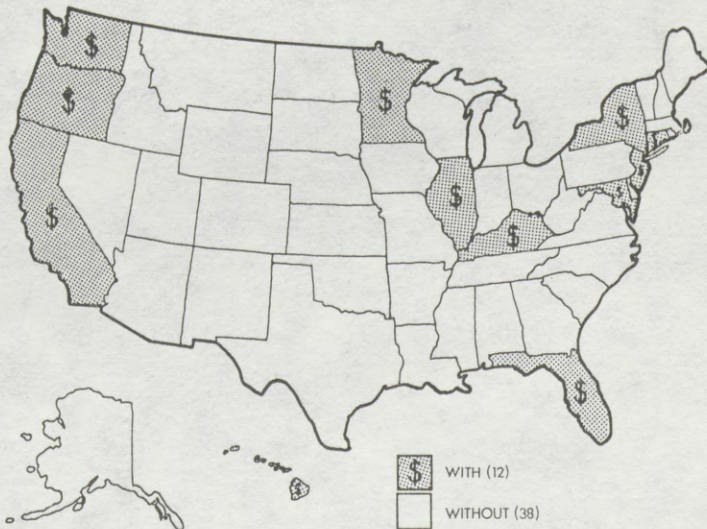


FIGURE 4 1977

STATES WITH BUDGETED* NOISE CONTROL PROGRAMS

*LINE ITEM ONLY

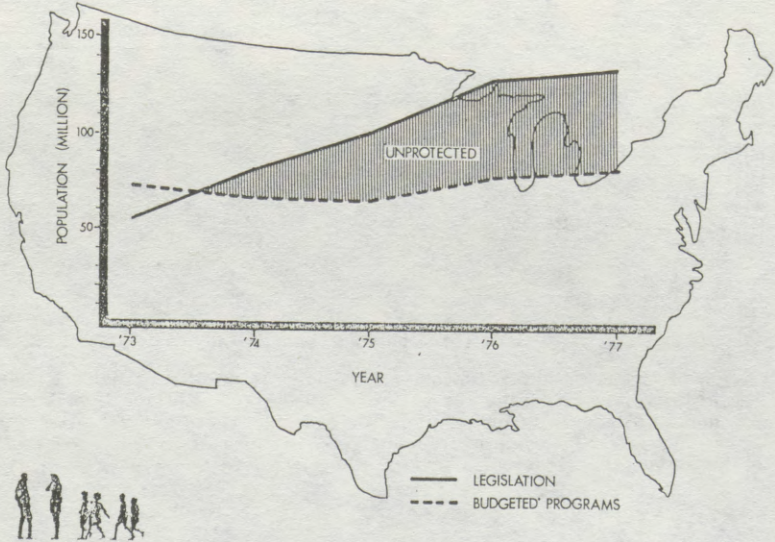


FIGURE 5 1973-1977

LINE ITEM ONLY

U.S. POPULATION PROTECTED BY STATE NOISE CONTROL LEGISLATION & BUDGETED PROGRAMS

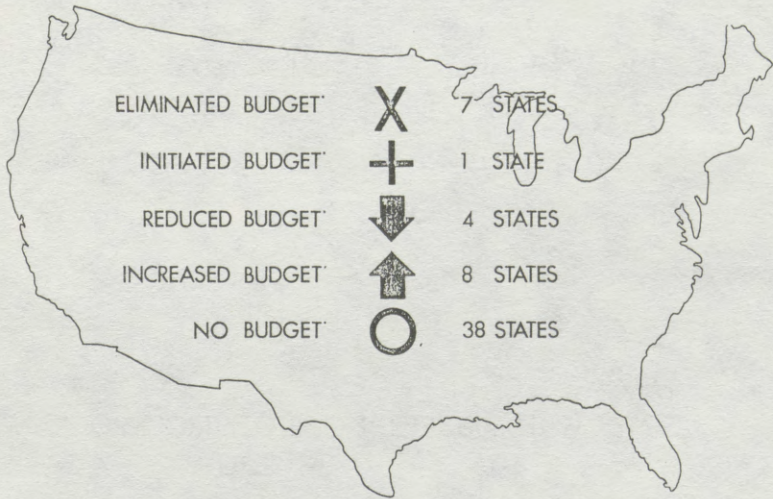


FIGURE 6 1977

LINE ITEM ONLY

STATE NOISE CONTROL PROGRAMS: BUDGET* CHARACTERISTICS

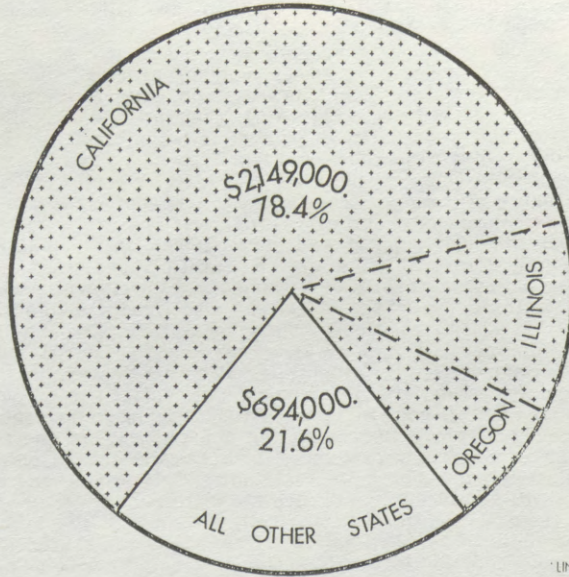


FIGURE 7 1977

STATE NOISE CONTROL BUDGETS:
A COMPARISON

*LINE ITEM ONLY

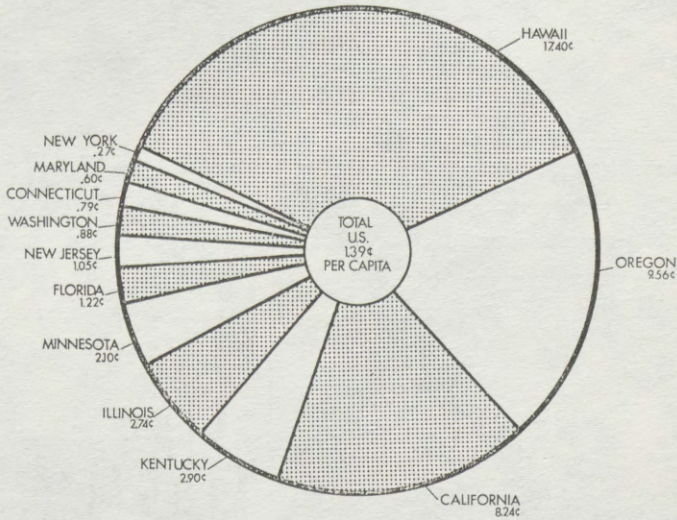


FIGURE 8 1977

STATE NOISE CONTROL BUDGETS:
PER CAPITA EXPENDITURES

*LINE ITEM ONLY

This lack of fiscal resources can also be misleading in terms of protection of the public. Even though 140,000,000 persons are being regulated by state laws only 80,000,000 are protected since just 12 states have budgets. At the State level approximately 60,000,000 are unprotected (Figure 5).

The support for noise programs is not encouraging, and in recent years it appears to have worsened. As of this year 7 states have eliminated programs, and 4 others have been reduced (Figure 6). Currently \$2.74 million is being spent by all states, however nearly 79 percent is being spent by three states (California, Illinois, Oregon) as shown in Figure 7.

On a per capita basis expenditures all but three states are over 3 cents (Figure 8). A figure of 3 cents is considered to be generally a minimum amount for operating a comprehensive statewide program.

The basic financial support and consequently operational integrity of most municipal and State programs must be carefully examined. Coupled with this lack of the necessary operational budgets are technical assistance needs for personnel training/workshops, effective noise control methods, public information materials, noise measurement instrumentation, personnel, and noise control program guidelines. All of these areas have been frequently mentioned in reply to the EPA Environmental Noise Control Program Survey.

EPA has also been striving to reduce and control environmental noise. However it is also not without limitations as it is being implemented.

The primary strategy for controlling noise as part of the Noise Control Act is the regulation of new products which are deemed as potential hazards to health and well-being. There are a minimum of six product noise emission parameters that will significantly influence the achievement of this primary strategy.

Unless these six parameters are fully considered, the primary strategy for controlling noise at the Federal level could be significantly affected. As a consequence, the reduction in urban noise levels would not be achieved. (Figure 9).

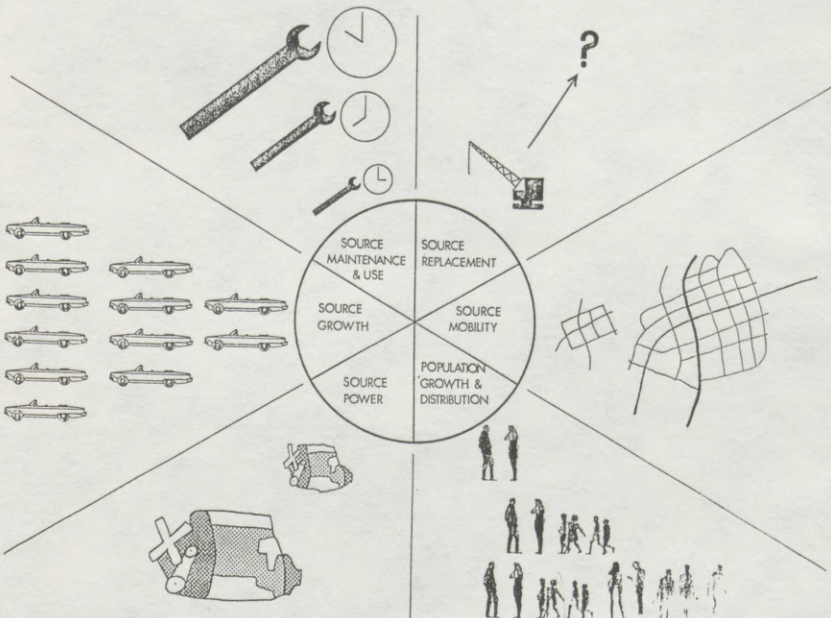


FIGURE 9 PRODUCT NOISE EMISSION PARAMETERS

1. PRODUCT NOISE EMISSION PARAMETER

a. Source Maintenance and Use

Although initiating new product noise limits is an essential first step, this alone does not assure that the product will be properly maintained. Without a proper maintenance program through the product's life-use cycle, the initially noise-controlled product may become increasingly a noise emitter. Comparisons between newly manufactured products and similar products and similar products tested after periods of extended use indicate reduced effectiveness of the noise abatement technique.

b. Source Replacement

Replacement of existing noise generating equipment with a quieter new product is heavily dependent upon the product's life use cycle. Large scale, high capital cost equipment have an extended life cycle which may interfere with the introduction of a quieter noise product. A product's life use cycle is dependent upon additional factors including: tax depreciation incentives, corporate sales and corporate profits and the general economy.

c. Source Growth

Noise emission requirements are designed to apply to each individual product as manufactured. However, the net benefit can be offset by the absolute growth in numbers of the product or the numbers in use in a particular location. For example, the level of environmental noise can be raised by the increase in the number of registered vehicles.

d. Source Power

The United States is producing and consuming increasing amounts of power and energy. Product noise abatement can be offset by increasing the power output. Between 1940 and 1970, for example, there has been a 900 percent rise in the total horsepower of all prime movers. Such gains have notably appeared among construction, agricultural, and aircraft.

e. Source Mobility

Although noise emission limits may be applied to a class of products, product use can offset the reduced noise level. Changing patterns of mobility, particularly day/night, may change the level of environmental noise ($L_{d/n}$). Greater non-peak hour transportation activity is increasingly a characteristic of the urban life style.

f. Population Growth and Distribution

The predominant choice of human settlement is urban living. Even though product levels may lower increasing population density and encroachment in the vicinity of noise generators, urban settlement may increase population exposure. Current trends indicate that by 1980, 75 percent of the U.S. population will be living on 2 percent of the land area compared with 70 percent today.

2. GOVERNMENTAL PARTNERSHIP

An effective noise control strategy requires that these product noise emission parameters be recognized and a program initiated to minimize their influence. Such a program is necessary and it must involve local and state participation. The Technical Assistance Division provides the organizational mechanism to involve non-Federal governments, as well as other Federal agencies. Without this essential intergovernmental coordination and cooperation, the overall noise program objectives will not be achieved.

TABLE 3.—IDENTIFICATION OF PRODUCT NOISE EMISSION PARAMETER CONTROLS

Parameter: Control(s)	Federal	State	Local
Source maintenance and use:			
(1) Inspections.....			
(2) Permit.....			
(3) Retrofit.....			
(4) Recall program.....			
(5) Operational use monitoring.....			
Source replacement:			
(1) Tax incentives.....			
(2) Operational use monitoring.....			
(3) Specifications.....			
(4) Other.....			
Source growth:			
(1) Area restrictions.....			
(2) Licensing/registration.....			
(3) Taxation.....			
(4) User restrictions (time).....			
(5) Other.....			
Source power:			
(1) Taxation.....			
(2) Licensing/registration.....			
(3) Conservation/consumption.....			
(4) Area restrictions.....			
(5) User restrictions.....			
(6) Operational use monitoring.....			
(7) Other.....			
Population growth/distribution:			
(1) Land use planning.....			
(2) Zoning.....			
(3) Capital improvements.....			
(4) Land capacity.....			
(5) Building code.....			
(6) Construction incentives.....			
(7) Other.....			
Source mobility:			
(1) Transportation management.....			
(2) Land use planning.....			
(3) Zoning.....			
(4) Operational controls.....			

3. IDENTIFICATION OF PRODUCT NOISE EMISSION PARAMETER CONTROLS

Each parameter should be investigated in terms of the applicable governmental control, legal authority and degree of effectiveness. A general matrix can then be prepared (Table 3).

Recommendations

Noise, particularly at the Federal level has been perceived as the step child of the environmental movement. It has been generally neglected in terms of financial support, despite the fact that the public has regarded noise as a leading residential problem. Citizen concern and awareness for noise has not up to this time been translated to the government official (Federal, state and local) so that a concerted intergovernmental program with adequate resources can be initiated.

At the core of this problem is the need for a strong technical assistance program that can adequately represent the public's interest in comprehensively addressing the issue of environmental noise. The initiative has been taken by both the states and cities unlike any other nationally identified environmental problem (e.g., water, air quality, solid waste). It is now time that the Federal government participates more actively, recognizing the excellent intergovernmental framework (i.e., local county and state) presently established. If a strong technical assistance is not established, the previous legislative and program development advancements occurring at the local and state levels will be severely eroded. Such advancements provide the platform for launching more effective efforts in controlling environmental noise.

GENERAL

1. Provide Federal support to insure continuity in the development and enforcement of environmental noise regulations at the local and state level.

2. Develop a strong intergovernmental program, using technical assistance from EPA, that links together local, state and Federal noise control efforts.

3. Establish stronger non-governmental ties with the private sector to support the movement to control environmental noise control. Such ties should include educational institutions, private enterprise, and professional associations.

1. Direct technical assistance: Short-term

A strong need for direct Federal technical assistance exists involving all three levels of government; local, state, and national. The strategy here would be providing direct assistance on a short term basis to initiate program development. Local and state governments should be recipients of direct Federal funding to compliment their present resources, which has occurred in all the other major environmental areas (e.g. air, water quality, radiation, solid waste). States and municipalities are establishing their environmental priorities based on Federal action since noise has a low profile. Federally it is mirrored this way at the local and state level. Federally supported resources can provide adequate protection to the public and assist EPA in implementing their national noise program. Without this partnership all levels of government will obtain only limited success in controlling environmental noise.

2. Indirect technical assistance: Long-term

A strong program for indirect technical assistance is essential. One method of delivery would be establishing Regional Noise Technical Assistance Centers. Such centers, one located in each of the ten Federal regions, would be established at a University. They would provide long-term program continuity to all interested local, county, regional, and state jurisdictions. Pilot centers could be established initially in areas of immediate need including the Southeast (Region IV), Southwest (Region VI), and the middle West (Regions V and VII). Each Center would conduct both full-time academic and continuing education programs. An intern work study co-op program in active public and private sector programs would be available. Placement and career development counseling would be provided to improve the quality and quantity of existing noise programs. A strong program in public education and public participation would be a part of the existing curriculum.

Without both direct and indirect support by the Federal government, and EPA specifically, it is very unlikely that the Federal noise source controls will be achieved.

Mr. FLORIO. Doctor, Mr. Rooney went to vote and Mr. Skubitz and I are going over to vote. They should be back shortly.

[Brief recess.]

Mr. ROONEY. Dr. Bragdon, I have introduced H.R. 12068 which would increase the administration's request for funding by some \$7 million. If we were successful in getting that money appropriated, where would the Office of Noise Abatement and Control best spend it in your opinion?

Dr. BRAGDON. Sir, I think the major focus of those additional resources would be in the area of technical assistance. I think that if we don't have resources put in there, there is going to be even greater lack of credibility between the Federal Government and its image and the way the local and State governments perceive what the Federal Government is doing, because they are needing those resources and they are not getting them. And if they don't receive those, then I think that there is going to be a further negative reaction toward that process.

I would encourage a very major portion of those resources to technical assistance.

Mr. ROONEY. And you think the Federal Government's role should be purely technical assistance?

Dr. BRAGDON. No; not completely. I think it should certainly be balanced off with the issues of source control. I think that they have to go together. In other words, we have to regulate sources. But the

only way they can be effectively regulated is through a partnership in a network between locals, States, and the Federal working together. And without that we are working up here and the local governments are looking the other way because many of the people I have talked to in the State and local offices say: We are not going to implement a program in this because we don't have the resources. We are implementing the air program, the solid waste, the radiation, toxicology, public water, and so forth because we have those funds. But we are just going to have to put noise on a backburner.

And I think we got to give those people some resources to make their programs effective. And I think that would be a major source. Now, again I would say it has to be a balanced approach; that we can't abandon source regulation. But I think without technical assistance, even the source regulation program falls flat on its face because these loopholes are in the present Noise Control Act.

Mr. ROONEY. Give me some examples of source regulation.

Dr. BRAGDON. OK. A source regulation, for example, on a compressor for example—EPA—and that regulation has been adopted. It regulates a certain size of compressor at a certain distance. And that is a Federal control. The next question is: How is it being enforced at the local levels in terms of its active use by local governments? How, what I am doing in a study right now is looking at those cities and seeing if the cities have, first of all, adopted the same levels that the Federal Government has recommended for products and has required. And what I am seeing is that among many products the local governments are going their own way.

