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Although the Environmental Protection Agency (EPA) has made some progress in fulfilling the requirements of the Noise Control Act of 1972, implementation of many of the Act's provisions has been slow and sometimes ineffective. Findings/Conclusions: Since passage of the Act, only four noise sources have been regulated: newly manufactured portable air compressors, medium and heavy duty trucks, interstate motor carriers, and interstate railroads. Serious problems of coordination between the Federal Aviation Administration and EPA have hindered development of noise control regulations. Little progress has been achieved in labeling noisy products. EPA has placed low priority on technical assistance to State and local governments. Four interagency research panels exist to study aircraft, machinery, noise effects, and surface vehicles, but they have not been effective. An assessment of research done by other Federal agencies has not been completed by EPA, although it is required by the Noise Control Act. Recommendations: Congress should hold hearings to evaluate past performance and to provide guidance for future activities of the noise control program. Both the two major agencies involved (EPA and the Department of Transportation) agree that hearings are appropriate and timely. EPA should prepare an overall strategy for a Federal program, setting forth goals, timing, and priorities for action to ensure that all provisions to the Act are implemented. Federal noise research done to date must be assessed, as specifically required by the Act, and areas for future research must be identified. (DJM)

00237

REPORT TO THE CONGRESS

*BY THE COMPTROLLER GENERAL
OF THE UNITED STATES*

Noise Pollution—Federal Program To Control It Has Been Slow And Ineffective

Environmental Protection Agency
Department of Transportation

Although some gains have been made since passage of the first comprehensive legislation to control noise--The Noise Control Act of 1972--implementing many of its provisions has been slow and sometimes ineffective.

The Congress should hold hearings on the effectiveness thus far of the Federal program which was established to control and lessen noise pollution. The two major agencies involved agree that hearings are appropriate and timely.





COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

B-166506

To the President of the Senate and the
Speaker of the House of Representatives

This report describes Federal efforts to control and abate noise pollution. Although some progress has been made in fulfilling the requirements of the Noise Control Act of 1972, implementing many of the provisions has been slow and, in some cases, ineffective.

The Noise Control Act of 1972, the first comprehensive noise control legislation passed by the Congress, was designed to protect the American public from noise that jeopardizes their health or welfare. Our review was made to determine how effectively this act has been implemented in order to identify those areas needing improvement.

We made our review pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67).

We are sending copies of this report to the Director, Office of Management and Budget; the Administrator, Environmental Protection Agency; and the Secretary of Transportation.


ACTING Comptroller General
of the United States

D I G E S T

Cars, buses, trucks, airplanes, construction equipment, and kitchen gadgets add to the cacophony that frazzles 20th century nerves. About 13 million Americans live in places where such noises may be harming their health. The Government has slowly and ineffectively acted to control noise pollution.

In carrying out provisions of the Noise Control Act of 1972, the Environmental Protection Agency has concentrated most of its resources on

- identifying products considered to be major sources of noise and setting standards on the noise emission characteristics of these products;
- developing regulations to control noise from railroads, trucks, and construction equipment, etc.;
- producing, as required by law, various documents on effects of noise on people, noise standards, and noise controls.

These actions have helped, but the country is still noisy. Some regulations were issued as much as a year or more late. The Department of Transportation is not now enforcing one regulation because criminal, rather than civil, penalties are imposed for noncompliance with it. The Environmental Protection Agency spent time and money preparing proposed regulations to the Federal Aviation Administration to control aircraft noise, but little progress has been made in issuing these regulations. (See p. 15.)

The Environmental Protection Agency has done less in other areas, such as technical assistance, Federal program coordination, research, and labeling. As a result:

- While the agency recognized early in 1974 that a strategy for a comprehensive noise program was needed, a final version of such a strategy has not been published. (See p. 33.)
- Little progress has been achieved in labeling noisy products. (See p. 18.)
- The total noise research program of the Government has decreased since the act was passed. (See p. 26.)
- The agency has failed to effectively coordinate Federal noise research activities. (See p. 22.)
- The agency has not adequately assessed the status of Federal noise research as required by the act. (See p. 25.)

The failure to assess the status of noise research done to date--specifically required by the act--has hindered the total Government program. Without this assessment, areas needing improvement in Federal noise research will not be known and the expertise of other Federal agencies concerned with noise control cannot be used.