One, they may not even be adopting such a law; or two, they are certainly not going to enforce it. The same thing if we look at the interstate motor carrier regulation or railroads. Interstate motor carrier regulations establish levels let's say for trucks above a certain weight and at a certain distance. But what I am seeing are a lot of cities that are not even attempting to regulate that. They are saying: Well, if we don't have the money, let's let Uncle Sam come down here and take care of it. We just don't have the resources to spread this thing out to be effective.

So I think that these source controls which look good on the ledger sheet, I mean, you can have a whole list of what you are regulating, but really the bottom line on that ledger sheet is what has happened? What has happened at the local level? And that is what I call the continuity in implementation. And that is where I see this disparity between the list of people being impacted and we are regulating these; and then what are we really doing about it? And that is you and I because every night we go home we listen to certain sources of noise and we are not getting the whole portrayal. We are getting one or two sources being regulated but the rest are falling through the cracks as well.

Mr. ROONEY. Of the 12 States that enacted legislation, I believe you said only three are actively enforcing it; is that correct?

Dr. BRAGDON. Well, three are regulating at least three different sources. For example, California has established limits concerned with recreational vehicles, with trucks and automobiles, they have established even a building code protecting people within public buildings; in other words, they have inventoried all of their schools to find out

how many people are being exposed to some noise levels that may be affecting the quality of education. They are regulating a variety of other sources. I think in their State law they have six different categories of regulations. Even products are being regulated that may affect public health.

Now, most States at best are only regulating one source; let's say, vehicles operating on public rights-of-way, and they are not addressing the question of land use. They are not addressing the issue of aircraft noise or many other different sources.

So even though we see a lot of States actively pursuing noise control, very few of them are doing it in more than one dimension; sort of a one dimensional or two dimensional program. And really that is the same thing at the Federal level. It is not a comprehensive program. It is a piece here and a piece there. And I think that the Noise Control Act has the possibility of bringing all of these pieces together and then insuring that that there is some support below that level to insure that they accomplish what they set out to do.

And what I suggested at the end of my remarks is that if the Federal Government doesn't think the noise problem is significant to raise the issue and support it adequately in a fiscal way, then I think they should actually abandon the program. Because I have seen many cities that actually have adopted laws and people have worked up to 2 years to get laws passed and then there is no funding behind it, which results in really a loss of support and really a feeling of failure. And people's anxiety level is more heightened by that than by a person saying well, we are not even going to look at the question because, honestly, we don't have the resources to do anything about it.

And I think we should either go one approach or the other. And obviously I am here to encourage that we go the whole approach and put the resources behind the public awareness that we have been trying to establish in this country.

Mr. ROONEY. Well, speaking of one approach or the other, do you see any difference of opinion between EPA and DOT on some of these regulations?

Dr. BRAGDON. Well, I think there is a lack of coordination that has resulted by virtue of different laws dealing with different issues on the same subject. And I think that is a misfortune because our ear doesn't discriminate is it an aircraft going over or is it a train going by or is it a garbage truck or whatever it is. Our ear is the receiver of all sources independent of where they are emanating. And unfortunately, we have compartmentalized the approach to noise at the Federal level. And therefore we are giving a partial protection to the public. And I feel very strongly that that lack of cooperation—well, we do say in the Noise Control Act there is coordination, but I feel the definition of coordination is being used in a very minimal way; that people are notified that we are going to do this but there isn't really a cooperative effort. There isn't an interchange necessary to have everybody working toward the same purpose. And I think that is a failing of the development of legislation because we haven't looked at the noise control issue in a comprehensive way. We have added a piece here and a piece there as it evolved, but our ear doesn't discriminate. We are the receivers or the recipients of either effective or ineffective legislation. And I think to date it has been generally ineffective.

Mr. ROONEY. Thank you very much. Mr. Skubitz?

Mr. SKUBITZ. Well, Doctor, as I read your testimony, we are not really in a gray area, we are past it. We are going into an area that says we are giving up.

Dr. BRAGDON. Well, a way of way of looking at it would be that the resources that we are putting into noise control are relatively static.

Mr. SKUBITZ. I read your figures. Did I get your figures wrong, that 27 States have laws. Is that correct?

Dr. BRAGDON. That is correct.

Mr. SKUBITZ. And 12 of them have line-item budgets.

Dr. BRAGDON. That is correct.

Mr. SKUBITZ. And four States have reduced their program in size. Seven States have eliminated their budgets. Now, why do you say we are in a gray area?

Dr. BRAGDON. Well, 7 States that have eliminated budgets, they are not part of that 12. What I have done there is taken all 50 States that have had budgets along the line, and indicated out of those 50, 7 have actually eliminated budgets as of 1977. So we do have 12 budgeted programs this year, but at one point there were other States that had budget programs and that no longer have them actively at this time.

Mr. SKUBITZ. They have done away with the programs?

Dr. BRAGDON. Well, in many States what they have done is they are still interested in noise but what they have done is taken it out of a line item budget and assigned an air pollution program the responsibility of noise, but it is not a line item function. It is part of the air pollution program. So no longer do they have the direct authority to regulate noise in terms of staff time. Their staff time is split between air pollution and possibly radiation and noise.

So I use the definition of line item being that there is not actual dollars allocated for noise where the person is assigned that responsibility for being a noise personnel. But in terms of dollars I agree with you that we have not added significant dollars to the efforts in terms of noise control. But in terms of the problem, the problem is even more severe than it was. And that is the discrepancy. And the awareness level is even greater than it ever was before.

So there is a loss of confidence. I agree to that.

Mr. SKUBITZ. I look at your chart, your figure 7, and you point out there that California, Oregon, and Illinois, spend \$2,149,999 on noise control.

Dr. BRAGDON. Yes; there are three States that have 78 percent of the resources.

Mr. SKUBITZ. The three of them?

Dr. BRAGDON. Yes, sir.

Mr. SKUBITZ. California uses more than any other State; isn't this correct?

Dr. BRAGDON. Yes, sir, by far.

Mr. SKUBITZ. Well now, to a Congressman that speaks in terms of billions of dollars, this \$2,149,000 looks like peanuts. Now, of course, I don't know what billions are and I don't want to admit that on the

floor so that is why I vote for billions. Even millions I don't know. When you get down to thousands, then I know what you are talking about.

Now, this expenditure of \$2,149,000, do you think that is adequate in a State like California, Oregon, and Illinois to meet their problems?

Dr. BRAGDON. I think in the State of California from talking to the people out there and being familiar with their program, I think that budget is approaching what they feel is the point of protecting their people, based on the programs they have.

Now, even California—

Mr. SKUBITZ. Now, tell me what kinds of programs they have to control noise in California?

Dr. BRAGDON. OK. I can indicate several of them that they do have.

Mr. SKUBITZ. Let me break in, Doctor, by saying I am from Kansas and all is peace and quiet out there. We listen to the cows, the contented cows on the prairie, the meadowlarks, and things of that sort. And I don't know how we control that sort of noise or even if we want to.

Dr. BRAGDON. OK, what I would like to do in that case is to encourage the protection of sound which I call natural sound, such as animals.

Mr. SKUBITZ. Well, what would you do, subsidize the cows and the bulls and the meadowlarks?

Dr. BRAGDON. Not at all. I think the issue there, and a very significant one from the standpoint of health protection is that a sizeable number of people who work in rural areas have equal or greater hearing loss than the people in urban areas because of the type of farm equipment they are being exposed to.

Mr. SKUBITZ. Well, let me tell you, Doctor, my remarks were lost because I thought the chairman was here to hear them, but he's gone. But getting back to California, tell me just what do they do, seriously?

Dr. BRAGDON. Well, they have several programs. The total noise control program in California is coordinated through the department of public health, but within that the responsibility is on a horizontal authority to different departments. One program they have deals with aircraft noise. And that is with the civil aeronautics division of the State. And within that they have established a 24-hour level for airports. I guess you could describe it as a ceiling; a maximum level that is permitted for a 24-hour period at a certain number of airports based on the number of operations or type of operations. Now, this has resulted because historically there is almost \$10 billion worth of lawsuits in the United States due to aircraft noise. A significant reduction in terms of property value around airports, a potential health problem which has been identified recently and EPA is concerned about around airport environments.

So this program, that is just one of several, is within that. Now, they have a program in the department of transportation called the California Department of Transportation. And this program deals with highway noise. And they have a vehicular program there to insure that automobiles, trucks, and motorcycles actually do not exceed a certain limit. In fact, a lot of their data was developed prior to the Noise Control Act, and the regulation of interstate motor carriers was used to assist EPA in establishing limits.

But they have eliminated certain major noise sources that were allowed to travel on highways. They have set a limit that now creates——

Mr. SKUBITZ. What did they eliminate?

Dr. BRAGDON. Well, they have established a maximum level for automobiles, trucks, and motorcycles so that high performance trucks with straight pipes or automobiles or motorcycles essentially are prohibited. So homes that are adjacent to freeways within a certain distance are not being penetrated by high levels of noise, which were highly irritating to the public at large.

Mr. SKUBITZ. No; but when you are traveling down the road, I can see where you might eliminate a certain amount of noise by setting a level that one vehicle might match, but where you are traveling down the road, where you have a vehicle on the road bumper to bumper what do you do about that?

Dr. BRAGDON. Well, again they did establish a level for vehicle noise at certain speeds. So below 35 miles an hour, for example, there is a level established there which would be significantly lower than that above 35 miles per hour. So even in those conditions the overall level would be a quieter environment in which to be.

But these are just two. They have a third provision on building codes, that there is a maximum interior level within buildings. The concern here is that we build schools and other public institutions in locations which are actually affecting the quality of education. Now, in Georgia when President Carter was Governor we made an inventory of all the schools in the States, which was some 1,700, to find out how many were actually being impacted by noise, to find out is the quality of education being affected? And we found something like 6 percent of the schools were located in areas where the noise level was actually intruding into the classroom and affecting the quality of education.

In one case it was reported in one school around the Los Angeles Airport if the student started in the 1st grade and stayed in the same school through the 12th grade, he would lose essentially 1 year of education due to noise interfering with the quality of education, which is referred to as jet pause, intrusion in terms of communication interference, the continuity, the stimulation, and the reactions in the classroom: all of these things affected the level of education.

So this is an issue that California has felt is a very important one in terms of public facilities. Now, these were even rural schools in Georgia, not necessarily urban, where they may have industrial plants located in rural locations.

Mr. SKUBITZ. Let's get away from Georgia and get back to California. There is \$2,149,000 being spent there. And I can't conceive of your having enough inspectors dealing with noise around airports and on the highways to enforce any sort of regulations that they have.

Dr. BRAGDON. OK. Well, going along with California at the State level is probably the most comprehensive collection of municipal laws in the United States. California has over, I can't recall the actual statistics but I know well over 100 cities are implementing the same laws that have been implemented at the State level, Congressman, at the local level. So you have a network of municipalities working together to implement and to work with the State group. So there is really a partnership in California.

Mr. SKUBITZ. Did you ever travel on the highways in California?
Dr. BRAGDON. Yes, sir.

Mr. SKUBITZ. At the speeds they are traveling there, and the noise, well, I——

Mr. ROONEY. Speaking of speed, we have 4 minutes before we vote on final passage.

Mr. SKUBITZ. Well, I better whiz over there, Mr. Chairman. I will turn the meeting back to you. Thank you, Doctor.

Dr. BRAGDON. Fine, thank you. I enjoyed it and will be glad to assist you in any way possible.

[Brief recess.]

Mr. ROONEY. Our next witness is Mr. H. W. Poston, commissioner, department of environmental control, Chicago, Ill.

He will be introduced by our colleague on this committee, Mr. Metcalfe.

Mr. METCALFE. Thank you, Mr. Chairman. Mr. Chairman and members of the subcommittee, I am pleased to introduce to you Mr. H. W. Poston, of Chicago. He is commissioner of Chicago's Department of Environmental Control.

Commissioner Poston is responsible for control of the environment in the areas of air, water, noise, vehicle emission, and solid waste disposal throughout the city of Chicago.

He has been commissioner of the department since it began operation in 1970. Prior to that appointment he served 15 years as Regional Director for the Federal Water Pollution Control Administration in charge of Federal water pollution control activities in the Great Lakes region.

He is also a licensed professional engineer and a member of the American Academy of Environmental Engineers.

The department and Commissioner Poston oversee several Chicago ordinances which are vital to promoting a healthy environment for everyone in Chicago. These include a low sulfur fuel ordinance, which has reduced the levels of sulfur dioxide significantly; a phosphate ordinance concerning household laundry detergents; and an auto emission testing ordinance.

Most important to the matter before this subcommittee today is Commissioner Poston's experience administering Chicago's noise ordinance. In 1957, when I was a member of the Chicago City Council, Chicago became one of the first cities in the Nation to adopt a noise ordinance. This was updated in 1971 and was then the most comprehensive noise ordinance in the Nation. Since then, many municipalities have used the Chicago ordinance as a model for adopting similar local noise ordinances.

Utilizing the Chicago noise ordinance, Commissioner Poston has gone a long way to provide an environment for Chicagoans free from noise jeopardizing their general health and welfare.

Mr. Chairman and members of the subcommittee, I am very pleased to introduce my friend and one who has taken the time to come to Washington to testify. May I present to you Commissioner H. W. Poston.

Mr. ROONEY. You may proceed.

STATEMENT OF H. W. POSTON, COMMISSIONER, DEPARTMENT OF
ENVIRONMENTAL CONTROL, ACCOMPANIED BY DANIEL FEDOR,
CHIEF, NOISE SECTION

Mr. POSTON. Thank you, Mr. Chairman and members of the committee. I have with me Mr. Daniel Fedor, who is head of our noise section within the department of environmental control. He is available to answer questions that I find hard to answer.

Mr. Chairman and members of the Subcommittee on Transportation and Commerce:

My name is H. W. Poston. I am commissioner of the department of environmental control for the city of Chicago. Our interest is in the Noise Control Act of 1972 and in its continued authorization by this subcommittee.

The city's concern for noise as an environmental consideration goes back to the early forty's when a joint study was undertaken by Armour Research Foundation and the city. The major conclusion of the study showed that vehicular traffic was the dominant noise source in the city.

From 1947 through 1950 another study was conducted by the Armour Research Foundation which established decibel restrictions according to zoning districts. These restrictions were incorporated into the Chicago zoning ordinance in 1957.

This first step, while innovative for its time, did little to alleviate noise from vehicular traffic.

Therefore in 1970 another study was undertaken in preparation for a comprehensive noise ordinance—attacking vehicular noise—still the dominant noise source. The ordinance has been in effect since July 1971 and incorporates the 1957 zoning restrictions along with prescribed noise levels for motor vehicles by manufacture date and operating noise levels according to speed under and over 35 mph.

The ordinance addresses other common urban noise problems such as construction equipment, vibrations, railroad, and truck loading operations and equipment such as heating, ventilating, and air-conditioning in new or existing facilities.

The department's noise team enforces vehicular noise restrictions on the streets with the aid of a police officer to stop the vehicle. All tickets whether issued for stationary source or moving vehicles require a mandatory court appearance. Fines ranging from \$15 to \$500 may be imposed.

Considering the wide range of urban noise problems and the numbers of personnel, funds, and equipment available for implementation, the ordinance has been well received. The new ordinance produced a marked increase in citizen concern for noise. This is clearly illustrated by the number of complaints recorded during 1971. After the effective date of the ordinance, the complaints increased by as much as 1,000 percent. The noise complaints now constitute approximately 30 percent of all complaints received by the department of environmental control.

With qualified noise abatement personnel, the department has cooperated with other city agencies and evaluated various pieces of equipment, instituted studies, and performed functions which would have

cost the city a considerable amount if contracted through outside consultants. It has also aided other jurisdictions in setting up community noise control programs.

Specifically Chicago's noise ordinance has accomplished the following:

- Minimized nuisance type complaints that exist in high density metropolitan areas.

- Reduced noise peaks of trucks, autos, and motorcycles with defective exhaust systems and/or failure to meet with new product regulations with its vehicle enforcement monitoring team on city streets. Excessive horn-honking practices were reduced through enforcement.

- Lowered noise at many zoning boundaries where equipment used for manufacturing or other processes violated the city ordinance.

- Achieved cooperation and compliance from general contractors with the use of quieter construction equipment.

- Regulated noise from construction sites, refuse compactors and mobile ice cream vendors by imposing a curfew on operations.

- Reviewed plans and equipment for new installations to eliminate noise in basic designs.

- Alerted public to legitimate noise concerns and recourse for their complaints through public information campaigns.

Because of its concerns about autos as a major noise source, the city needed to determine the extent of the problem and seek solutions. To carry out this project the department received a contract from the U.S. EPA Office of Noise Abatement and Control. The study is currently underway and the city is carrying out the field work with Federal funding.

Municipal budgets are also hard pressed for research money and look to the Federal Government to provide the needed research. The U.S. EPA should solicit research needs from local agencies.

In addition to research on the Federal level, fiscal support from the U.S. EPA is also necessary to aid in the development and implementation of urban noise programs.

It is most distressing to read of jurisdictions which, because of limited funds, have been forced to curtail or in some instances abandon noise control programs. Recently Pennsylvania dropped its community noise control program because of lack of funds.

So that this trend does not continue, we advocate public education by the Federal Government to build up public awareness. Federal representatives have been helpful in the past regarding technical assistance as required by my staff. However, additional funding for professional personnel and proper analysis equipment would benefit our program greatly. Intensive Federal training to educate new personnel on various aspects of noise and noise abatement methods would also enhance our noise program.

While research, training, public education, funding, technical assistance, personnel and equipment on a Federal level can greatly aid community noise programs, blanket Federal preemptions can actually hamper cities in some cases.

Preemption is written into the Noise Control Act in three sections: section 6—new product standards—section 17—interstate railroad noise—and section 18—interstate motor carrier regulations.

The Federal new products and interstate truck standards may not provide the necessary benefits for citizens within our city. We feel an option should be provided which would allow cities to set more stringent standards in some cases.

The interstate rail carrier regulation as written does not allow sufficient latitude for local governments to solve the many noise problems that exist. In the past the city of Chicago has successfully controlled railroad yard noise through its enforcement procedures and through administrative control programs.

Four separate railroad lines controlled community noise in the following ways:

One line installed new ballast and welded rail and limited hours for loading operations at a nearby plant.

One limited the number of cars involved in switching movement so that length of cars did not enter adjoining residential area. Also reduced locomotive throttle setting during switching operations and limited nighttime switching to include only interstate movements.

At another line high frequency noise from humping operations was reduced with the use of slotted shoe retarders.