Noise research and coordination of the Federal noise research program must be infused with more resources and work to be effective. The Environmental Protection Agency's fiscal year 1977 budget request contained no funds for noise research, and its 5-year plan for total research and development activities did not mention noise research. (See p. 31.)

Another problem among the agencies is a fundamental difference of philosophy on how best to control aircraft noise and whether the actions taken are effective. The Environmental Protection Agency believes that the aviation noise problem today is essentially the same as when the act was passed, and does not think much progress will be made during the next few years. (See p. 21.)

Because of the problems detailed in this report, the Congress should begin hearings to evaluate the past performance of and to provide guidance for future activities of the noise control program. The Environmental Protection Agency and the Department of Transportation agree that such hearings are appropriate and timely. (See p. 40.)

The Environmental Protection Agency should develop a comprehensive strategy for the noise program because all provisions in the Noise Control Act must be coordinated and balanced when carried out before noise pollution will be controlled or diminished. Although a strategy study was prepared early in 1973, the agency agrees that a more comprehensive strategy is needed. In November 1976 it sent a draft strategy to interested parties for their comments. (See p. 39.)

C o n t e n t s

		<u>Page</u>
DIGEST		i
CHAPTER		
1	INTRODUCTION	1
	Effects of noise pollution	1
	Noise Control Act of 1972	3
	Reports and documents prepared pursuant to the act	4
	Scope of review	6
2	SLOW IMPLEMENTATION OF THE NOISE CONTROL ACT OF 1972	7
	Noise emission standards issued slowly	7
	Little progress in issuing final aviation noise control regulations	12
	Little progress achieved in labeling noisy products	18
	Low priority on technical assistance	19
	Conclusions	20
	Agency comments and our evaluation	20
3	EPA EFFORTS TO COORDINATE THE NOISE RESEARCH AND CONTROL PROGRAMS OF THE FEDERAL GOVERNMENT HAVE NOT BEEN EFFECTIVE	22
	Many other Federal agencies involved in noise research and control activities	22
	EPA's efforts to coordinate the noise activity of the Federal Government	24
	Analysis of EPA's contacts with other agencies	26
	Lack of coordination of research on noise has been detrimental to EPA efforts	30
	Conclusions	31
	Agency comments and our evaluation	32
4	NEED FOR DEVELOPMENT OF A COMPREHENSIVE NOISE ABATEMENT STRATEGY	33
	Major program emphasis placed on developing regulations	34
	Need to develop a noise program strategy	35
	Conclusions	37
	Recommendations to the Administrator of EPA	39

CHAPTER		<u>Page</u>
4	Agency comments and our evaluation	39
	Recommendation to the Congress	40
	Agency comments and our evaluation	40

APPENDIX

I	Letter dated January 11, 1977, from the Assistant Administrator for Planning and Management, Environmental Protection Agency	42
II	Letter dated November 15, 1976, from the Assistant Secretary for Administration, Department of Transportation	55
III	Principal officials responsible for activities discussed in this report	62

ABBREVIATIONS

DOT	Department of Transportation
EPA	Environmental Protection Agency
FAA	Federal Aviation Administration
FHWA	Federal Highway Administration
GAO	General Accounting Office
IANAP	Interagency Aircraft Noise Abatement Program
OAWM	Office of Air and Waste Management
ONAC	Office of Noise Abatement and Control
ORD	Office of Research and Development
R&D	Research and Development

CHAPTER 1

INTRODUCTION

Noise, commonly defined as unwanted sound, is an environmental pollutant, a waste product generated in conjunction with various human activities. Recognition of noise (other than occupational noise) as an environmental problem that affects people has been late in coming. Federal noise legislation historically has been piecemeal; however, the Congress passed the Noise Control Act of 1972 (42 U.S.C. 4901)--the first comprehensive noise control legislation--which was designed to eliminate excess noise in the design stage of a wide variety of new consumer products.