Finally, the piggyback operation of one railroad was moved to a new location away from a residential area.

We wish to thank the members of this committee for listening to the progress that Chicago has made with its noise control program and to those things that remain to be done and urge this committee to extend the operations of the U.S. EPA Office of Noise Abatement.

Mr. ROONEY. Thank you very much, Mr. Poston, for that very enlightening statement on what you are doing in Chicago. I have heard of you for the past several years, ever since Mr. Metcalfe came to this committee. He has always been bragging about the great noise control program you have in Chicago, and now I truly believe that it is there. Mr. Metcalfe.

Mr. METCALFE. Thank you very much, Mr. Chairman. And of course, as I indicated in my introduction, the commissioner has been responsible for many innovative programs. I remember the hard fight that he had in terms of purifying our water and the opposition to it. And history and time has proven him to be absolutely right for the best interest and the health of the city of Chicago.

I too like the chairman wish to compliment you on your presentation. I had planned to ask you one question but I think basically you pretty much answered that question about what other recommendations would you make to EPA that would make more responsive to the statute?

I notice that in your statement you indicate that EPA needs to have more money for research to meet the needs of local agencies. Can you expound on that, Commissioner?

Mr. POSTON. In the recent standards for noise in vehicles, autos specifically, our regulations require that the levels of noise be reduced to 75 Dba in 1980. There was considerable discussions and objections to our noise ordinance and the level that would be required. There was a question raised as to the adequacy of the test used to evaluate noise from the vehicles.

As the result of this and because the Federal Government has been considering some of these questions too, the Federal Government un-

dertook research. The research involved setting up specific tests in Arizona I think, and in Nevada. And these were very expensive and sophisticated tests to find new procedures and methods to evaluate the car so that when the noise level was reduced, it would actually reduce the noise within the city where the car was in use.

I think it proper for the Federal Government to carry on and develop such tests that can be used in California, in Chicago, in Illinois, or in New York. And I think these are expensive beyond the capability of the local government. And I think that we do need assistance from an unbiased agency such as the Federal EPA for a thing like this.

Mr. METCALFE. Commissioner, I happen to be one of those persons who prefer to drive with the windows open. But I find that when we are on the expressways, and I don't intend to confine it just to our expressways that run through Chicago because I am concerned about the interstate trucks. I know that we have a strict ordinance in regards to the loading of these trucks. Is there anything that can be done to cut down the noise of the trucks so that I can not have to have my radio blasting and still have my windows open?

Mr. POSTON. We too are concerned with truck noise and have been preempted by the Federal Government with respect to our ordinance and through their new standards.

I think that trucks can be made quieter and are being made quieter. I know that one of the major truck manufacturers indicated to us that they were going to sell quieter trucks within the city of Chicago. This would mean they would be throughout the country.

Trucks are still noisy and it will probably take some time before they bring those levels down. But I have a hope and have the feeling that with time and Federal regulations that this will come about.

Mr. METCALFE. Thank you very much, Commissioner. Thank you Mr. Chairman.

Mr. ROONEY. Mr. Florio.

Mr. FLORIO. Commissioner, I too thank you for your comments. One area that wasn't mentioned, it is my understanding that O'Hare is a municipally owned and operated airport. It is also my understanding that under the current law there is discretion to allow for the proprietor of an airport, in your case the city of Chicago, to enact a regulator system of monitoring or planning to control noise. Has the city of Chicago such a regulatory system for the airport?

Mr. POSTON. The Federal Government has in the past regulated noise from planes and had control of planes in the air. And because of the Federal involvement, numerous other cities have made attempts to control noise from planes that land, and have had considerable difficulties in courts. And because of the expense involved and because of the difficulties that the others had and the other problems that we have had, I have felt that we just didn't have the funding to go ahead with this.

Mr. FLORIO. Are you satisfied with the degree of regulatory control that the Federal Government has exercised with regard to noise?

Mr. POSTON. No, I don't think that it has been adequate control.

Mr. FLORIO. I share your view. Thank you very much.

Mr. ROONEY. How much does the city of Chicago spend in that department you are in?

Mr. POSTON. Our budget is approximately \$140,000.

Mr. ROONEY. What?

Mr. POSTON. \$140,000.

Mr. ROONEY. For noise alone?

Mr. POSTON. For noise. And that consists of a staff of eight. In addition to that, we have inspectors that travel throughout the city and do answer complaints on noise as they come up, in addition to whether it is a smoke complaint or other nuisance complaint.

Mr. ROONEY. This is funded how?

Mr. POSTON. This is totally funded by city government.

Mr. ROONEY. You said that vehicular noise is still the dominant noise source in Chicago. Are you recommending to this committee that EPA regulate automobiles?

Mr. POSTON. Well, they are regulating the trucks and I think that it would be logical that they provide standards for automobiles.

Mr. FLORIO. Would the gentleman yield on that point?

Mr. ROONEY. I would be happy to yield.

Mr. FLORIO. We on this—not this particular committee but the overall committee through the enactment of the Clean Air Act have provided for inspection system for emissions on a national level, Mr. Poston, on a State by State level. Is it feasible as far as you are concerned and employing your expertise to do the same thing with regard to noise emissions, that is, to periodically call for the inspection of vehicles: one element to be inspected would be the amount of noise emitted? Would that be feasible?

Mr. POSTON. We have inspection for emissions, inspection maintenance for vehicles in the city of Chicago. We have experimented or tried out some of this. And I think this could be a feasible procedure to evaluate noise on cars, and on vehicles.

Mr. FLORIO. Thank you.

Mr. ROONEY. Mr. Commissioner, how much money did your department seek for EPA to study the effect of autos as a major noise source?

Mr. POSTON. \$32,000.

Mr. ROONEY. I am not accustomed since I have been here to hear \$32,000 and \$142,000. We usually talk in millions.

Mr. POSTON. Well, this is a new program. It is just getting started. We have been at it since 1971 in the Department of Environmental Control. Prior to that the building department in the city had this activity.

Mr. ROONEY. Do you advocate a Federal grant program to provide assistance to States and local agencies?

Mr. POSTON. I think it would be very helpful and useful and stimulating to municipalities to receive such grants.

Mr. ROONEY. Well, thank you very much, Commissioner. You have been very helpful to this committee and I appreciate the great job you are doing in Chicago.

Mr. POSTON. Thank you very much.

Mr. ROONEY. Our next witness will be Mr. David G. Hawkins, Assistant Administrator for Air and Waste Management, EPA, Washington, D.C.

I want to apologize to the previous witness, Dr. Bragdon, but we are in session this afternoon and thus far have had seven votes and we may have a few more before the afternoon is over. So we appreciate your indulgence.

**STATEMENT OF DAVID G. HAWKINS, ASSISTANT ADMINISTRATOR
FOR AIR AND WASTE MANAGEMENT, ENVIRONMENTAL PROTECTION
AGENCY, ACCOMPANIED BY CHARLES ELKINS, DEPUTY
ASSISTANT ADMINISTRATOR, OFFICE OF NOISE ABATEMENT
AND CONTROL, AND RICHARD KOZLOWSKI, DIRECTOR, DIVISION
OF NOISE ENFORCEMENT**

Mr. HAWKINS. Thank you, Mr. Chairman. I am David Hawkins and I would like to introduce the gentlemen who are with me. On my left is Charles Elkins, the Deputy Assistant Administrator for the Noise Abatement and Control; and on my right is Mr. Richard Kozlowski, the Director of the Division of Noise Enforcement.

What I would like to do is summarize a somewhat longer statement which we provided to you and the other members of the committee.

Mr. ROONEY. Without objection you may summarize your statement and your statement will be made a part of the record.

Mr. HAWKINS. Thank you very much. I would like to highlight five points which I would like to stress today.

First, Federal noise research has declined drastically since fiscal year 1973 when the Noise Control Act was passed;

Second, future noise control activities will be seriously impeded unless the Federal noise research program in the future is focused more clearly on the objectives of the Noise Control Act;

Third, in particular, there is an urgent need to investigate the real possibility that noise may cause cardiovascular disease as well as other illnesses;

Fourth, State and local activity in noise control has grown significantly since the passage of the act, but the programs are generally weak and understaffed; and

Fifth, certain provisions of the act, including those concerned with aviation and railroad noise, have not worked well and need to be examined carefully.

First I would like to examine why Government should be doing anything about noise. Let me begin by discussing our growing understanding of the effects of noise on public health and welfare. We have provided the committee with a recent publication entitled "Noise: A Health Problem." It summarizes our current state of knowledge about the health effects of noise.

We now know that, contrary to the general public perception, noise is more than an annoyance or a nuisance—it is a serious public health problem. Of the health hazards posed by noise, hearing loss is the most clearly observable and measurable.

However, recent studies in the United States and abroad suggest that noise's other health effects may prove to be more pervasive and serious than hearing loss. For example, there is growing evidence of a link between noise and the development of high blood pressure and other heart and circulatory problems.

These indications of additional and more serious effects of noise clearly call for investigation. Indeed, more efforts are needed in almost all areas of noise health research.

Given these adverse effects even at relative low noise levels, what strategy has EPA developed, and subsequently implemented, to bring about a reduction of these adverse effects?

Our formal testimony, including attachment No. 1, lays out these steps we are taking to regulate emissions from new products. As you can see, we have concentrated our efforts on traffic noise sources.

Currently 93 million Americans live in areas impacted by traffic noise. Without any regulations, the number of people living in these areas would nearly double by the year 2000. With the currently promulgated truck regulations and the proposed bus and motorcycle regulations this growth will be slowed to about a 50-percent increase between now and the year 2000. It is still a growth, however, and beyond the year 2000 the noise problem will continue to increase.

Clearly, then, we need more action. However, we expect that it will be impossible to lower the noise levels of vehicles below those to be promulgated in this first round of regulations unless we have a focused research program on the part of the Federal Government.

The total Federal noise research budget, as I said, has declined drastically since fiscal 1973; from a high of \$54 million in that year, Federal funding for noise research has dropped to a low of \$28 million in fiscal 1977. This is a cut of nearly 50 percent in spite of the new needs which were created by the passage of the Noise Control Act. When the effects of inflation are factored in, the decrease is on the order of two-thirds. This reduction in research funds and the failure of the remaining Federal research activity to focus on the important needs of the Noise Control Act clearly will prove to be a constraining factor on noise standards setting and other noise control activities in future years unless the situation is quickly reversed.

We have heard quite a bit about State and local programs. And I would say that we agree with just about everything we have heard because without strong State and local programs, the Federal noise control effort cannot be effective in meeting the public health and welfare needs of our citizens. At the time of passage of the Noise Control Act there were approximately 175 communities with some type of local noise ordinance and four States with any type of noise control program.

Dr. Bragdon has summarized today's situation and the progress to date. As he indicated, there are now over 1,000 communities with noise control ordinances and 27 States with statutory noise control provisions. While these statistics clearly indicate an increased level of concern and awareness on the part of citizens and their elected representatives regarding local noise problem, they do not reflect a proportionate level of actual noise abatement at the local level. A few States and localities carry out local active noise control programs, but the majority of the communities currently do little in the enforcement of their ordinances. Again I think Dr. Bragdon's testimony showed this very clearly.

Thus, we are now at a critical point in our national noise control effort. Congress clearly did not make EPA responsible for the strength and vitality of the State and local programs when it passed the 1972 act. However, we feel responsible for the State and local programs if for no other reason than that our efforts will be much less effective in controlling noise if these community programs do not exist or if they are weak.

Attachment No. 2 of this testimony lists the major programs of assistance to States and localities which EPA has developed. The fiscal

1979 budget for the Agency calls for an increased shift of resources in EPA's technical assistance effort to the States and localities. But it is clear that even with all the efforts on our part, we are falling far short of providing assistance to all the communities which request it.

Another problem which was evident when the act was first passed and is still very much present is the issue of preemption of State and local ordinances. As you know, the act recognizes a need for some degree of national uniformity of treatment for products that cross State lines. Some communities and States, however, complain that they need the authority to promulgate more stringent requirements in order to meet the needs of their communities, as Mr. Poston indicated.

A good example of the tension between the objectives of local flexibility and national uniformity is seen in the case of control of noise from railroads. EPA's initial regulation of railroad noise under section 17 of the act left a great deal of flexibility to the local communities while attempting to reduce noise from railroad sources which moved from jurisdiction to jurisdiction. However, the Association of American Railroads sued us and the U.S. Court of Appeals for the District of Columbia Circuit agreed with the railroads' views and stated that the Noise Control Act intended that railroads should have comprehensive Federal protection from different State and local ordinances, not only for moving railroad equipment, but for all fixed facilities and equipment as well.

EPA had recognized that the Agency had authority to set noise standards in a very sweeping manner for interstate rail carriers, but we purposely limited the extent of the rules issued by the Agency because we simply did not believe that we could devise a uniform national standard which would provide relief to many communities from railroad yard noise without imposing an extraordinary costs on compliance by the railroads. We therefore limited the 1975 rules to trains and locomotives and left local communities with the authority to issue site specific rules for stationary sources where they were deemed necessary.

Now the court has directed us to regulate all railroad facilities. We recognize that what the rail carriers want, and have achieved, through this court order is comprehensive Federal preemption of all of their equipment and facilities; and thus, protection against all State and local noise ordinances. To achieve meaningful noise reduction at every location on a national rail system will be quite costly and very difficult. The option is a weak regulation which would unfortunately preempt local control or a more expensive regulation which would provide greater protection. Obviously we are going to strive for a regulation which will achieve the greatest degree of protection at the least cost.

However, this and other areas of preemption may merit reexamination by the committee to see whether the proper balance is being struck between local flexibility and national uniformity. In the railroad area we believe the public interest would be best served by Congress mandating a more limited preemption such as was originally incorporated in EPA's railroad regulations.

I would like to conclude by making a few comments about aviation noise.

EPA has not felt successful in fulfilling the role in aviation noise control which Congress assigned to our Agency in section 7 of the Noise Control Act. Our perception is that the 11 regulatory proposals which we have sent to the FAA have not had a great deal of influence on FAA's decisions on aviation noise control. And again as Dr. Bragdon indicated, a large part of the problem is due to the fact that the two agencies are operating under different statutes which tend to move them sometimes in different directions and sometimes not the same amount in the same direction.

There is, we feel, a basic difference in approach between ourselves and the FAA. When the FAA promulgates regulations which set noise limits for aircraft which will come off the design boards in future years, we would like FAA to require aircraft manufacturers to incorporate the best available technology. However, this has not been the approach taken. Instead, the FAA tends to rely on what is now being done rather than the best that EPA believes can be done.

The new aircraft of the early 1970's are quieter than Boeing 707's, 727's, DC-8's and DC-9's, but they are still not quiet enough. There are at least 15 million people living around our Nation's airports who are affected by aircraft noise today. Of these, 6 to 7 million are severely impacted.

The FAA regulations will bring about a reduction of about 40 percent in the number of people who are severely impacted. However, to retain this benefit even until the year 2000 in the face of increasing operations, and to help the 60 percent left in the severe impact zone, will require progressive reductions in aircraft noise emissions. We have recommended such reductions, and we know that they are achievable since a number of aircraft flying today already meet even the more stringent limits we have recommended as the next step. It is my hope that our difference with the FAA are more a problem of the past than one of the future. Our agencies have differing purposes expressed in our statutes and congressional attention to harmonizing our missions would certainly help. However, the agencies themselves should be able to be more successful in acting jointly to promote improvements which would allow an industry which is not only healthy itself but is healthier for the rest of us because it is quieter. And I am certainly committed to try.

This concludes my statement. I will be glad to answer any questions which you may have.

[Mr. Hawkins' prepared statement with attachments follow:]

STATEMENT OF DAVID G. HAWKINS, ASSISTANT ADMINISTRATOR, AIR AND WASTE
MANAGEMENT, ENVIRONMENTAL PROTECTION AGENCY

We appreciate the opportunity to testify before this Subcommittee concerning the Noise Control Act of 1972 and its implementation.

Let me highlight five points I want to stress today:

1. Federal noise research has declined drastically since FY 1973 when the Noise Control Act was passed;
2. Future noise control activities will be seriously impeded unless the Federal noise research program in the future is focused more clearly on the objectives of the Noise Control Act;
3. In particular, there is an urgent need to investigate the real possibility that noise may cause cardiovascular disease as well as other illnesses;

4. State and local activity in noise control has grown significantly since the passage of the Act, but the programs are generally weak and understaffed; and,
5. Certain provisions of the Act, including those concerned with aviation and railroad noise, have not worked well and need to be examined carefully.

PUBLIC HEALTH AND WELFARE

First, I want to examine why Government should be doing anything about noise. Let me begin by discussing our growing understanding of the effects of noise on public health and welfare. For noise as for other pollutants we are learning that our senses do not always give us an accurate picture of the impact of our environment on our health. We can all hear noise but our simple conclusions about how serious it is for our health and welfare are increasingly being shown to be uninformed.

We have provided the Committee with a recent publication entitled: "Noise: A Health Problem." It summarizes our current state of knowledge about the health effects of noise.

We now know that, contrary to the general public perception, noise is more than an annoyance or a nuisance—it is a serious public health problem. Of the health hazards posed by noise, hearing loss is the most clearly observable and measurable. Over 20 million Americans are exposed at home, work, and in other urban environments to noise levels that are considered permanently damaging to hearing.

However, recent studies in the United States and abroad suggest that noise's other health effects may prove to be more pervasive and serious than hearing loss. For example, there is growing evidence of a link between noise and the development of high blood pressure and other heart and circulatory problems.

Although our present knowledge of the effects of noise is more than sufficient to support our present regulatory efforts, these indications of additional and more serious effects of noise clearly call for investigation. Indeed, more efforts are needed in almost all areas of noise health research. But there is firm support from the scientific community that particular emphasis is needed on the non-auditory health effects of noise. EPA and other agencies must devote more effort to this area in the future.

A CONTROL STRATEGY FOR TRAFFIC NOISE

Given these adverse effects even at relatively low noise levels, what strategy has EPA developed, and subsequently implemented, to bring about a reduction of these adverse effects? I think it is best to illustrate our approach by taking a single area and discussing it in some depth. For this purpose, I would like to discuss EPA's approach to urban traffic and freeway noise. Traffic noise affects more people than any other group of noise sources in this country.

The solutions, however, are not easy. Take a highway, for instance. Although the noise from individual vehicles on a highway dissipates quickly after the vehicle passes by, the highway carries a continuous stream of such sources and highways tend to be very long-term neighbors.

Where highways are located, how they are built, what land is controlled around the highway, what abatement techniques are designed into the highway, and what the noise levels are for the individual sources using that highway—all of these factors will determine the exposure of people from that highway for years to come. Each of these factors can be changed to some extent but not easily.

We believe the most cost-effective method of reducing traffic noise is to reduce the noise at the source. In 1972 when we began our work to reduce traffic vehicle noise, we identified the major sources of noise in the urban traffic and freeway environment, and determined their respective roles in exposure of the public.

The loudest, most pervasive source of noise is, of course, the truck. In 1974, EPT promulgated regulations limiting the noise from vehicles over 10,000 pounds operated by interstate motor carriers. This in-use vehicle regulation was designed to remove the most serious peaks of noise from interstate trucks and buses and it became effective in October 1975. Although applying to at least 1 million of the over 5 million trucks and buses in this country, such a reduction from existing vehicle fleet noise levels alone was not sufficient.

Accordingly, we started work simultaneously to further reduce traffic noise by setting standards for newly manufactured motor vehicles. We issued regulations which became effective in January of this year, requiring that new trucks

over 10,000 pounds emit no more than 83 decibels at 50 feet. This level will be lowered to 80 decibels in 1982. We have also proposed noise limits for new buses, motorcycles and garbage trucks which we expect to adopt within the next 6 to 12 months. Attachment 1 is a list of the products which we have regulated or have in process.

Although all of these actions will help to control highway noise, they cannot be viewed as a total solution. The growth of both the motor vehicle fleet and the number of people living in urban areas, together with an expected increase in the average automobile noise levels as a result of auto industry efforts to meet fuel economy standards, are expected to make the urban noise problem worse in coming years. Currently, 93 million Americans live in areas impacted by traffic noise.¹ Without any regulations, the number of people living in these areas would nearly double by the year 2000. With the currently promulgated truck regulations and the proposed bus and motorcycle regulations, this growth will be slowed to about a 50 percent increase between now and the year 2000. However, beyond the year 2000, the noise problem will continue to increase.

Clearly, then, we need more action. Truck noise levels must be reduced further than EPA has already prescribed—and we propose to do just that with efforts we now have underway. Also, we have under intensive study the remaining contributors to the surface transportation noise problem: automobiles, light trucks, and tires. As a supplement to these actions, regulatory initiatives on mufflers are being considered. Finally, we expect that it will be necessary for us to promulgate more stringent regulations beyond the initial round of regulations for all those vehicular sources which are now in process.

Research

We expect that it will be impossible to lower the noise levels of vehicles below those to be promulgated in this first round of regulations without a focused research program on the part of the Federal Government. We are repeatedly told in hearings we hold on our proposed regulations that most companies have little or no on-going research in noise reduction.

Although the Noise Control Act authorizes EPA to carry out research, the legislative history indicates that the Congress expected EPA to depend as much as possible on research activities of other Federal agencies. At the time of the passage of the Act, other agencies were carrying out research activities totalling approximately \$54 million under their respective mandates. These agencies include NASA, DOD, DOT, National Bureau of Standards, and HEW.

EPA expected, as did the Congress, that the research carried out under these other mandates would in fact be very helpful to EPA in establishing noise emission standards. Hindsight clearly tells us that in most cases this is not the case. The research carried out by the other Federal agencies has been done primarily to meet the objectives of the statutes under which these agencies operate. It is therefore not surprising that in most cases this research is not directly relevant to regulatory programs such as ours. We have just completed a year and a half's work with the other Federal agencies to review on-going research and its appropriateness for future needs under the Noise Control Act. This review of Federal research and our assessment of on-going research in American universities and in other countries have led us to the firm conclusion that the Federal Government must develop a research program more sharply focused on the needs of the Noise Control Act.

In addition, the total Federal noise research budget has declined drastically since FY 1973, the year the Noise Control Act was enacted. From a high of \$54 million in that year, Federal funding for noise research dropped to a low of \$28 million in FY 1977, a cut of nearly 50 percent, despite the new needs which were created by the passage of the Noise Control Act. When the effects of inflation are factored in, the decrease is on the order of two-thirds. This reduction in research funds and the failure of the remaining Federal research activity to focus on the important needs of the Noise Control Act clearly will prove to be a constraining factor on noise standard setting and other noise control activities in future years unless the situation is quickly reversed.

¹ Ldn=55dB. A day-night average sound level (Ldn) of 55 decibels is the level above which activity interference from noise can normally be expected.

STATE AND LOCAL PROGRAMS

Without strong State and local programs, the Federal noise control effort cannot be effective in meeting the public health and welfare needs of our citizens.

At the time of the passage of the Noise Control Act of 1972, there were approximately 175 communities with some type of local noise ordinance and 4 States with any type of noise control program. This may seem to have been a good starting point from which to create a nationwide program at the Federal level, but many of the local ordinances were based on simple, unenforceable nuisance provisions supported by minimal resources, if any.

Today the situation is somewhat different. There are now over 1000 communities with noise control ordinances. Added to this figure are the 27 States with statutory noise control provisions. While these statistics certainly indicate an increased level of concern and awareness on the part of citizens and their elected representatives regarding local noise problems, they do not reflect a proportionate level of actual noise abatement at the local level. A few States and localities carry out active noise control programs but the majority of the 1000 communities currently do little in the enforcement of their ordinances.

Nonetheless, we are encouraged by the results of our 1977 State and local survey which indicates better program planning, more specialization, increased levels of legislative initiatives, and improved program effectiveness. In addition, through the efforts of a small group of competent and highly motivated State and local officials, we now have a much clearer picture of the role State and local programs can and should play in the national effort.

There are four basic roles which State and local programs can play in noise control. State and local programs can:

- Incorporate provisions of Federal regulations into their own ordinances or promulgate additional controls on the use and operation of the products for which EPA has promulgated new product regulations;

- Regulate sources of noise which are not regulated by EPA;

- Provide immediate control of noise through in-use standards to supplement the long-term improvement achievable through EPA new product regulation; and

- Play an important role in the development of the national noise abatement strategy by identifying sources requiring regulation and other needs which can be met by other participants in the national effort.

State and local needs

The preliminary results of our 1978 Survey of State and Local Noise Control Programs show that the greatest impediment to progress at the State and local level today is in the areas of State and local funding, manpower, and training. A great deal can be achieved with even one or two persons at the local level, particularly if they can make use of other community resources such as assistance from the police and planning departments. Unfortunately, noise control programs all over the country have had difficulty during the last several years maintaining even this level of manpower and funding to design and enforce local ordinances.

Furthermore, there are many States and localities with strong interests in noise control but for whom the lack of adequate funding has impeded the development of noise legislation and/or the enforcement of their legislation.

Thus, we are now at a critical point in our national noise control effort. Congress clearly did not make EPA responsible for the strength and vitality of State and local noise control programs when it passed the 1972 Act. The Act's section on State and local programs contains only seven lines of type and authorizes only a general technical assistance program. Nevertheless we feel responsible for State and local programs if for no other reason that that our efforts will be much less effective in controlling noise if these community programs do not exist or if they are weak.

Attachment #2 to this testimony lists the major programs of assistance to States and localities which EPA has developed. The FY 1979 budget calls for an increased shift of resources into EPA's technical assistance effort, but it is clear that even with all of these efforts on our part, we are falling far short of providing assistance to all the communities which request it.

Preemption

One other problem which was evident when the Act was first passed and is still very much present is the issue of preemption of State and local ordinances. As you know, the Act recognizes the need for some degree of national uniformity

of treatment for products that cross State lines. Some communities and States, however, complain that they need the authority to promulgate more stringent requirements in order to meet the needs of their communities. A good example of the tension between the objectives of local flexibility and national uniformity is seen in the case of control of noise from railroads. EPA's initial regulation of railroad noise under Section 17 of the Act left a great deal of flexibility to the local communities while attempting to reduce noise from railroad sources which moved from jurisdiction to jurisdiction.

However, the Association of American Railroads (AAR) sued us and the U.S. Court of Appeals for the District of Columbia Circuit agreed with the railroad's views and stated that the Act intended that railroads should have comprehensive Federal protection from different State and local ordinances, not only for moving railroad equipment but for all fixed facilities and equipment as well.

Although we had recognized that the Agency had the authority to set noise standards in a very sweeping manner for interstate rail carriers, we purposefully limited the extent of the rules issued by the Agency because we simply did not believe we could devise a uniform national standard which would provide relief to many communities from railroad yard noise without imposing an extraordinary cost of compliance on the railroads. We therefore limited the 1975 rules to trains and locomotives and left local communities the authority to issue site-specific rules for stationary sources where such were deemed necessary.

Now the Court has directed us to regulate all railroad facilities. We recognize that what the rail carriers want, and have achieved through the Court order, is comprehensive Federal preemption of all their equipment and facilities and thus protection against all State and local noise ordinances. To achieve meaningful noise reduction at every location on the national rail system will be very costly and very difficult. The option is a weak regulation which would unfortunately preempt local control. This and other areas of preemption may merit re-examination by the Committee to see whether the proper balance is being struck between local flexibility and national uniformity. In the railroad area, we believe the public interest would be best served by Congress' mandating the more limited preemption originally incorporated in EPA's railroad regulations.

AVIATION NOISE

Although I have concentrated on urban traffic and freeway noise as a framework for this testimony, and have addressed primarily research and State and local problems, it would be inappropriate for me to conclude without at least mentioning aviation noise.

EPA has not felt successful in fulfilling the role in aviation noise control which Congress assigned to our Agency in Section 7 of the Noise Control Act. Our perception is that the 11 regulatory proposals which we have sent to the FAA have not had a great deal of influence on FAA's decisions on aviation noise control.

There is a basic difference in approach between ourselves and the FAA. When the FAA promulgates regulations which set noise limits for aircraft which will come off the design boards in future years, we would like FAA to require aircraft manufacturers to incorporate the best available technology. However, the FAA has not taken this approach.

For instance, in March of 1977 the FAA promulgated new rules for newly designed aircraft—aircraft which will be built in the late 1970's and 1980's. These noise limits are more stringent than the original rules which were promulgated in 1969. However, they tend to rely on what is now being done rather than the best EPA believes can be done.

The new aircraft of the early 1970's are quieter than Boeing 707's, 727's, DC-8's and DC-9's, but they are still not quiet enough. There are at least 15 million people living around our Nation's airports who are affected by aircraft noise today. Of these, 6 to 7 million are severely impacted.²

The FAA regulations will bring about a reduction of about 40 percent in the number of people who are severely impacted. However, to retain this benefit even until the year 2000 in the face of increasing operations, and to help the 60 percent who are left in the severe impact zone, will require progressive reductions in aircraft noise emissions. We have recommended such reductions, and we

² Ldn—65dB or NEF 30 (Noise Exposure Forecast).

know that they are achievable since a number of aircraft flying today already meet even the more stringent limits we have recommended as the next step. It is my hope that our differences with the FAA are more a problem of the past than one of the future. Our agencies have differing purposes expressed in our statutes and Congressional attention to harmonizing our missions would certainly help. However, the agencies themselves should be able to be more successful in acting jointly to promote improvements to allow an industry which is not only healthy itself but is healthier for the rest of us because it is quieter. I am certainly committed to try.

This concludes my statement. I will be glad to answer any questions which you may have.

ATTACHMENT 1

NOISE PRODUCT LEVEL AND LABELING REGULATIONS, NCA OF 1972—SECS. 6 AND 8

	Identified	Proposed	Final	Under study
Surface transportation (sec. 6):				
Medium/heavy duty trucks			April 1976	
Interstate motor carriers			October 1974	
Interstate rail carriers			December 1975	
Buses		September 1977		
Truck mounted solid waste compactors		August 1977		
Motorcycles		March 1978		
Truck mounted refrigeration units	May 1975			
Guided mass transit				X
Medium/heavy duty trucks (revision)				X
Motorboats				X
Snowmobiles				X
Light vehicles				X
Interstate motor carriers (revision)				X
Interstate rail carriers (revision)				X
Construction site (sec. 6):				
Portable air compressors			January 1976	
Wheel/crawler tractors		July 1977		
Pavement breakers/rock drills	February 1977			
Household and consumer products (sec. 6):				
Lawnmowers	January 1977			
Air-conditioners				X
Industrial equipment (secs. 6 and 8)				X
Labeling (sec. 8):				
General provisions		June 1977		
Hearing protectors		do		
Air-conditioners				X
Vacuum cleaners				X
Chain saws				X
Mufflers				X
Light vehicles				X
Snowmobiles				X

ATTACHMENT 2

SUMMARY OF EPA ASSISTANCE TO STATE AND LOCAL AGENCIES

The Model Community Noise Control Ordinance.—A basic tool which communities can use to construct noise control ordinances suited to local needs and conditions.

Community Noise Assessment Handbook.—Guideline for administering an attitudinal survey and a community-wide physical monitoring survey in order to determine nature of community's noise problems.

Building Code Manual.—Advice to building officials and housing inspectors in proper construction procedures and materials to meet specific interior building code noise criteria. (under development)

Mechanical Equipment Permit Manual.—Assistance to communities interested in controlling the noise emitted from the mechanical equipment in buildings into the community. (under development)

Quiet Communities Program.—EPA sponsored local noise control field research projects, designed to demonstrate the best available techniques. Representative communities are selected in order that the knowledge gained can be transferable to the greatest number of other communities.

ECHO—Each Community Helps Others.—Helps State and local agencies develop or improve their noise abatement program by facilitating the transfer

of knowledge from communities with existing programs to other communities needing assistance in program development. The transfer of knowledge is made possible by a Community Noise Advisor (CNA) who volunteers his time in order to advise a nearby Recipient Community (RC) which would like to develop a noise control program. EPA pays out-of-pocket costs.

Noise State Assignee Program.—EPA has developed a program through which a limited number of professional and technical people are hired by the Agency and assigned to State noise programs for two years, assisting in the development of viable State noise abatement programs.

Senior Environmental Employment Program (Older American Workers).—A 3-year demonstration project to hire Older Workers to help each EPA Regional Noise Representative assist State and local agencies; funded by a grant from the HEW Administration of Aging (AOA) under terms of an interagency agreement between AOA and EPA. One position is assigned to each Region.

Noise Program Management Training Manual.—A university accredited course being written for use by State and local personnel. The manual will then be adapted into a companion accredited correspondence course.

Regional Noise Workshops.—EPA has conducted over 50 workshops in various locations through the country, educating an estimated 2,000 officials. During FY 1978, 22 events for 1200 to 1550 officials are planned.

Advice on Selection and Operation of Noise Abatement Equipment.—EPA also advises State and local governments on types and use of sound measurement and analysis instruments; sound equipment is available for loan to States and localities through the EPA regional noise offices.

Mr. ROONEY. You say that EPA has not felt successful in fulfilling the role in aviation noise control which Congress assigned to your agency. I don't see how you can fulfill any role because it is my understanding that approximately \$28 million was spent on noise research by the Federal Government in 1978 of which none was part of the budget of the EPA. How is EPA supposed to coordinate a noise control effort throughout the Federal Government if other agencies are spending \$28 million in research and EPA is spending none?

Mr. HAWKINS. You are correct, Mr. Chairman. EPA's research budget has no money in it for noise at present. The legislative history of the Noise Control Act did indicate that we were to rely fairly heavily on the activities of the other agencies and to serve a coordinating role.

We are attempting to serve that coordinating role by the development of panels which have reviewed the Federal noise research effort. One of the products of that review is our ability to conclude accurately, not only that there has been a reduction, but to identify where those reductions have occurred, to identify clearly what research is being done, and what its failure and successes have been.

We now are in a position to make some recommendations about noise research. The noise budget for the entire agency, as you know, is quite small and a research effort by the agency itself, would present the very difficult situation of taking money away from the noise abatement activity itself in order to fund research at a level which would be small even compared to the relatively small \$28 million expenditure by the other Federal agencies. If we took \$2 million away from the noise program at EPA, that would be a 20-percent reduction in our budget and yet it would only be something less than 10 percent of the even reduced total Federal expenditures. So we don't have a great deal of leverage with our current budgetary levels.

Mr. ROONEY. Well, have you requested it?

Mr. HAWKINS. We have undergone a zero-based budget exercise at the agency this year, which we took very seriously. And I must say

that it was an exercise that I took particularly seriously because I couldn't smile very much when it came to the implications for the noise program. We had to make very difficult choices. We had a number of programs which were demanding immediate attention because of congressional mandates that had been passed in this session directing us to take action to adopt regulations within 180 days. We felt we had to be responsive to those mandates.

The noise program at EPA has been responsive to the specific mandates that Congress laid out in the 1972 legislation. An unfortunate consequence for our agency which has a lot of other specific mandates for action by specific dates, is that those tend to be the things to which we have to address the money. We have to make choices which tend to result in a program, like the noise program where we have gotten by the first batch of congressional mandates, not getting as much money as could be usefully spent. We made a choice as an agency that this is the allocation of resources that we were going to make. I am able to defend that choice, but it is not a choice that was cost free.

Mr. ROONEY. My bill will increase the authorization by some \$7 million. If we are successful in getting that amount of money appropriated, where would the Office of Noise Abatement Control spend it?

Mr. HAWKINS. We think that research would be a valuable place to spend a significant amount of that money. We think that assistance to States and localities, which we have been trying to increase within our current budget, could be improved by more moneys. And we think that some of the cuts in our standards' setting activity that we had to undertake for fiscal 1979 in order to increase the State and local assistance perhaps could be eliminated or at least partially removed with additional sources of funds.

Mr. ROONEY. Mr. Florio.

Mr. FLORIO. Thank you, Mr. Chairman. Mr. Chairman, I am particularly unhappy that there is no current provision under the law that requires major airports to have any plan or any program for the monitoring or the abatement of the noise. It has been represented to me, and you make reference to this a bit in your statement, that part of this problem comes because of the split jurisdiction so to speak between FAA and EPA. If in fact there was to be a provision that would require such a plan or such a program to be submitted to major airports and it was given to EPA with the requirement that FAA be consulted to ascertain that there were no safety problems with the implementation of such a plan so as to insure that traffic flows were not being disrupted by the establishment of such a plan, do you feel that you would be able to administer such a program?

Mr. HAWKINS. I think you have identified an important gap in the Federal regulatory structure with respect to airport noise abatement. We would want to implement and administer such an authority if the Congress provided it. But we would have to find the resources from programs that we currently have underway. We don't have a half-dozen people sitting and waiting for something to implement. We would have to take them away from something else they were doing. But it would be a high priority program for us.

Mr. FLORIO. Do you have any idea how we could resolve the differences that apparently have arisen between FAA or DOT and EPA on this matter?