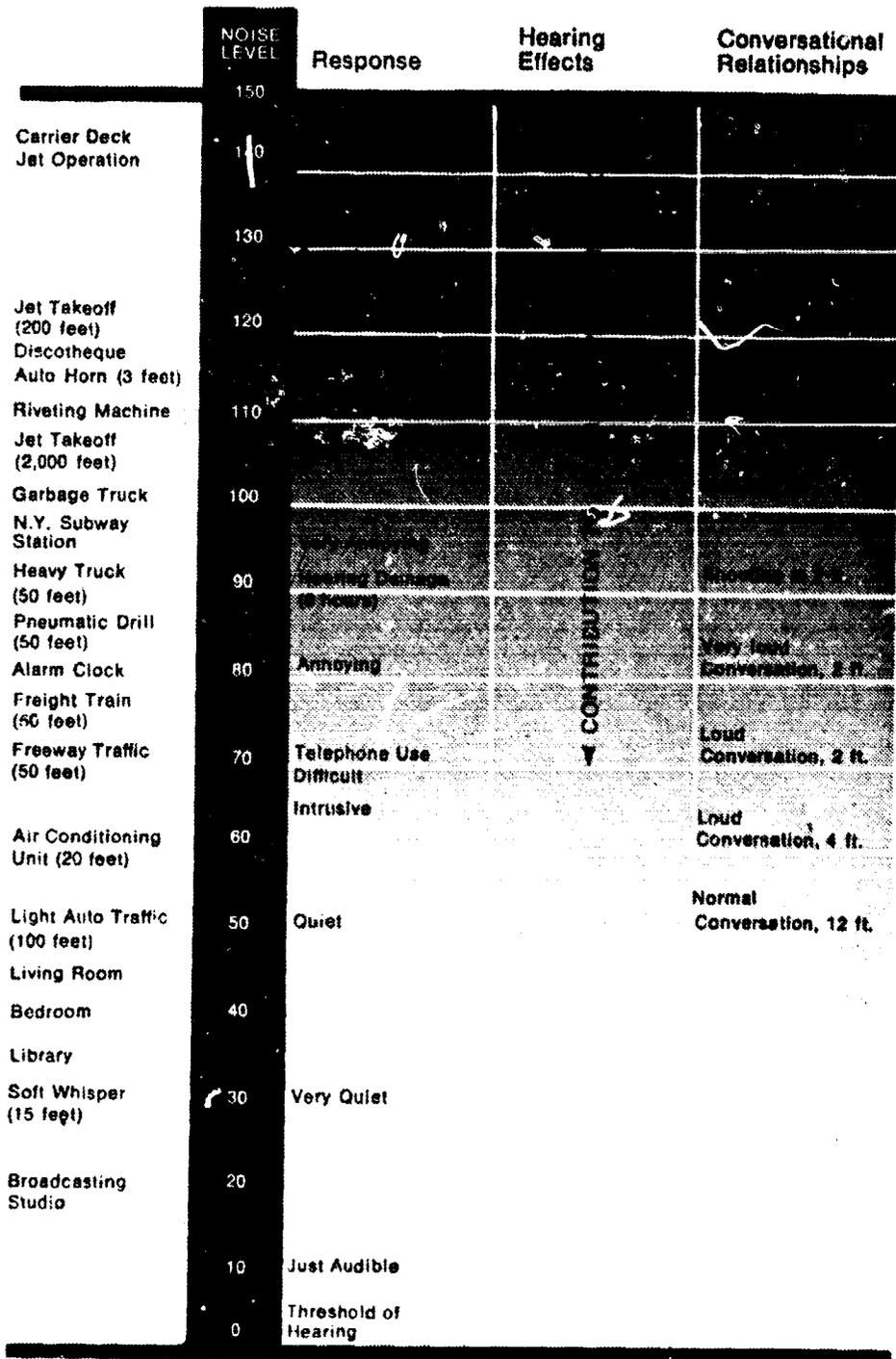
EFFECTS OF NOISE POLLUTION

The effects of noise on humans have not been successfully measured in terms of deaths, shortened lifespan, or incapacitating illness. However, noise can affect the essential nature of human life--its quality. An estimated 16 million people in the United States suffer from some degree of hearing loss directly caused by noise. There is clear evidence that if exposure is of sufficient intensity and duration, noise can:

- Damage the inner ear causing permanent hearing losses that can range from slight impairment to nearly total deafness.
- Cause temporary hearing losses; repeated exposure to noise can lead to chronic hearing losses.
- Interfere with speech communication, disturb sleep, and be a source of annoyance.
- Influence mood adversely and disturb relaxation.

Noise is measured in decibels. Zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Decibels are representative points on a sharply rising curve. While 10 decibels is 10 times more intense than 1 decibel, 20 decibels is 100 times more intense (10×10), 30 decibels is 1,000 times more intense ($10 \times 10 \times 10$) and so on.

Noise levels are measured at their source; thus their decibel rating decreases as the distance from that source increases. The table on page 2 illustrates the noise level and human response to various noise sources.



U.S. ENVIRONMENTAL PROTECTION AGENCY

SOUND LEVELS AND HUMAN RESPONSE

Scientists agree that the noise level for potential hearing loss begins at about 70 decibels. Many scientists are concerned because our normal daily life regularly exposes us to noise levels of about 70 decibels, even inside our homes. The combination of garbage disposals, mixers, blenders, and dishwashers in an average kitchen can raise the noise level to the 80-90 decibel range, equivalent to the noise level right outside a major airport.

NOISE CONTROL ACT OF 1972

Under the 1970 Clean Air Amendments to the Clean Air Act (42 U.S.C. 1857) the Environmental Protection Agency (EPA) established an Office of Noise Abatement and Control (ONAC) and charged it with the responsibility of conducting a complete investigation of noise and its effect on the public health and welfare.

On December 31, 1971, EPA issued the results of its investigations in a report entitled "Report to the President and Congress on Noise." EPA concluded that noise has a negative impact on people in the United States by interfering with speech communication, disturbing sleep, and creating other disturbances that lead to annoyances. EPA also concluded that some noise levels in nonoccupational situations may contribute to the risk of incurring hearing impairment.

Regarding noise control technology, EPA said current technology and that expected to be available in the next 5 to 10 years indicates that a substantial reduction in noise from various sources is feasible. EPA stated that application of available technology is lagging because of inadequate social, economic, or governmental pressures for noise abatement.

Based on EPA's December 1971 report and extensive Congressional hearings, the Congress passed the Noise Control Act of 1972. 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." The act directs the Administrator of EPA to:

- Coordinate all Federal programs relating to noise research and noise control and report to the Congress on the status and progress of Federal noise control activities.
- Publish criteria identifying the effects of noise and provide information on the levels of noise necessary to protect the public health and welfare.

- Identify major sources of noise and prescribe and amend standards limiting the noise-generating characteristics of any product or class of products identified as a major source of noise in the following categories: construction equipment, transportation equipment (including recreational vehicles), any motor or engine, and electrical or electronic equipment.
- Prepare a comprehensive report on the problem of aircraft/airport noise and submit regulatory proposals to the Federal Aviation Administration (FAA) for control of aircraft/airport noise.
- Require manufacturers to label products which (1) emit noise capable of adversely affecting the public health or welfare, or (2) are sold wholly or in part on the basis of their effectiveness in reducing noise.
- Conduct and finance research on the psychological effects of noise and provide technical assistance to State and local governments on the various methods of noise control.
- Promulgate regulations limiting the noise generated from interstate rail carriers and interstate motor carriers.

The noise program has been funded at the following levels:

<u>Fiscal years</u>				
----- (000 omitted) -----				
<u>1973</u>	<u>1974</u>	<u>1975</u>	<u>1976</u> (Budgeted)	<u>1977</u> (Estimated)
\$2,390	\$4,231	\$5,493	\$10,429	\$10,285

REPORTS AND DOCUMENTS PREPARED
PURSUANT TO THE ACT

Much of EPA's initial efforts in implementing the act dealt with meeting the legislative mandates containing specified deadlines. Two of these mandates resulted in producing two major documents concerning noise. The first, "Public Health and Welfare Criteria," (criteria document)

dated July 27, 1973, provided the general relationships between noise levels and their effects on people. This document is based on scientific knowledge, and identifies the kind and extent of effects of noise on the public health and welfare which may be expected from differing quantities and qualities of noise. As required by section 5 of the act, the criteria document was issued within 9 months after passage of the act.

The second, "Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety," (levels document) dated March 1974, provided guidance for the noise source regulatory process, especially noise reduction goals for prevention of hearing loss, annoyance, and sleep disturbance. It provided the framework for assessing, for the first time, the national impact of noise from various types of products.

The EPA levels document indicates that continuous exposure to urban environmental noise levels, at or above a specified average amount for a 24-hour period, may be harmful to health, especially when combined with shorter, more intense noise exposures in the work place, during travel, and during recreational pursuits. An estimated 13 million people presently reside in areas where the average noise during a 24-hour period exceeds this level. Further, an estimated 100 million people reside in areas where the average noise level exceeds the level that EPA says is clearly identified with marked annoyance. Major factors in this blend of community noise are such sources as vehicular traffic, aircraft operations, and construction equipment. The levels document was not issued until about 5 months after the date mandated in the act.