Mr. HAWKINS. I think a clear set of legislative mandates, which were consistent with each other, would do the trick.

Mr. FLORIO. So what you are saying is that the legislative mandate, if it is that at this point, is somewhat ambiguous and splinters the fixed responsibility and/or the final responsibility as to how to deal with this problem under the current statutory scheme?

Mr. HAWKINS. Under the current statutory scheme there is no mandate that the Federal Government require a noise abatement plan from an airport operator. There may be authority to do that and there certainly is authority to fund it, but there isn't a clear statutory mandate. And what I hear you suggesting is that such a mandate be provided.

Mr. FLORIO. Thank you very much. Thank you, Mr. Chairman.

Mr. ROONEY. Thank you, Mr. Hawkins. In your fourth quarterly report as well as in your testimony before Senator Culver's subcommittee last week you stated that EPA has begun studying a possible development of regulations for noise and vibration control of the internal combustion engine. Is that correct?

Mr. HAWKINS. That is correct.

Mr. ROONEY. In light of the present energy problem and the country's need for a more energy efficient engine, why are you preparing to identify the automobile engine as a "noise source"?

Mr. HAWKINS. Well, we are assembling the information that will enable us to make a decision on whether it is a noise source. There is a substantial question on the amount of discretion we have if an objective observer were to make a conclusion based on certain facts. Obviously we would be troubled if the only way to deal with a noise reduction program for the automobile would have an energy impact. We would certainly look for ways to avoid an adverse energy impact. But that is a source of concern for us.

Mr. FLORIO. Mr. Chairman, if I might ask one more question with regard to the airport noise abatement proposals?

Mr. ROONEY. Yes, sir.

Mr. FLORIO. Could you perceive of a situation in terms of the development of such a plan that might provide the opportunity for surrounding jurisdictions or communities to play a role in formulating the plan? My concern is that in certain instances, and to be perfectly frank in one specific one I am concerned about which is the city of Philadelphia and the proprietor of the Philadelphia National Airport, has shown no inclination to become involved in noise abatement. And should there be a mandate that such a plan be put forth by that particular entity, I am not convinced that it would be put forth in the most diligent way or that it would be put forth with full concern for some of the neighboring communities.

Is it conceivable that in fact a statutory scheme could be put forward which would require that the proprietor come up with a plan but there be built into that procedure the opportunity for surrounding jurisdictions to have input or comment upon or perhaps even be participants in the presenting of such a plan?

Mr. HAWKINS. I think it certainly is conceivable. I would say further that a successful abatement plan for a facility like an airport, which has a variety of impacts over a number of different jurisdictions, almost inevitably has to be developed as a part of a cooperative process.

As you will recall, in the Clean Air Act provisions of 1977, on which

you worked, there is a great deal of emphasis on consultation and cooperation between locally elected officials and communities which they represent in the development of the overall air quality implementation plans. Some of the air quality impacts are going to be coming from the very same airports that we are talking about. And they will be subject to this type of a consultative, cooperative process in developing an overall implementation plan. In that case it is submitted by the State and local air pollution control agencies rather than the airport operator. But the theme of consultation and cooperation between the jurisdictions affected is most certainly present.

Mr. FLORIO. Might the metropolitan planning organization be an appropriate regional planning entity that would be a logical participant in the planning operation? In our area it is called the Delaware Valley Regional Planning Commission. My understanding is that throughout the country these planning commissions exist.

Mr. HAWKINS. They do indeed, and they do have an intermodal responsibility, that is, they have responsibility over different modes of transportation, both surface and air. I would think that they would be a very appropriate participant. You might want to also direct that question to the representatives of the Department of Transportation.

Mr. FLORIO. Thank you. Thank you, Mr. Chairman.

Mr. ROONEY. Thank you, Mr. Hawkins. I am very impressed with your testimony and your response to questions this afternoon.

Our next witness will be Mr. Martin Convisser, Director, Office of Environment and Safety, Department of Transportation.

You may proceed.

STATEMENT OF MARTIN CONVISSER, DIRECTOR, OFFICE OF ENVIRONMENT AND SAFETY, DEPARTMENT OF TRANSPORTATION, ACCOMPANIED BY STEPHEN C. URMAN, RAILROAD OCCUPATIONAL SAFETY AND HEALTH SPECIALIST, FEDERAL RAILROAD ADMINISTRATION; JOHN E. WESLER, ACTING DIRECTOR OF OFFICE OF ENVIRONMENTAL QUALITY, FEDERAL AVIATION ADMINISTRATION; KENNETH L. PIERSON, DEPUTY DIRECTOR, BUREAU OF MOTOR CARRIER SAFETY, FEDERAL HIGHWAY ADMINISTRATION; AND GEORGE J. PASTOR, ASSOCIATE ADMINISTRATOR FOR TECHNOLOGY DEVELOPMENT AND DEPLOYMENT, URBAN MASS TRANSPORTATION ADMINISTRATION

Mr. CONVISSER. Mr. Chairman and members of the committee, I thank you for the opportunity to appear before the committee to discuss the Department of Transportation's noise program, and the Noise Control Act as it relates to transportation. With your permission, Mr. Chairman, I will summarize from my statement and submit the entire statement for the record.

Mr. ROONEY. Without objection you may summarize your statement for 10 minutes and your statement will become a part of the record.

Mr. CONVISSER. I would like to introduce the colleagues I have with me who are from the various operating administrations of the Department of Transportation, from the offices that have responsibilities with respect to noise. To my extreme left is Mr. Steve Uрман from the Of-

fice of Standards and Procedures of the Federal Railroad Administration, who has responsibility for enforcement of the regulations with respect to railroad noise. Next to me is Mr. Ken Pierson, the Deputy Director of the Bureau of Motor Carrier Safety, which has responsibility for enforcement of the motor carrier noise regulations. To my immediate right is John Wesler, the Acting Director of the Office of Environmental Quality in the Federal Aviation Administration, with responsibility for noise in FAA. And to the far right is Mr. George Pastor, Associate Administrator of the Urban Mass Transportation Administration for Technology Development and Deployment, who has responsibility for noise research in the urban mass transit field.

My own office of Environment and Safety has responsibility under the Assistant Secretary for Policy and International Affairs for oversight and coordination on environmental matters both within the Department and with other agencies, particularly the Environmental Protection Agency.

Noise is of course one of the significant environmental impacts of transportation with which we are vitally concerned. However, the great bulk of the noise-related research and operations of the Department are carried out by the operating administrations. And I would like now to turn to the noise activities of the operating administrations, primarily the Federal Highway Administration, the Urban Mass Transportation Administration, the Federal Railroad Administration, and the Federal Aviation Administration.

With respect to highways, as you know the Bureau of Motor Carrier Safety enforces standards set by EPA for external noise of motor vehicles operated by commercial motor carriers engaged in interstate commerce. The BMCS has also promulgated interior noise levels, which are intended to protect the driver's hearing and reduce noise-induced fatigue.

Both the interior and the exterior noise standards are enforced by FHWA's field safety investigators during road checks of subject vehicles. Because of the short time period between the publication and effective date of the exterior noise level requirements, the FHWA performed courtesy inspections for approximately 6 months from October 1975 to April 1976. During this period, 4,291 vehicles were inspected for external noise emissions and about 10 percent had noise levels that indicated noncompliance. For the entire fiscal year 1977, 11,052 vehicles were checked for exterior noise, and 8,036 for interior noise levels. With a much larger sample of vehicles being checked, the level of noncomplying vehicles, both interior and exterior, has decreased to about 3 percent of those inspected. This drop in vehicles found to be in noncompliance with the noise level requirements is due, we believe, to FHWA inspection efforts and to improvement in carrier vehicle maintenance.

Turning now to highway noise research and development programs, these emphasize five major areas: traffic noise criteria as the first; second, traffic noise prediction models; third, the identification and design of traffic noise mitigation measures; fourth, highway construction noise; and fifth, traffic induced vibrations. Major research studies are currently underway in each of these areas. As an example of the broad scope of this program I have appended to my statement a list of active studies, and a partial list of States involved in the joint Federal-State noise research program.

In addition to the FHWA research programs, the quiet truck program, now being administered by the National Highway Traffic Safety Administration, has tested new, low noise truck designs on over 2 million miles of line haul services. As you know, these demonstrations served as a basis for the medium and heavy duty truck noise standards promulgated by EPA. We have also demonstrated through this program retrofit packages which could be used to lower the noise of existing heavy duty vehicles.

In addition to truck regulation and research, FHWA, in administering the Federal Aid highway program, has a diverse program to reduce the adverse impact of highway traffic noise. The program utilizes three approaches:

1. Highway facility measures, which include noise barriers, insulation of buildings, and traffic control measures;
2. The stimulation of measures to reduce the level of noise emissions from motor vehicles;
3. The encouragement of land use planning and control to prevent noise sensitive uses from developing in high noise impact areas, or to insure that such development is planned to minimize adverse effects.

In implementing the first part of this three part program and in compliance with the 1970 Federal-Aid Highway Act, FHWA noise regulations have been developed and issued for application to Federal-aid highway projects. All of these regulations have been developed in consultation with EPA and other Federal agencies. The regulations require noise analyses, identification of noise impacts, examination of abatement measures, and where feasible, implementation of abatement measures.

As a direct result of the FHWA regulations, noise barriers have been built with Federal funds. To date, the construction cost of these barriers exceeds \$50 million. The State highway agencies have indicated that they plan to spend nearly one-half of a billion dollars for noise abatement on the Interstate Highway System before it is completed.

I would now like to address the mass transit field. The Urban Mass Transit Administration is pursuing an aggressive program of research and development in the area of rail rapid transit noise, to address both the problems of noise in the community and the noise environment of riders and customers waiting in stations.

Following the approach developed by the Department during a study of the Massachusetts Bay Transportation Authority transit lines in the Boston area, a detailed mapping of the rail rapid transit noise environment was accomplished in New York, Chicago, Cleveland, Philadelphia, and San Francisco. At the same time, basic research was being carried out on the noise and vibration resulting from wheel/rail interaction and from operation on elevated structures.

The noise and vibration control technologies resulting from these noise-dedicated research and development programs are now being applied in an in-service noise abatement test and evaluation program on the equipment and facilities of the Southeastern Pennsylvania Transportation Authority in the Philadelphia area. The practicability and costs of installation, maintenance, and utilization will be documented and compared with typical vehicles under comparable conditions.

In addition to the R. & D. program activities, very important improvements and advancements are being made as a result of progressive systems specifications being drawn for new transit systems which are being developed with Federal support, such as the Washington Metro System. Such specifications, developed by the system consultants and approved by UMTA, exhibit noise improvements from system to system. UMTA has also provided capital grants to the New York City Transit Authority to achieve noise reduction in New York's existing subway system.

Regarding buses, UMTA has established noise specifications of 83dB(A) for the advanced design buses which are being received today, and of 80dB(A) for the new transbus, which will be procured starting in late fall of 1979. Each of these standards will be in effect earlier than comparable EPA bus noise standards. UMTA has therefore requested of EPA an exemption for transbuses from EPA requirements.

UMTA also has underway a bus noise research and development project, which is sponsored jointly with EPA and will demonstrate the effect of the installation of a noise reduction kit into an existing transit bus. If successful, a number of installations will be evaluated in transit service.

DOT has provided EPA information on our efforts in these areas through the participation on the Interagency Surface Vehicle Noise Research Panel and through coordination directly with EPA's Office of Noise Abatement and Control.

Turning to railroads, the Federal Railroad Administration's noise control activities include the promulgation and enforcement of noise control regulations affecting railroad equipment and facilities, and research into present noise level and technological possibilities for improvement.

EPA has issued its final regulations establishing standards on the noise emissions generated by railroad locomotives and the Federal Railroad Administration has published noise compliance regulations to be utilized for enforcing these standards.

FRA has initiated a program for testing compliance with the regulations. To date, 10 bypass inspections have been made, involving 150 locomotives, and 2,500 freight cars. No violations were found of the EPA standards.

As a result of a recent court decision, EPA is now developing, in consultation with FRA, additional standards setting limits on noise emanating from the fixed facilities of interstate rail carriers. After EPA issues the required standards, FRA will promulgate enforcement regulations.

In addition to its activities under the Noise Control Act, FRA has issued rules regulating permissible noise levels in new railroad employee sleeping quarters. It is considering whether and how to limit noise in cabooses.

FRA also has a noise abatement research program developed to maintain a source of information and expertise on all technical matters related to noise generated by railroad operations. This includes the cataloging of acoustical information on equipment and facilities now in use by railroads and the careful monitoring of new developments

to allow adequate consideration of noise characteristics prior to the wide scale introduction of any new technology.

FRA research into noise control is undertaken in coordination with other Federal agencies, including EPA, and the results of all studies are, of course, available to EPA.

Turning now to the other major operating administration of the Department which has significant noise abatement responsibilities, the FAA has moved aggressively during the past year to carry out its philosophy expressed in the 1976 Aviation Noise Abatement Policy Statement, that aviation noise abatement is a shared responsibility among all elements of the air transportation system. I emphasize a shared responsibility, between Federal, State, local governments, and airport proprietors. For example, in cooperation with airport proprietors and State and local governments, the FAA is developing and providing technical guidance and analytical tools to assist in planning for effective operation of airports and for compatible land-use control over adjacent areas. We encourage airport proprietors to undertake such planning in cooperation with State and local governments. And we are providing them technical tools to assist in doing that.

FAA during the past year issued two advisory circulars which tabulate all known noise levels of currently-flying aircraft as one of the tools in accomplishing this objective.

In addition to these advisory circulars, FAA also published additional technical guidance material this quarter, to assist airport proprietors and local governments in alleviating noise impacts near their airports. These publications, which are listed in the prepared statement, along with other FAA publications already issued and currently in publication, will form the substance of a series of kits which will provide technical and guidance material on subjects such as aviation noise in general, airport proprietor options for noise control, and compatible land-use planning and control. These materials are intended to assist implementation of the DOT/FAA policy of shared responsibility for noise abatement.

On January 31 of this year the FAA released for public use the first official version of its "Integrated Noise Model," a computer-based prediction procedure to describe the location and extent of aviation noise impacts at airports. This tool allows airport planners, zoning authorities, and other responsible parties to define the current impacts of airport noise, as well as to evaluate alternative actions which could provide potential relief from these impacts.

In March, FAA issued two amendments to its noise standards. One deals with noise measurement points, test conditions, and noise limits for new aircraft designs for greater conformity with the new noise standards recently adopted by the International Civil Aviation Organization. The other amendment revised and clarified the procedures and criteria for conducting aircraft noise certification tests.

As you know, the Noise Control Act of 1972 added EPA as an advisory partner to the FAA in aviation noise control. EPA was empowered to propose such noise control regulations to FAA as EPA determined were necessary to protect the public health and welfare. EPA has forwarded 11 such proposals to the FAA, beginning in December 1974. The FAA has acted on seven of the proposals and will

shortly respond to the remaining four. Two of the remaining four relate to the pending civil supersonic airplane regulation, and will be addressed as part of that action.

The Department welcomes the advice and recommendations of EPA concerning the protection of public health and welfare, and we look to that agency for guidance regarding the effects of aviation noise on people, in order that the FAA regulations may be effectively developed. Of course, as has been pointed out, we sometimes have differences of opinion with EPA, especially in the interpretation of the statutory tests of what is "economically reasonable, technologically practicable, and appropriate" to a given type of equipment. However, we see such differences as helpful in reaching balanced decisions which consider all aspects of the problem. I believe that EPA and FAA staffs have worked together quite effectively in recent months, and we expect that spirit of cooperations to continue.

I would like to add that as a Department-wide matter with respect to the Noise Control Act itself, we urge enactment of the administration's previously submitted proposal to amend the penalty provisions of the act to provide for civil as well as criminal penalties. Civil penalties would result in increased enforcement flexibility and better enable us to deal with marginal violations of the standards.

In conclusion, Mr. Chairman, the Department has taken seriously its responsibilities and authorities to deal with transportation noise, including the emphasis and responsibilities provided by the Noise Control Act. We have an extensive and varied program, and we will continue to utilize the authorities we have toward the goal of improving the noise environment for all of our citizens.

Thank you, sir. I would be glad to answer any questions you may have.

[Mr. Convisser's prepared statement follows:]

STATEMENT OF MARTIN CONVISSER, DIRECTOR, OFFICE OF ENVIRONMENT AND SAFETY,
DEPARTMENT OF TRANSPORTATION

Mr. Chairman and members of the committee, thank you for the opportunity to appear before the Committee to discuss the Department of Transportation's noise program, and the Noise Control Act as it relates to transportation.

My own Office of Environment and Safety has responsibility, under the Assistant Secretary for Policy and International Affairs, for oversight and coordination on environmental matters both within the Department and with other agencies, particularly the Environmental Protection Agency. Noise is, of course, one of the significant environmental impacts of transportation with which we are vitally concerned.

In the past, we have shared this overview responsibility with respect to noise with the Office of Noise Abatement under the Assistant Secretary for Systems Development and Technology. In a recent reorganization of the Office of the Secretary of Transportation, the position of Assistant Secretary for Systems Development and Technology, as well as the Office of Noise Abatement, was disestablished.

Thus, responsibility for the noise problem within the Office of the Secretary now rests with the Assistant Secretary for Policy and International Affairs and my office. I should hasten to add that the disestablishment of the Office of Noise Abatement did not mean the termination of its activities. The policy and oversight responsibility, as I indicated, continues to rest with the Assistant Secretary who has overall environmental responsibility—the Assistant Secretary for Policy and International Affairs. The research activities which the Office of Noise Abatement had underway have been assigned to the relevant operating administrations of the Department. This is in accordance with the purpose of the reorganization, which was to shift research and operating programs which affect

a particular mode of transportation out of the Office of the Secretary and into the operating administration with responsibility for that mode of transportation.

For example, the ongoing Quiet Truck Research Program and tire noise studies will be continued in the National Highway Traffic Safety Administration (NHTSA) under the supervision of the former director of the Office of Noise Abatement, who now heads the Office of Heavy Duty Vehicle Research in NHTSA. The contract for development of simplified noise measurement procedures for locomotives, formerly jointly administered, is now being supervised solely by the Federal Railroad Administration (FRA). Also continuing is the study of rail yard noise, a problem of pressing concern following a 1977 court order that EPA develop noise level standards for all railroad facilities and equipment.