Other activities or documents completed by EPA, most of which are discussed in detail later in this report, are:

- Comments under section 4 of the act on the Occupational Safety and Health Administration's pending decision on Federal occupational noise standards. Basically, EPA has suggested a more stringent occupational noise standard than that proposed by that agency.
- In August 1973 EPA issued a report to the Senate Committee on Public Works entitled "Report on Aircraft-Airport Noise." In this report EPA identified actions which it felt the Federal Government should take to help solve the aviation noise problem. After this report was submitted, EPA forwarded 11 aircraft/airport regulatory proposals to FAA. (Detailed discussions of this report appear on pp. 13 and 14.)

- In June 1975 EPA published a report entitled "First Report on Status and Progress of Noise Research and Control Programs in the Federal Government." Part of this document contained information on the noise programs of other Federal agencies. (Discussed in detail on p. 25.)
- Two documents prepared by EPA for use by State and local governments in controlling noise are a model State noise ordinance and a model community ordinance. (Discussed in detail on p. 20.)
- Eight products have been identified by EPA as major sources of noise. Final regulations have been issued for two of these: newly manufactured portable air compressors and medium- and heavy-duty trucks. Regulations have been promulgated that limit the noise generated from interstate rail carriers and interstate motor carriers. (Detailed discussions of these regulations begin on p. 7.)
- Developing formal administrative guidelines and directives for (1) reporting of various information by Federal agencies, (2) inspection and monitoring of Federal facilities, and (3) exemptions of Federal facilities.
- Developing a Federal hearing conservation program questionnaire which will assist EPA in assessing hearing conservation programs at Federal facilities.

SCOPE OF REVIEW

We reviewed EPA's progress in implementing the provisions of the Noise Control Act of 1972. We also reviewed the legislative history of the Noise Control Act of 1972 and important issues confronting noise pollution control.

Our review was made at EPA headquarters in Washington, D.C. We interviewed responsible agency officials at EPA and at other Federal agencies with noise control programs, including the Consumer Product Safety Commission; Department of Defense; Department of Transportation, Federal Aviation Administration, Federal Highway Administration; Occupational Safety and Health Administration; and the National Aeronautics and Space Administration.

We reviewed documents, reports, records, and files of EPA and the other agencies contacted.

CHAPTER 2

SLOW IMPLEMENTATION OF THE NOISE CONTROL ACT OF 1972

The Noise Control Act charges EPA with responsibility for (1) issuing noise emission standards for new products distributed in commerce, (2) issuing noise emission standards for railroads, and for interstate motor carriers, (3) recommending aircraft noise standards to FAA, (4) requiring the labeling of products that can adversely affect the public health or welfare or are sold wholly or in part on the basis of their effectiveness in reducing noise, (5) providing technical assistance to State and local governments, and (6) coordinating Federal research and control efforts.

Four noise emission standards were prepared under the act, but were many months late, and little progress has been made in issuing final aircraft/airport noise reduction regulations. Implementation of certain sections of the act, such as labeling, technical assistance, and research coordination, has received low priority; therefore, not much has been accomplished in these areas.

Detailed discussions on the first five responsibility areas appear in the remainder of this chapter. The sixth area, coordinating Federal research and control activities, is discussed in the following chapter.

NOISE EMISSION STANDARDS ISSUED SLOWLY

EPA is authorized by the act to prescribe standards limiting noise generated by any product identified as a major source of noise in the following categories: construction equipment, transportation equipment, motors or engines, and electrical or electronic equipment. EPA must formally identify in the Federal Register those products that are major sources of noise. (The act required the first such list to be published within 18 months, but set no time limits for subsequent lists.) States and political subdivisions are prohibited from setting noise emission levels different from those promulgated by EPA, but both are permitted to regulate the use, operation, or movement of products.

Within 18 months after identifying a product as a major source of noise, EPA is required to publish a proposed regulation for the product in the Federal Register. The proposed regulation must include a limit for noise emitted from the product and must be based on criteria necessary to protect the public health and welfare, taking into account the magnitude and conditions of use of the product, available

technology, and the cost of compliance. EPA must publish the final regulation in the Federal Register within 24 months after identifying a product as a major source of noise.

EPA has identified certain products as major sources of noise and has issued two separate lists of such sources. The first, which was required by the act to be published by April 27, 1974, was not published until June 21, 1974, and identified only portable air compressors and medium- and heavy-duty trucks. The second list, published on May 28, 1975, identified wheel and track loaders, wheel and track dozers, truck refrigerator units, truck-mounted solid waste compactors, motorcycles, and buses. Final regulations have been issued, however, only for newly manufactured portable air compressors and medium- and heavy-duty trucks and these regulations will not become effective until 1978.

As shown in the following table, final regulations were issued for both products many months after the date mandated by the act.

Regulation	Proposal published in Federal Register			Final published in Federal Register		
	Mandated	Actual	Months late	Mandated	Actual	Months late
Portable air compressor	4/27/74	10/29/74	6	10/27/74	1/14/76	14.5
Medium- and heavy- duty trucks	4/27/74	10/30/74	6	10/27/74	4/13/76	17.5

As of December 1976 EPA has not proposed regulations for any of the products identified in the second identification list. The mandated proposal date for all products was November 28, 1976.

The act specifically required EPA to publish proposed noise emission regulations for railroads and motor carriers engaged in interstate commerce within 9 months after the date of enactment. In both cases, final regulations were to be issued 90 days after proposal. State and local governments are prohibited from establishing noise emission limits for interstate railroads and motor carriers different from applicable Federal standards.

As shown in the following table, EPA has been late in issuing final noise regulations for railroads and motor carriers.

<u>Regulation</u>	<u>Proposal published in Federal Register</u>			<u>Final published in Federal Register</u>			<u>Total months late</u>
	<u>Mandated</u>	<u>Actual</u>	<u>Months late</u>	<u>Mandated</u>	<u>Actual</u>	<u>Months late</u>	
Interstate rail-road carrier	7/27/73	7/ 3/74	11	10/ 3/74	1/14/76	15.5	26.5
Interstate motor carrier	7/27/73	7/27/73	0	10/27/73	10/29/74	12	12

Brief discussions of each regulation follow.

Portable air compressor regulation

On December 31, 1975, EPA issued final regulations on newly manufactured portable air compressors. The regulation, which will become effective in 1978, will limit the noise emitted from portable air compressors to 76 decibels measured at 7 meters.

According to EPA officials, some of the air compressor industry has met the decibel level ceiling established by this regulation, but the majority of portable air compressors emit more noise than allowed by the EPA regulation. EPA officials feel the decibel limit established was based on a level that would most benefit public health and welfare.

Medium- and heavy-duty trucks

Final regulations were published for this major source of noise on April 13, 1976, limiting noise from newly manufactured medium- and heavy-duty trucks over 10,000 pounds gross vehicle weight at the following levels and effective dates: 83 decibels by January 1, 1978; 80 decibels by January 1, 1982. The noise is measured from 50 feet.

This regulation is considered by EPA and other government agencies as the most effective of the four regulations in reducing environmental noise. However, an EPA official told us the lack of a decision on major strategy issues delayed the issuance of this regulation by at least a year. He added that it would have been delayed longer if EPA had not been under a court order to publish the regulation by a specified date.

Interstate motor carrier regulation

This regulation was mandated by the act and was promulgated on October 29, 1974, with an effective date of October 15, 1975, to limit noise emitted from motor vehicles with a gross weight over 10,000 pounds operated by interstate motor carriers. The noise-emitting standards, measured at 50 feet, are: 88 decibels stationary; 86 decibels under 35 miles per hour; and 90 decibels over 35 miles per hour. According to EPA and the Department of Transportation's (DOT's) Federal Highway Administration (FHWA), which is responsible for enforcing this regulation, 7 percent of the affected vehicles will fail to meet the new standards. EPA officials told us that bringing these 7 percent into compliance with the regulation will result in a 50-percent reduction in total noise energy from all affected trucks operated by interstate carriers.

Our analysis of the enforcement of this regulation disclosed the following:

- Only the stationary test described earlier is being conducted by FHWA because it does not have authority to stop vehicles operating on the road. According to EPA officials, there are currently 13 States and numerous cities that have active enforcement programs for these vehicles.
- Because of the criminal penalty provisions in the Noise Act for failure to comply with the standards, FHWA officials told us they have not sought prosecution of any violators, although notices are given to those in violation. However, neither EPA nor FHWA has as yet requested the Congress to amend the Noise Act to change the criminal provision to a civil violation. (FHWA officials said this would make the regulation enforceable.)