The great bulk of the noise-related research and operations of the Department have increasingly been carried out by the operating administrations, and the recent reorganization has strengthened the noise activities of those offices. Accordingly, I would now like to turn to the noise activities of the operating administrations. Those primarily involved, which I will discuss, are the Federal Highway Administration, the Urban Mass Transportation, the Federal Railroad Administration, and the Federal Aviation Administration.

Before doing so, however, I should note that last year the Department's testimony before this Committee presented an historical background of legislative authorizations for DOT activities in noise abatement and a chronological summary of DOT programs to meet these mandates. Our three progress reports to you, in response to your request following the 1977 oversight hearings, have presented these legislative authorities in more detail. I will, therefore, emphasize our more recent progress rather than our authority and efforts in the past.

Highways

As you know, the Federal Highway Administration (FHWA) (through its Bureau of Motor Carrier Safety (BMCS)) enforces the standards set by the Environmental Protection Agency (EPA) for external noise of motor vehicles operated by commercial motor carriers engaged in interstate commerce. The BMCS has also promulgated interior noise levels, which are applicable to all motor vehicles operating for hire or in the private carriage of property in interstate or foreign commerce. These interior noise level requirements are intended to protect the driver's hearing and to reduce noise-induced fatigue.

Both the interior and the exterior noise standards are enforced by FHWA's field safety investigators during road checks of subject vehicles. Because of the short time period between the publication and effective date of the exterior noise level requirements, the FHWA performed courtesy inspections for approximately six months, from October 1975 to April 1976. During this period, 4,291 vehicles were inspected for external noise emissions and about 10 percent had noise levels that indicated noncompliance. For the entire FY 1977, 11,052 vehicles were checked for exterior noise, and 8,036 for interior noise levels. With a much larger sample of vehicles being checked, the level of noncomplying vehicles, both interior and exterior, has decreased to about 3 percent of those inspected. This drop in vehicles found to be in noncompliance with the noise level requirements is due to FHWA inspection efforts and to improvements in carrier vehicle maintenance.

Accordingly, we believe that the interior and exterior noise level requirements have resulted in a most substantial level of improvement in commercial vehicle noise pollution. We expect this level of compliance to continue or to improve as we increase our measurement and enforcement activities.

Turning now to highway noise research and development programs, these programs are designed to provide valid, reliable information on which to base policy decisions and to expand the theoretical and empirical data base for the identification, prediction, and mitigation of highway traffic noise impacts.

The FHWA's own research program is part of the Federally Coordinated Program for Research and Development (FCP).

This research program emphasizes five major areas:

1. the establishment of traffic noise criteria,
2. the development of traffic noise prediction models.
3. the identification and design specification of traffic noise mitigation measures,
4. highway construction noise, and
5. traffic induced vibrations.

Major research studies are currently underway in each of these areas. As an

example of the broad scope of this program I am appending to this statement a list of active studies, and partial list of States involved in FCP noise research.

FHWA has established a special division to assist in converting the results of FHWA's research studies into useful technology. The results of the Department's noise research, including the technology studies, are made available to Federal agencies (including EPA and the National Bureau of Standards), state highway departments, local communities, planners, environmental groups, and others. FHWA's noise research efforts are coordinated with EPA through discussions of research programs by FHWA and EPA management and technical personnel, EPA participation in FHWA technical panels, FHWA-EPA joint research studies, EPA participation in FHWA noise research studies, EPA participation in FHWA noise research workshops, and exchanges of technical reports.

In addition to these FHWA research programs, the Quiet Truck Program, now being administered by the National Highway Traffic Safety Administration, has tested new, low noise truck designs on over two million miles of line haul service. As you know, these demonstrations served as a basis for the medium and heavy duty truck noise standards promulgated by EPA. We have also demonstrated retrofit packages which could be used to lower the noise of existing heavy duty vehicles. A wide range of exhaust mufflers and air intake silencers have been tested for acoustic and flow restriction performance to document commercially available silencer options. These two activities served as basis for the EPA-promulgated interstate motor carrier noise standards and as guides for industry compliance therewith. Research into tire and in-cab noise is continuing under the National Highway Safety Traffic Administration.

In addition to truck regulation and research, which we have already discussed, FHWA, in administering the Federal-Aid Highway program, has a diverse program to reduce the adverse impact of highway traffic noise. This program utilizes three approaches:

1. highway facility measures, which include noise barriers, insulation of buildings, and traffic control measures;
2. the stimulation of measures to reduce the level of noise emission from motor vehicles; and
3. the encouragement of land use planning and control to prevent noise-sensitive uses from developing in high-noise impact areas, or to insure that such development is planned to minimize adverse effects.

In implementing the first part of this three part program and in compliance with the 1970 Federal-Aid Highway Act, FHWA noise regulations have been developed and issued for application to Federal-aid highway projects. All of these regulations have been developed in consultation with EPA and other Federal agencies. The regulations require noise analyses, identification of noise impacts, examination of abatement measures, and where feasible, implementation of abatement measures.

In addition, the regulations establish noise level criteria for various land uses and activities. These criteria are compared with predicted future noise levels for new highway projects to determine the need for noise control measures, which are to be taken to the extent that opportunities to control noise reasonably exist. Costs are treated as project development costs for Federal reimbursement purposes, and following 1973 Congressional action, Federal aid is also available for noise abatement measures for previously constructed Federal-aid highways.

To assist State highway agencies in obtaining expertise in the traffic noise field, FHWA has sponsored 52 noise training courses. These courses have provided training to over 2,000 persons. As a direct result of the FHWA regulations, noise barriers have been built with Federal funds. To date, the value of barriers constructed exceeds \$50 million. The State highway agencies have indicated that they plan to spend nearly one-half billion dollars for noise abatement on the Interstate highway system before it is completed.

In implementing the second part of the FHWA noise abatement program, FHWA actively encourages state and local governments, through the State highway agencies, to adopt laws, codes, and ordinances for control of in-use motor vehicle noise emission levels. Informational materials and workshops have been sponsored to assist in this effort.

Regarding land use planning, the FHWA assists local officials in adopting zoning or other types of land use control for undeveloped properties adjacent to highways. The FHWA noise regulations direct State highway agencies to cooper-

ate with local officials by furnishing approximate future noise levels for various distances from the highway improvement, and to make available information that may be useful to local communities to protect future land development from becoming incompatible with anticipated highway noise levels. FHWA has developed informational materials, conducted workshops, and engaged in other activities to promote, inform, educate, and motivate local officials on compatible land use control. Most of these activities have been undertaken in cooperation with EPA and the Department of Housing and Urban Development.

Mass transit

In the field of mass transit noise, the Urban Mass Transit Administration (UMTA) is pursuing an aggressive program of research and development in the area of rail rapid transit noise, to address both the problems of noise in the community and the noise environment of riders and customers waiting in stations.

Following the approach developed by the Department during a study of the Massachusetts Bay Transportation Authority transit lines in the Boston area, a detailed mapping of the rail rapid transit noise environment was accomplished in New York, Chicago, Cleveland, Philadelphia, and San Francisco. At the same time, basic research was being carried out on the noise and vibration resulting from wheel/rail interaction and from operation on elevated structures.

The noise and vibration control technology resulting from these noise dedicated research and development programs—such as railgrinding, wheel truing, resilient wheels, wheel damping—are now being applied in an in-service noise abatement test and evaluation program on the equipment and facilities of the Southeastern Pennsylvania Transportation Authority in the Philadelphia area. The practicability and costs of installation, maintenance, and utilization will be documented and compared with typical vehicles under comparable conditions.

In addition to the R. & D. program activities, very important improvements and advancements are being made as a result of progressive systems specifications being drawn for new transit systems which are being developed with Federal support. Examples include the Washington Metro System, the Baltimore Transit System, and the Metropolitan Atlanta Rapid Transit System. Such specifications developed by the system consultants and approved by UMTA exhibit noise improvements from system to system. UMTA has also provided capital grants to the New York City Transit Authority to achieve noise reduction in New York's existing subway system.

UMTA has established noise specifications for the advance design buses which are being received today of 83dB(A), and of 80dB(A) for the new Transbus, which will be procured starting in late fall 1979. Each of these standards will be in effect earlier than comparable EPA bus noise standards. UMTA has therefore requested of EPA an exemption for Transbuses from EPA requirements.

Since transit bus purchases by the nation's transit authorities are supported by UMTA capital grants (80 percent funding), UMTA has also undertaken a bus noise research and development project. This project is sponsored jointly with EPA and will demonstrate the effect of the installation of a noise reduction kit into an existing transit bus. If successful, a number of installations will be evaluated in transit service.

Other systems development and exploratory efforts in the area of personal and group rapid transit systems also include noise related activities as a part of the advanced work necessary to determine the applicability of such systems for future urban transportation needs. Some of the findings of these systems study contracts may be pertinent to more conventional tracked rapid transit vehicles and to future design specifications for systems implementation.

DOT has provided EPA information on our efforts in these areas through the participation on the Interagency Surface Vehicle Noise Research Panel and through coordination directly with EPA's Office of Noise Abatement and Control.

Railroads

The Federal Railroad Administration's (FRA) noise control activities include the promulgation and enforcement of noise control regulations affecting railroad equipment and facilities, and research into present noise levels and technological possibilities for improvement.

On December 31, 1975, EPA issued final regulations establishing standards on the noise emissions generated by railroad locomotives under both stationary and

moving conditions and by railroad cars under moving conditions. These standards became effective December 31, 1976. On August 23, 1977, DOT, through FRA, published noise compliance regulations, effective October 1, 1977. These regulations will be utilized for enforcement purposes.

FRA has initiated a program for testing compliance with the regulations. To date, ten pass-by inspections have been made, involving 150 locomotives and 2,500 freight cars. No violations were found of the EPA standards.

As a result of a recent court decision, EPA is now developing, in consultation with FRA, additional standards setting limits on noise emanating from fixed facilities of interstate rail carriers. (*Association of American Railroads v. Costle*, 562 F. 2d 1310 (D.C. Cir. 1977)). The EPA deadline under the court order is August, 1978, and after EPA issues the required standards, FRA will promulgate enforcement regulations.

In addition to its activities under the Noise Control Act, FRA has issued rules regulating permissible noise levels in new railroad employee sleeping quarters. A 1976 amendment to the Hours of Service Act makes it unlawful for any common carrier by railroad to provide sleeping quarters for employees which do not afford such employees an opportunity for rest, free from interruptions caused by noise under the control of the railroad. On December 2, 1976, Interim Rules and a Notice of Proposed Rulemaking were published by FRA which specified noise exposure limits, which will constitute the maximum level permitting "an opportunity for rest" within the meaning of the statute.

FRA is also considering whether and how to regulate noise in cabooses. On April 13, 1977, FRA published an Advance Notice of Proposed Rulemaking for the purpose of gathering additional data on noise levels in cabooses.

With respect to research, the overall objective of FRA's noise abatement research activity is to develop and maintain a credible source of information and expertise on all technical matters related to noise generated by railroad operations. This includes the cataloguing of acoustic information on equipment and facilities now in use by railroads and the careful monitoring of new developments to allow adequate consideration of noise characteristics prior to the wide scale introduction of any new technology. The currently planned FRA Cooperative Railroad Noise Research Program, with assistance from the railroad industry and the American Association of Railroads (AAR), will enable us to fully characterize the noise from those sources thought to be most prevalent and therefore subject to possible regulation. In addition, FRA, in cooperation with the AAR, is currently sponsoring efforts by the National Bureau of Standards to collect locomotive in-cab noise level data. The information obtained will be used to (1) assess the degree of noise exposure experienced by locomotive crews during typical duty hours; (2) develop simplified stationary noise procedures to be used in lieu of continuous, shift-length measurements; and (3) identify potentially adverse in-cab noise sources so that quick cost-effective remedial actions can be taken.

FRA research into noise control is undertaken in coordination with other Federal agencies, including EPA, and the results of all studies are, of course, available to EPA.

Aviation

The FAA has moved aggressively during the past year to carry out its philosophy expressed in the 1976 Aviation Noise Abatement Policy Statement that aviation noise abatement is a shared responsibility among all elements of the air transportation system. For example, in cooperation with airport proprietors and state and local governments, the FAA is developing and providing technical guidance and analytical tools to assist in planning for effective operation of airports and compatible land-use control over adjacent areas.

On March 21, 1978, the Department announced a proposed policy to reduce noise, reduce night operations, and limit the growth of Washington National Airport. A part of this proposed policy imposes a strict ban on flights at National after 10:30 PM by all aircraft which do not meet the lowest noise limits of the stringent new standards of 14 CFR 36, issued in March 1977. This approach of limiting airplane operations purely on the basis of noise levels, rather than by an arbitrary categorization (such as "all jets"), is expected to set a pattern for airport proprietors across the country. To assist those proprietors in establishing meaningful noise limits, the FAA also issued two Advisory Circulars (No. 31-1B and 36-2A) which tabulate all known noise levels of currently-flying aircraft. This approach also provides a market incentive for aircraft manufacturers to reduce

the noise levels of their new airplanes below the FAA standards, in order that their products will be qualified to use the maximum number of airports.

In addition to the Advisory Circulars noted above, the FAA also published additional technical guidance material this quarter, to assist airport proprietors and local governments in alleviating noise impacts near their airports. These publications are:

"Airport Noise Control and Land Use Compatibility Plans", a brochure, February 1978.

"Federal Aviation Administration Integrated Noise Model", a brochure, April 1978.

"Harmony with Aviation—The Environmental Process", a narrative explanation of airport environmental impact assessments, preliminary version released March 1978.

"Airport Land Use Compatibility Planning", Advisory Circular 150/5050-6, providing generalized guidance for compatible land-use planning near airports, December 30, 1977.

"Planning for the Airport and Its Environs: The SEA-TAC Success Story", a case history of a successful airport noise abatement plan, March 1978.

These publications, along with other FAA publications already issued and currently in publication, will form the substance of a series of "kits" which will provide technical and guidance material on subjects such as aviation noise in general, airport proprietor options for noise control, and compatible land-use planning and control. These materials are intended to assist implementation of the DOT/FAA policy of shared responsibility for noise abatement.

On January 31, 1978, the FAA released for public use the first official version of its "Integrated Noise Model (INM)," a computer-based prediction procedure to describe the location and extent of aviation noise impacts at airports. This tool allows airport planners, zoning authorities, and other responsible parties to define the current impacts of airport noise, as well as to evaluate alternative actions which could provide potential relief from those impacts.

On March 2, 1978, the FAA issued two amendments to 14 CFR 36, "Noise Standards: Aircraft Type and Airworthiness Certification". Amendment 36-8 revised the noise measurement points, test conditions, and noise limits for new aircraft designs for greater conformity with the new noise standards recently adopted by the International Civil Aviation Organization. Amendment 36-9 revised and clarified the procedures and criteria for conducting aircraft noise certification tests.

As you know, the Noise Control Act of 1972 added EPA as an advisory partner to the FAA in aviation noise control. EPA was empowered to propose such noise control regulations to FAA as EPA determined were necessary to protect the public health and welfare. EPA has forwarded 11 such proposals to the FAA, beginning in December, 1974. The FAA has acted on seven of the proposals and will shortly respond to the remaining four. Two of the remaining four relate to the pending civil supersonic airplane regulation, and will be addressed as part of that action.

We welcome the advice and recommendations of EPA concerning the protection of public health and welfare, and look to that agency for guidance regarding the effects of aviation noise on people, in order that the FAA regulations may be effectively developed. Of course, we sometimes have differences of opinion with EPA, especially in the interpretation of the statutory tests of what is "economically reasonable, technologically practicable, and appropriate" to a given type of equipment. However, we see such differences as helpful in reaching balanced decisions which consider all aspects of the problem. I believe that the EPA and FAA staffs have worked together quite effectively in recent months, and we expect that spirit of cooperation to continue.

National Environmental Policy Act (NEPA)

In addition to these specific activities, throughout the Department we utilize the environmental impact statement process, which is required by the National Environmental Policy Act, as an important tool in the analytical and decision-making process in transportation projects, particularly highway and airport projects. In environmental impact statements, noise impacts are described and quantified where relevant. These noise impacts are considered in arriving at a choice between alternatives and in determining appropriate mitigation measures.

Also as a department-wide matter, we urge enactment of the Administration's previously-submitted proposal to amend the penalty provisions of the Noise Control Act to provide for civil as well as criminal penalties. GAO has made a similar

recommendation. Civil penalties would result in increased enforcement flexibility and better enable us to deal with marginal violations of the standards.

While recognizing the importance of regulations and enforcement, we believe that much can also be accomplished by other means. I have previously cited a number of such undertakings by DOT, such as procurement specifications for equipment; making funds available for noise amelioration in connection with federal-aid programs; stimulating cooperation of local authorities in developing appropriate land use controls for areas adjacent to airports and highways, and conducting training courses and workshops, accompanied by technical assistance material, to train state and local agency personnel in incorporation of noise abatement measures in transportation projects and systems. We will continue to depend on these activities to complement our research, regulations and enforcement activities.

In conclusion, the Department has taken seriously its responsibilities and authorities to deal with transportation noise, including the emphasis and responsibilities provided by the Noise Control Act. We have an extensive and varied program, and we will continue to utilize the authorities we have toward the goal of improving the environment for all of our citizens.

Thank you. I would be glad now to address any questions you may have.

FAA AIRCRAFT/AIRPORT NOISE CONTROL ACTIONS

Source noise controls initiated by the FAA

January 11, 1969—NPRM 69-1: Proposed Noise Standards for Aircraft Type Certification.

November 18, 1969—14 CFR 36: Noise Standards; Aircraft Type Certification, effective December 1, 1969.

August 4, 1970—ANPRM 70-33: Proposed Civil Supersonic Aircraft Noise Type Certification Standards.

November 4, 1970—ANPRM 70-44: Proposed Civil Airplane Noise Reduction Retrofit Requirements.

July 25, 1972—NPRM 72-19: Proposed Noise Standards for Newly-Produced Airplanes of Older Type Designs.

January 24, 1973—ANPRM 73-3: Proposed Civil Airplane Fleet Noise (FNL) Requirements.

October 10, 1973—NPRM 73-26: Proposed Noise Standards for Small Propeller-Driven Airplanes.

October 26, 1973—Amendment 2 to 14 CFR 36: Noise Standards for Newly-Produced Airplanes of Older Type Designs, effective December 1, 1973.

December 28, 1973—ANPRM 73-32: Proposed Noise Standards for Short-Haul Aircraft.

March 27, 1974—NPRM 74-14: Proposed Civil Aircraft Fleet Noise Requirements.

January 6, 1975—Amendment 4 to 14 CFR 36: Noise Standards for Small Propeller-Driven Airplanes.

November 5, 1975—NPRM 75-37: Proposed Noise Reduction Stages and Acoustical Change Provisions.

August 19, 1976—Amendment 5 to 14 CFR 36: Acoustical Change Approval Procedures.

October 28, 1976—NPRM 76-21: Proposed Changes to Aircraft Noise Measurement and Evaluation Specifications.

October 28, 1976—NPRM 75-37C: Supplemental Proposed Noise Reduction Stages.

December 23, 1976—Amendment 136 to 14 CFR 91: Phased Compliance Requirement for All Civil Aircraft with Noise Standards of 14 CFR 36.

March 3, 1977—Amendment 7 to 14 CFR 36: Increased Stringency of Noise Standards for Aircraft Type and Air-Worthiness Certification.

March 2, 1978—Amendment 8 to 14 CFR 36: Amended noise standards to agree more closely with international standards.

March 2, 1978—Amendment 9 to 14 CFR 36: Updated test procedures for noise standards.

OPERATIONAL NOISE CONTROLS INITIATED BY THE FAA

April 10, 1970—NPRM 70-16: Proposed Prohibition of Civil Aircraft Sonic Booms.

February 28, 1972—FAA Order 7110.11A, Arrival and Departure Handling of High-Performance Aircraft (Keep-Em-High Program).

February 28, 1972—Advisory Circular 90-59, Arrival and Departure Handling of High-Performance Aircraft.

March 28, 1973—14 CFR 91: Civil Aircraft Sonic Boom, effective April 27, 1973.

January 18, 1974—Advisory Circular 91-39, Recommended Noise Abatement Takeoff and Departure Procedure for Civil Turbojet-Powered Aircraft.

March 26, 1974—ANPRM 74-12: Proposed Two-Segment ILS Noise Abatement Approach.

July 9, 1974—Advisory Circular 91-36A, VFR Flight Near Noise Sensitive Areas.

AIRPORT OPERATIONS NOISE CONTROLS INITIATED BY THE FAA

July 9, 1975—Alternative Airport Noise Policy.

November 18, 1976—DOT/FAA Aviation Noise Abatement Policy Issued.

SOURCE NOISE CONTROL PROPOSALS SUBMITTED BY THE EPA

December 6, 1974—Noise Standards for Propeller-Driven Small Airplanes, published as NPRM 74-39, January 6, 1975.

January 28, 1975—Civil Fleet Noise Retrofit Requirements, published as NPRM 75-5, February 27, 1975.

January 28, 1975—Fleet Noise Level Requirements, published as NPRM 75-6, February 27, 1975.

February 27, 1975—Civil Supersonic Aircraft, published as NPRM 75-15, March 28, 1975.

January 13, 1976—Airplane Noise Requirements for Operation to and From an Airport within the United States (current supersonic aircraft), published as NPRM 76-1, February 12, 1976.

October 1, 1976—Noise Levels for Turbojet-Powered Airplanes and Large Propeller-Driven Airplanes, published as NPRM 76-22, October 28, 1976.

OPERATIONAL NOISE CONTROL PROPOSALS SUBMITTED BY THE EPA

December 6, 1974—Minimum Altitudes for Turbojet-Power Aircraft, published as NPRM 74-40, January 6, 1975.

August 29, 1975—Minimum Flaps Noise Abatement Approach Procedure, published as NPRM 75-35, September 25, 1975.

August 29, 1975—Two-Segment VFR Noise Abatement Approach, published as NPRM 75-35, September 25, 1975.

August 29, 1975—Two-Segment IFR Noise Abatement Approach, published as NPRM 75-35, September 25, 1975.

AIRPORT OPERATIONS NOISE CONTROL PROPOSALS SUBMITTED BY THE EPA

October 22, 1976—Airport Noise Regulatory Process, published as NPRM 76-24, November 22, 1976.

SOURCE NOISE CONTROL RESPONSES TO EPA PROPOSALS

November 29, 1976—Decision not to prescribe Fleet Noise Level Requirement (EPA proposal of January 28, 1975).

December 23, 1976—Amendment 6 to 14 CFR 36: Noise Regulations for Propeller-Driven Small Airplanes (EPA proposal of December 6, 1974).

December 23, 1976—NPRM 76-27: Proposed Noise Regulations for Agricultural and Fire Fighting Small Airplanes (EPA proposal of December 6, 1974).

OPERATIONAL NOISE CONTROL RESPONSES TO EPA PROPOSALS

November 29, 1976—Decision not to prescribe Minimum Altitudes (EPA proposal of December 6, 1974).

November 29, 1976—NPRM 76-26: Proposed Delayed Landing Flap Noise Abatement Approach Procedure (EPA proposals of August 29, 1975).

November 29, 1976—Amendment 134 to 14 CFR 91: Use of Minimum Certified Landing Flaps (EPA proposal of August 29, 1975).

November 29, 1976—Decision not to prescribe Two-Segment Approach Requirements (EPA proposals of August 29, 1975).

Mr. ROONEY. Thank you very much. I have heard much talk about the lack of cooperation between EPA and the Federal Aviation Ad-

ministration with regard to setting standards for aircraft noise. Also I feel that DOT and FAA's compliance with my directive last year to provide the subcommittee with quarterly reports on the implementation of the Noise Act has been in my opinion shabby at best. I think it is bad faith. None of the DOT reports were received on time and at least two of them were intolerably late. I would like you to either confirm or deny the existence of difficulties you have had between the agencies that I have just mentioned. And I wonder if you could give this committee guidance as to how it might resolve the differences that exist in the future?

Mr. CONVISSER. Yes, sir. I think it is quite clear there have been differences between EPA and FAA with respect to aviation noise. As I indicated in my prepared testimony, I don't think that the differences between two agencies representing different perspectives is necessarily unique in this field or is necessarily bad.

The Noise Control Act, I do not believe, necessarily contemplated that there would be full agreement between the two agencies, and therefore it provided procedures for advice and consultation regarding differing views, with which we have scrupulously complied. Moreover, I think we have been working together better during the past year and particularly in more recent months.

With respect to the quarterly reports, I do apologize for one of the more recent ones which was quite late, resulting in part from a reorganization within the Office of the Secretary in which that responsibility was shifted between offices. That reorganization is discussed a little more fully in my prepared statement. We will certainly try to be on time in the future.

Mr. ROONEY. You say in the statement "we welcome the advice and recommendations of EPA concerning the protection of public health and welfare." But maybe we ought to amend the law to give EPA full responsibility. What do you think of that?

Mr. CONVISSER. Well, that is certainly one alternative. I don't think it would necessarily resolve the differences. It would place the responsibility in a different agency. We don't believe that would be desirable. FAA has broad regulatory responsibility with respect to aircraft safety, operations, control of the air space. And we don't think noise can effectively be regulated apart from all the other aspects of aircraft regulation.

Mr. ROONEY. Mr. Florio.

Mr. FLORIO. Yes. In your testimony you maintain that there are 11 proposals which have come from EPA to you and that you have dealt with 7 and there are 4 that are yet to be dealt with. I have a copy of one that is dated October 22, 1976, called The Airport Noise Regulator Process. Is that one of the seven that has been dealt with or one of the four that haven't been dealt with?

Mr. CONVISSER. I will defer to Mr. Wesler on that.

Mr. WESLER. Mr. Florio, that is one of the four that have not been responded to as of this date.

Mr. FLORIO. OK. Well now, this say October 2, 1976.

Mr. WESLER. Yes, sir.

Mr. FLORIO. Is there any particular reason why it hasn't been responded to?

Mr. WESLER. We already have underway our version of that program, in which we encourage airport operators to do noise planning.

Mr. FLORIO. If your version is what I heard in the testimony that you are giving out kits and you are giving out advice and options, and the only thing that seems to be lacking is WIN buttons to go with the kits, then—

Mr. WESLER. Plus the funding through the trust fund appropriation.

Mr. FLORIO. I am sorry?

Mr. WESLER. Plus the funding of the grant program through our trust fund.

Mr. FLORIO. But the funding for the grant programs are discretionary on the part of the airport proprietors as I understand. That is to say there is no requirement, no contingency that unless you have such a program or plan you get the money.

Mr. WESLER. That is correct. They have to be requested by the sponsor, the airport operator.

Mr. FLORIO. Obviously if they have no interest in doing it, which I suspect they probably haven't, they are not going to be requesting any.

Mr. WESLER. We have been encouraging them to do so and we have a number of pilot programs underway at the present time which we have funded through the grant program.

Mr. FLORIO. Isn't it logical to conclude that the worst offenders are going to be the most reluctant applicants. The people seeking the grants are the people that have the sensitivity that impels them to request the grant.

Mr. WESLER. Not necessarily. I think those that have the problem recognize the problem. I think they are acutely aware that they have a noise problem and they are seeking solutions to abate that problem so far as it can be abated.

Mr. FLORIO. Well then, you accept the fact that there are some places where there is no abatement that can take place?

Mr. WESLER. I accept the fact that there are some places where abatement is limited through source control, through control of the aircraft itself. Land use control, for example, which has been mentioned here already this afternoon, must be done if the problem is to be alleviated completely around those airports.

Mr. FLORIO. You heard the major thrust of my comments to the previous witness. Do you have any difficulties with legislation, perhaps amendments to Mr. Rooney's legislation that would require that there be such abatement programs put forth as a condition to event taking part in the airport development funds or anything of that sort?

Mr. WESLER. We have no difficulty with that, sir. Part of Mr. Anderson's bill, for example, to finance the replacement or retrofit of aircraft includes that sort of land use planning and airport master planning, if you will, for noise abatement purposes.

Mr. FLORIO. But that is discretionary.

Mr. WESLER. That is discretionary, sir, and we would recommend and prefer a discretionary program.

Mr. FLORIO. Why?

Mr. WESLER. There are some airports that do not have noise problems. And to require them to do noise abatement planning I think is a waste of their efforts and our efforts.

Mr. FLORIO. Well obviously if you have no problem, the planning would be rather minimal to deal with the problem that doesn't exist.

Mr. WESLER. That is correct. And to require such planning might be a waste of time.

Mr. FLORIO. I mean we are not being honest and candid if we are saying to provide planning when planning isn't needed would be a waste of time.

You are saying we have no problem, therefore no planning is needed——

Mr. WESLER. That is correct, sir.

Mr. FLORIO. Have you got a more substantive objection to requiring it?

Mr. WESLER. No, we don't. We would prefer the flexibility in such legislation.

Mr. FLORIO. Well, fine, but why?

Mr. CONVISSER. I think there is another substantive problem and that is that the planning, of course, is not particularly useful unless somebody is going to implement the plans. And the responsibility for implementing most of the kinds of things that we are encouraging in our planning program is a responsibility of the airport proprietor. The Federal Government does not control all of the activities at the airport. We control the airspace and some of the activities but a great deal of the responsibility for noise abatement has to rest with the airport proprietor.

A Federal statute that requires them to plan is not going to be effective if they don't have the interest in implementing those plans. And if you are postulating that there are airports that aren't interested in noise abatement, requiring them to do planning is not going to be very effective.

Mr. FLORIO. Well, as was indicated, there is an awful lot of Federal money that is going into airports. If we make it a condition to receiving the moneys that the plan be scrutinized by all interested parties, it has a plan and a program of things that should be done and you are not going to get the money unless you do it, it seems to me that is a self-executing plan.

Mr. CONVISSER. Well, then you are going beyond just requiring planning. You are making a condition of Federal development airport grants that the plans be implemented and certain noise abatement procedures be put in. That is a much more extensive——

Mr. FLORIO. Well, that is obvious. Nobody does plans for the sake of planning. You plan for the sake of executing something. That makes some sense.

Mr. CONVISSER. Well that wasn't clear to me, at least, from your earlier remarks: that you were suggesting that the Federal Government require noise abatement procedures, presumably of some specificity, by airport proprietors. That would be a very fundamental change in the relationship between the Federal Government and State and local instrumentalities, which are the airport proprietors.

Mr. FLORIO. Well, you seem to be making more of a point than I am able to perceive as important. You say that, fine, the Federal Government can require the plans, and they can require the implementation of it, but it is going to be up to the local proprietors. Well, that would be the purpose of having the plan, would be that that the proprietors

would be required to do the planning, meet certain standards, and then carry out the terms of that.

Is that so burdensome?

Mr. CONVISSE. What I am saying is that it would represent—that the Federal Government requiring State and local instrumentalities, the airport proprietors, to undertake specified noise abatement procedures of the kind that one can contemplate in these plans would be a fairly fundamental change in the Federal-State relationship that exists in this area at the present time.

Mr. FLORIO. You are now trying to induce them to voluntarily do that. So obviously the goal is something that is laudable.

Mr. CONVISSE. No question. But the question is whether there should be a Federal requirement mandated.

Mr. FLORIO. I am just not overly impressed that that is so burdensome or so socially undesirable that we shouldn't do it. I just gather from you that you are not as convinced of the desirability.

Mr. CONVISSE. (a) I am not as convinced; and (b) I think it is a very important issue that it is more than just requiring them to do a plan. If you are going beyond that to require them to take certain implementing forms of action, then it is a very significant step that is more than just a planning program.

Mr. FLORIO. Mr. Rooney has requested that I ask the following question: the Government Operations Committee in a report on aircraft noise found no proof of any relationship between aircraft safety and noise reduction. Is there a correlation or not? Is FAA using this as a pretense—I assume the answer is no—to avoid cooperation with EPA?

Mr. CONVISSE. The answer is no.

Mr. FLORIO. I figured. Well, can you tell us this. The concern about safety is one that has been put forth as to why you should have a great involvement. And certainly all of us are concerned about safety; we are concerned about not disrupting traffic management and traffic flows. And yet as I see it, that is not an overriding deterrent or shouldn't be an overriding deterrent to legitimately addressing the noise question. Have you got specific concerns, safety concerns as the result of the proposals? For example, the proposal that FAA has received from EPA, I have looked at it and I think it is manageable; I think it is something that is desirable. Do you have specific safety concerns with this particular program?

Mr. CONVISSE. Are you referring to the planning?

Mr. FLORIO. Yes; the airport noise regulatory process.

Mr. CONVISSE. Well, let me give you a better example if I may. It is more directly to the point of your question. And that is the earlier consideration of a two-segment glide approach, which was an approach where the aircraft would descend at a steeper angle so that it would be higher above the community at first and then level off, which would have significant potential noise abatement benefits.

As we explored it further and experimented with it, we found out that it had very substantial safety problems with it, the so-called wake vortex problem whereby the aircraft leaves a wake behind it that sinks and could effect other smaller aircraft, a very substantial problem. I think that is just one example where you just simply cannot regulate noise alone without looking at the safety aspect.

Mr. FLORIO. I would just redirect you back to this point: the airport noise regulator process. Now, you have had it since 1976. Someone obviously has had an opportunity to look at it. Are there any safety concerns that you have with regard to this planning process?

Mr. CONVISSER. I don't think there would be any problem in planning, no.

Mr. FLORIO. I wouldn't think so, no.

If you don't mind, I am going to go vote. Mr. Rooney will be back in a few moments.

I am finished and Mr. Rooney is finished so you are excused.

Mr. CONVISSER. OK, thank you, sir.

[Brief recess.]

Mr. ROONEY. Our last witness this afternoon will be Mr. Henry Eschwege, Director, Community and Economic Development Division, General Accounting Office. Welcome to the committee.

STATEMENT OF HENRY ESCHWEGE, DIRECTOR, COMMUNITY AND ECONOMIC DEVELOPMENT DIVISION, GENERAL ACCOUNTING OFFICE, ACCOMPANIED BY OLIVER W. KRUEGER, ASSISTANT DIRECTOR; AND KEITH O. FULTZ, SUPERVISORY AUDITOR

Mr. ESCHWEGE. Thank you. I would like to introduce my colleagues. Mr. Krueger on my right is the Assistant Director in charge of our work at the Environmental Protection Agency. And on my left is Keith Fultz, who is our supervisory auditor, who has done work on this noise program.

With your permission, I would like to summarize my statement. And if it is all right with you, furnish the longer statement that I have for the record.

Mr. ROONEY. Without objection, you may summarize your statement. Your statement will become a part of the record.

Mr. ESCHWEGE. As requested by this subcommittee last April, we have monitored the activities of the Environmental Protection Agency and the other Federal agencies responsible for implementing the noise program.

As for the basic question of whether the Federal Government's noise program has been effective, we have to report to you that it requires substantial improvement. Implementation of a unified national effort to control noise has been slow and in some cases ineffective. Some actions taken have been significant in addressing the noise pollution problem, especially within the last year.

These actions include the issuance of a national noise strategy, increased emphasis on providing assistance to State and local noise programs, and improved coordination and initiation of a product labeling program.

Many serious problems must be overcome, however, before a national effort to control noise pollution can be successful. More research is needed to determine the adverse effects of noise pollution, and a national public awareness program concerning the harmful effects of noise should be developed. There is also a need for more effective action to enforce noise regulations already promulgated.

The issuance of a strategy document in May 1977 was the most im-

portant action taken. It was a good first step in the development of a unified, national effort to reduce noise pollution.

EPA had established four research panels to coordinate Federal research efforts, but as we testified previously, these had been inactive for almost 2 years. The research panels are meeting on a regular basis and appear to be making progress in assessing the noise research done to date by the Federal Government.

In June 1977, EPA proposed both its first product labeling regulation, covering hearing protectors, and general provisions for future product labeling.

The EPA technical assistance budget increased from about \$600,000 in fiscal year 1976 to \$1.1 million in fiscal year 1977. The 1978 budget for technical assistance is \$1.2 million.

This increased effort has resulted in the initiation of new programs which should be of assistance to local communities.

State and local officials we talked with believe EPA could help them most by providing technical assistance. The officials were particularly concerned that the public is not being alerted to the consequences of noise pollution. A widespread national public awareness program on the health effects of noise appears to be a must if local noise programs are to survive.

Although there has been progress within the past year, a number of areas need considerable improvement before the objectives of the Noise Control Act can be met.

Since the act divided responsibilities for aircraft noise between the EPA and FAA, an adversary relationship has developed; consequently, there has been little progress in abating aviation noise. Until such time as the respective roles of the two agencies can be more clearly defined and overall responsibility for the aircraft noise program can be established, we see little chance of significant improvements in the program.

We have listed in our more detailed statement a number of alternatives that the subcommittee may want to consider in addressing this particular issue.

Noise research in the Federal Government is conducted by several agencies and departments. Despite the need for additional research created by the Noise Control Act, however, the total Federal noise research budget has declined from a high of \$54 million in fiscal year 1973 to an estimated \$32 million in fiscal year 1978. Although EPA was authorized by the Noise Control Act to conduct research, EPA currently does not have a noise research program. Since the majority of the research conducted by the other Federal agencies supports their individual statutory mandates, it appears to us that a research program geared toward the needs of the Noise Control Act is needed.

We pointed out also in our previous report that only criminal provisions are provided for in the existing act. We suggested then and will suggest again that the act be amended to authorize civil penalties also. We still believe this is needed in order for EPA and other agencies to enforce the noise standards. EPA has in fact recommended this in its October 1977 proposed legislation to the Congress. I understand you introduced a bill here today, and I am not sure what it contains. But our recommendation would be that some provision be made for that.

The efforts currently being placed on noise control by State and local governments are minimal. Only 12 States have authorized budgets specifically for environmental noise control. Recently some previously established State and local noise control programs have been eliminated, and others are facing cutbacks in funding. The reason given for these programs being eliminated is lack of funding. An underlying cause may well be the lack of public awareness of health dangers from noise. EPA could assist State and local communities by making the public cognizant of the adverse effects of noise pollution through a national public awareness program. Such a program would generate interest in noise pollution and encourage a continuing noise control effort at the State and local level.

In summary, the Federal noise pollution program needs considerable improvement before the policy of the United States "to promote an environment for all Americans free from noise that jeopardizes their health or welfare" is achieved. Implementation of the Noise Act has been disappointing in many areas. The Congress will want to express its views on the future direction of the Federal noise program. I hope that our observations prove helpful in this effort. Thank you.

[Mr. Eschwege's prepared statement follows:]

STATEMENT OF HENRY ESCHWEGE, DIRECTOR, COMMUNITY AND ECONOMIC
DEVELOPMENT DIVISION, GENERAL ACCOUNTING OFFICE

Mr. Chairman and members of the subcommittee, as requested by this subcommittee last April we have monitored the activities of the Environmental Protection Agency (EPA) and the other Federal agencies responsible for implementing the noise program. We are here today at your invitation to discuss the progress the Federal Government has made in abating and controlling noise pollution.

In response to the basic question of whether the Federal Government's noise program has been effective, we have to report to you that it requires substantial improvement. Implementation of a unified, national effort to control noise has been slow and, in some cases, ineffective. I do hasten to add that some actions taken have been significant in addressing the noise pollution problem, especially within the last year.

These actions include the issuance of a national noise strategy, increased emphasis on providing assistance to State and local noise programs, improved coordination, and initiation of a product labeling program.

Many serious problems must be overcome, however, before a national effort to control noise pollution can be successful. Budget constraints at the Federal, State, and local levels have hindered the effectiveness of the program. More research is needed to determine the adverse effects of noise pollution, and a national public awareness program concerning the harmful effects of noise should be developed. There is also a need for more effective action to enforce noise regulations already promulgated.

An estimated 16 million people in the United States suffer from some degree of hearing loss directly caused by noise. An additional 13 million Americans are exposed to noise levels from cars, buses, trucks, airplanes, construction equipment, and kitchen gadgets that may be harming their health. Furthermore, an estimated 100 million people reside in areas where according to EPA, the average noise level is clearly annoying.

NOISE CONTROL ACT

The first comprehensive noise control legislation enacted by Congress—the Noise Control Act of 1972—was to eliminate excess noise in the design stage of a wide variety of new consumer products. The objectives of the act are to "promote an environment for all Americans free from noise that jeopardizes their health or welfare" and "to establish a means for effective coordination of Federal research and activities in noise control." EPA is responsible for carrying out the

major elements of the act. Annual funding for the program has averaged about \$10.5 million for the last 3 years. The request for fiscal year 1979 is \$10.7 million.

PROGRESS OVER THE PAST YEAR

There has been some progress in the Federal Government's noise abatement program since the issuance of our report in March 1977. The program still needs considerable improvement, however, before the goals of the Noise Control Act can be realized. I want to discuss briefly the more significant actions taken during the past year.

Issuance of a strategy document for the Federal noise program

The issuance of a strategy document in May 1977, was the most important action taken. It was a good first step in the development of a unified, national effort to reduce noise pollution.

The document spells out numerous regulatory measures which are available to control noise, but recognizes that many of them have not yet been utilized to their full potential. Measures not previously utilized but which are given priority in the strategy are technical assistance to State and local governments, coordination of the numerous Federal programs concerning noise control, and the labeling of noisy products.

Expansion of the Federal interagency coordination efforts

EPA had established four research panels to coordinate Federal research efforts, but these had been inactive for almost 2 years. The research panels are now meeting on a regular basis and appear to be making progress in assessing the noise research done to date by the Federal Government.

In our March 1977 report we concluded that the assessment of research is necessary to ensure that the accomplishments and areas needing improvement in the federal effort are known. The four panel reports, dealing with surface vehicles, health effects, machinery and construction, and aircraft have recently been issued. The overall assessment is in its final stage.

These reports are a good beginning in the development of a unified approach to needed research. Continued efforts by these research panels should be encouraged so that the direction of future research is compatible with the objectives of the noise control act.

Increased emphasis on labeling noisy products

In June 1977, EPA proposed both its first product labeling regulation—covering hearing protectors—and general provisions for future product labeling. Public hearings have been held on these proposals and EPA expects the regulations to be promulgated by this summer.

Higher priority placed on the development of viable State and local programs to control noise pollution

The EPA technical assistance budget increased from about \$600,000 in fiscal year 1976 to \$1.1 million in fiscal year 1977. The 1968 budget for technical assistance is \$1.2 million.

This increased effort has resulted in the initiation of new programs which should be of assistance to local communities. One, called "ECHO" (Each Community Helps Others), provides for one local noise expert to give technical assistance or advice to another community experiencing similar noise problems. Communities desiring assistance request EPA to find appropriate volunteers. There are currently 8 communities participating in this program.

Another, called the quiet community program, is being tested in Allentown, Pennsylvania, whereby the city government will enact new local noise ordinances and will strictly enforce the existing regulations. EPA will share its expertise in reducing noise, cooperate in public education and information efforts, and make the results of the project known to other communities interested in noise control.

Issuance of additional proposed standards

EPA has also issued proposed noise standards for trash compactors, buses, motorcycles, and bull dozers and front end loaders.

STATE AND LOCAL COMMUNITIES REACTIONS TO FEDERAL NOISE EFFORTS

We recently interviewed officials in 4 State and 3 local noise programs to obtain their opinions of the Federal Noise Program and how it could best assist in their local efforts.

The most severe and constant noise problem for both State and local communities identified was noise from motorcycles, automobiles, and trucks. For the most part, noise programs were considered to have a low priority compared to other environmental programs in the State and local communities. The effectiveness of these State and local programs is severely hindered by lack of public awareness, small staffing, and inadequate funding. Enforcement, if any, is being handled by State or local police where noise is definitely not a high priority.

State and local officials we talked with believe EPA could help them most by providing technical assistance. They also believe EPA could play a vital role in improving the effectiveness of local noise programs by providing training courses and information on the use of noise monitoring equipment, and development of effective noise ordinances. The officials were particularly concerned that the public is not being alerted to the consequences of noise pollution. A widespread national public awareness program on the health effects of noise appears to be a must if local noise programs are to survive. Also they felt the key to an effective noise program is enforcement which should be accomplished at the state and particularly the local level and would require increased financial support.

State and local officials believe EPA's echo program is good in theory. However, the community providing the noise advisor is in effect losing part of its staff, but still paying the salary costs. Communities may be reluctant to allow their staff to participate in other communities' noise programs.

Under the noise control act, Federal noise standards preempt state or local standards. Many officials felt noise standards should be applied nationwide to avert undue hardships on manufactures resulting from complying with a variety of standards. They were concerned, however, that EPA's national standards are less stringent than necessary. In two communities, local motor carrier regulations were preempted by EPA's regulation. Yet these communities have ignored the less stringent federal regulations in favor of their own more stringent standards. These officials felt the noise act should be amended to permit the establishment of more stringent standards by local communities, if such a need can be justified.

AREAS NEEDING IMPROVEMENT AND SUGGESTED LEGISLATIVE CHANGES TO NOISE ACT

Although there has been progress within the past year, a number of areas need considerable improvement before the objectives of the noise control act can be met. Let me cite some examples.

There is a fundamental difference of philosophy between EPA and FAA on how best to control aircraft noise and whether the actions taken have been effective

Since the act divided responsibilities for aircraft noise between the EPA and FAA, an adversary relationship has developed; consequently, there has been little progress in abating aviation noise. In commenting on our March 1977 report, EPA stated, "... fundamental policy questions divide the two agencies and they will continue to delay progress in the aviation noise area until congress clarifies its intent." In February 1978, EPA officials told us they have substantially reduced their aircraft noise control effort because they have seen little benefit resulting from their previous efforts.

Until such time as the respective roles of the two agencies can be more clearly defined and overall responsibility for the aircraft noise program can be established, we see little chance of significant improvements in the program. This issue is extremely sensitive in that any efforts to control aircraft noise must also be carefully weighed in terms of aircraft safety.

The issue is a policy matter which we believe will need to be resolved by the congress. A number of options are available.

(1) Either EPA or FAA could be given complete responsibility for the aircraft noise program with no involvement by the other. This would require that appropriate expertise be assigned to the agency having the responsibility.

(2) Ultimate responsibility could be assigned to one agency but requiring formal input from the other on any proposed actions or regulations within specified timeframes.

(3) Ultimate responsibility could be assigned to a single agency with a requirement that an independent council or committee of experts from appropriate Federal agencies be required to formally comment on any proposed actions or regulations.

Funding for the Federal noise research effort has decreased since the noise act was passed

Noise research in the Federal Government is conducted by several agencies and departments. Despite the need for additional research created by the noise control act, however, the total Federal noise research budget has declined from a high of \$54 million in fiscal year 1973 to an estimated \$32 million in fiscal year 1978. This decrease in research funding will hinder the development of standards and noise reduction technology for the future.

If the Federal Government is to have a viable noise control program, research to improve technology is necessary. EPA should be able to provide criteria to industry as to what noise levels will be acceptable and what control methods are available, so that manufacturers can begin to adjust their design and development schedules.

Although EPA was authorized by the noise control act to conduct research, EPA currently does not have a noise research program. Since the majority of the research conducted by the other Federal agencies supports their individual statutory mandates, it appears to us that a research program geared towards the needs of the noise control act is needed. Perhaps what is needed is for the Congress to specifically authorize and fund such a program.

We continue to believe as stated in our March 1977 report that there is a need for the Federal Government to conduct additional noise research. Unless the Federal research effort is increased, additional noise standards and control technology will be jeopardized. Specifically more research into the adverse health effects of noise is needed. There are numerous indications that noise contributes to heart disease, headaches, emotional strain, and possibly genetic defects. The results of such research should be used as appropriate to support a national public awareness program.

Existing noise regulations have not been adequately enforced

The Federal Highway Administration is not prosecuting interstate motor carrier violators under the criminal provisions of the noise act and the act does not provide for civil penalties. In our March 1977 report we recommended that the act be amended to provide for civil penalties. In October 1977, EPA requested that the Congress amend the noise act to allow civil as well as criminal penalties. To date, no formal action has been taken.

The Association of American Railroads filed suit in the U.S. Court of Appeals requesting a judicial review of EPA's interstate railroad noise regulation. The association requested the review because it felt the regulation did not provide for national uniform treatment of the railroad industry. EPA, however, felt State and local jurisdictions should be permitted to establish noise emission requirements based on local needs and concerns. The court subsequently ruled that EPA "misinterpreted the clear statutory mandate to regulate the equipment and facilities of interstate rail carriers" and ordered EPA to revise the regulation by August 23, 1978. EPA officials have told us the regulation is being changed to cover virtually all railroad equipment and facilities and it will be promulgated by the deadline.

The EPA noise standards for medium and heavy duty trucks and air compressors became effective in January 1978. An EPA official stated that these two standards could be enforced with current staff levels. No additional standards could be enforced, however, without additional resources. Yet, EPA's fiscal year 1979 budget requested two less positions for noise enforcement.

Even if EPA could enforce newly manufactured product noise standards, a more important problem is maintaining compliance after the product is in-use. This enforcement must be done at the State and local level. Unless noise standards are effectively enforced there appears to be limited benefit in relation to the costs incurred by manufacturers in developing less noisy products.

Effective State and local noise control efforts are essential to meet the objectives of the Noise Control Act

The efforts currently being placed on noise control by state and local governments are minimal. Only 12 states have authorized budgets specifically for environmental noise control, and some states with noise legislation do not have any enforcement capability. Although EPA estimates that over 1,000 communities have noise control ordinances, most of these ordinances are considered ambiguous and virtually unenforceable.

Recently, some previously established state and local noise control programs have been eliminated and others are facing cutbacks in funding. Pennsylvania

eliminated its program and Georgia's noise budget has been significantly reduced. Numerous communities, such as Baltimore, Boston, Indianapolis, and Palo Alto, have also eliminated their programs. The reason given for these programs being eliminated is lack of funding. An underlying cause may be the lack of public awareness of health dangers from noise.

We are not suggesting, however, that the act be amended to provide financial assistance to state and local governments at this time. We believe that EPA first needs to demonstrate what can effectively work at the local level in reducing noise.

EPA could assist state and local communities by making the public cognizant of the adverse effects of noise pollution through a national public awareness program. Such a program would generate interest in noise pollution and encourage a continuing noise control effort at the state and local level.

EPA needs to develop its own expertise

One area of concern to this subcommittee last year was the extensive use of contractors by the EPA noise program. Since the beginning of EPA's noise program, \$29.7 million, or 74 percent, of its total budget of \$40.2 million, has been contracted out. Based on the fiscal year 1979 budget request for the noise program, which includes eight less positions, this trend will not only continue but appears to be escalating.

It seems to us that the EPA noise program needs to develop more of its own in-house expertise. This it cannot do under the existing personnel ceilings.

In summary, the federal noise pollution program needs considerable improvement before the policy of the United States "... to promote an environment for all Americans free from noise that jeopardizes their health or welfare" is achieved. Implementation of the noise act has been disappointing in many areas. The congress will want to express its views on the future direction of the federal noise program. I hope that our observations prove helpful in this effort.

Mr. Chairman, this concludes my prepared statement. We shall be glad to respond to any questions.

Mr. ROONEY. Thank you very much. You have stressed repeatedly the need for increased State and local involvement but cite lack of funds as the impediment. At the same time you do not recommend a Federal grant program at this time. Isn't that inconsistent?

Mr. ESCHWEGE. Well, it may appear that way on the surface. What we have in mind is some redirection of the existing funds to see and to try out whether certain things are working. For instance, EPA just recently put in the ECHO program and the quiet community program. We want to see whether that takes hold. And possibly then in the future there may be reason to increase the funding in this effort. I might add that one other area in which we would like to see further progress is to mount a public awareness type of program because some of these communities do not really know yet what the problems are in this noise control program and why noise could be detrimental to their health.

Research, we feel, needs to address this issue as well before additional grant type funds are made available. We did note in our statement that there has been some increase in the effort with the State and local communities.

Mr. ROONEY. You indicate that the adversary relationship between EPA and FAA continues to exist. In your opinion, is there any hope in solving this problem?

Mr. ESCHWEGE. There is always hope, sir, but the controversy has been lingering on for a long time. I think partly it is always a question of people wanting to work together and trying to make things work in spite of the legislative and other organizational constraints. We have some options that we feel might be looked at by the Congress. We advocated one already last year. And that is at least put something in the legislation whereby FAA in the aviation area would be required to respond by a specified time period to the proposals of EPA. Some of

these proposals have been around for 2 years or more, and EPA has not heard yet from FAA. So there could be some things done.

There is another basic philosophical difference between EPA and FAA. FAA would like to limit its noise control efforts to the inuse aircraft whereas EPA is promulgating a policy of best available technology for quieting aircraft even if they are not now flying. This is a question that the Congress might want to address and decide once and for all which one they would prefer.

Mr. ROONEY. What impact has the Department of Transportation's elimination of the Office of Noise Abatement and the reassignment of noise control efforts to various administrations within the Department had on the implementation of the Noise Act?

Mr. ESCHWEGE. We have not really looked at it, but if you would like to have me comment on the organizational setup as it exists now and as it was before, I think there is always benefit in keeping the kind of regulatory activity that the noise program involves away from the people that are too close, who actually are operating other aspects of the aircraft and the airways program. And I think that being aloof like it used to be at the Department level provides, in theory at least, a more unbiased view of which of the conflicting opinions should prevail.

Do you want to add anything?

Mr. FULTZ. I believe that the timeliness of the DOT reports that were submitted to the subcommittee, which we were asked to monitor, is indicative of some of the problems that has resulted from this reorganization. I know we had difficulty in deciding which activity that should be addressed in our reports to you and your staff because we had to go out and see what DOT was doing rather than have the benefit of seeing a report. And I feel that some of this problem was caused by the fact that now one office in DOT which put the report together had to coordinate with three or four different administrations. I know it did create some difficulties for us.

Mr. ROONEY. Does the noise program need more funds generally?

Mr. ESCHWEGE. We feel it needs more funds in the research area at this time. We feel it needs some redirection of the other funds that it has available, perhaps getting away at least temporarily from some of the standards setting and going more into working with the State and local communities.

Mr. ROONEY. And where should these funds be centered? In what agency?

Mr. ESCHWEGE. In what, sir?

Mr. ROONEY. In what agency?

Mr. ESCHWEGE. Well, I think EPA needs the research funds. And we are also talking about rearranging some of the funds within EPA to help the communities and the States.

Mr. FULTZ. EPA, in its fiscal year 1979 budget, does have a reallocation of funds, giving more resources to the State and local program area. We feel that this is a good step. It is taking funds away from standards and regulation, but it is putting funds in areas where it is needed.

Mr. ROONEY. How would you resolve the preemption problem, especially in light of the court decision over section 17 of the act?

Mr. ESCHWEGE. This is a difficult problem for EPA and I heard

their testimony here today. I would agree personally that there ought to be some provision in the law to allow the States and localities to apply more stringent standards for their particular areas, provided that they can justify to EPA that more stringent standards are needed.

As I understand it, there are provisions like that with respect to other environmental programs.

Mr. ROONEY. Well, thank you very much, Mr. Eschwege. As you recall, 2 weeks ago we had the Amtrak hearings and I think they talked about the Amtrak passengers' tolerance of 3 hours. We have been here exactly 3 hours, so that concludes our hearing for today.

Thank you very much.

Mr. ESCHWEGE. Thank you, sir.

[Whereupon, at 5 p.m. the subcommittee adjourned.]