In a January 11, 1977, letter (see app. I) EPA stated that draft legislative language to amend the act to provide civil penalties which can be imposed by EPA and by DOT/FHWA has been prepared and that EPA plans to submit these amendments to the Congress in the next session. EPA continued, "Once this one major impediment to enforcement of this standard is solved, we would expect a more vigorous enforcement program."

Interstate railroad regulation

This regulation was promulgated on December 31, 1975. DOT's Federal Railroad Administration is responsible for

enforcing this regulation, which became effective on December 31, 1976. The noise-emitting standards for locomotives measured at 100 feet are: 73 decibels at idle; 93 decibels at all other throttle settings; and 96 decibels moving at any speed. The standards for rail cars are 88 decibels up to 45 miles per hour, and 93 decibels greater than 45 miles per hour.

EPA officials stated that portions of this regulation will provide little noise reduction benefit because it did not require retrofit for existing equipment. One portion of the regulation, however, required that new locomotives apply mufflers to their exhaust systems.

DOT officials told us the major cause of railroad noise is the railroad yard--a category not covered by EPA's railroad regulation. These officials told us they had suggested to EPA that the railroad yard be included in the regulation. EPA officials told us they did not agree because they felt that railroad yards should be regulated by State and local governments.

On April 13, 1976, the Association of American Railroads filed suit in the U.S. Court of Appeals for the District of Columbia Circuit, requesting a judicial review of the interstate railroad regulation. The Association's petition requested the review because it did not feel the current regulation adequately provided for national uniform treatment of the railroad industry.

In a January 11, 1977, letter (see app. I) EPA said it disagreed that railroad yards are the major source of railroad noise. Part of EPA's response stated:

"The issue of regulating railroad yards in addition to mainline train operations raises the Federal preemption issue which is central to a suit filed by the Association of American Railroads. The EPA Rail Carrier Regulation set standards for railroad rolling stock--that equipment of the railroad which would clearly be adversely impacted by varying State and local jurisdictions because of the mobility of such equipment. However, railroad yard noise emissions represent a stationary localized noise source.

"Railroad yards are located in a wide variety of environmental settings across this country. Some yards are in densely populated areas, others in isolated locations such as deserts or open farmland. In EPA's opinion, it seems more reasonable to allow State and

local jurisdictions to establish noise emission requirements on railroad yards based on local needs and concerns as long as they do not conflict with the Federally-established standards for rolling stock. Control of such noise at the local level without in any way interfering with equipment which must move from one community to another is relatively easy. EPA's regulation encourages State and local agencies to do this. It appears to be the fear of local regulation of these activities which causes the American Association of Railroads and certain elements of the Department of Transportation to criticize the EPA regulation. EPA's refusal to regulate railroad yards is now the subject of a court test by the AAR and should the Congress wish to pursue this matter further, we will be glad to furnish the court documents which set forth the requisite analyses."

LITTLE PROGRESS IN ISSUING FINAL AVIATION NOISE CONTROL REGULATIONS

Federally sponsored research aimed at reducing the levels of aircraft noise began about 1946 when the National Advisory Committee for Aeronautics initiated a research project investigating noise emitted from light airplanes. Since that time many Federal agencies have conducted investigations on the continuing and growing problems of aircraft noise.

In 1968 the Congress passed Public Law 90-411 that added to the Federal Aviation Act of 1958 a new section entitled "Control and Abatement of Aircraft Noise and Sonic Boom." This law gave FAA the responsibility for ". . . present and future relief and protection to the public health and welfare from aircraft noise and sonic boom . . ." consistent with safety, economic reasonableness, and technological practicability. The Noise Control Act extended the provisions of Public Law 90-411 and further defined the policy of the U.S. Government regarding aircraft noise control. Section 7b(1) of the Noise Act states:

"In order to afford present and future relief and protection to the public health and welfare from aircraft noise and sonic boom, the FAA, after consultation with the Secretary of Transportation and with EPA, shall prescribe and amend standards for the measurement of aircraft noise and sonic boom and shall prescribe and amend such regulations as the FAA may find necessary to provide for the control and abatement of aircraft noise and sonic boom, including the application of such standards and regulations in the issuance, amendment, modification, suspension, or revocation of any certificate authorized by this title."

Although aviation regulatory authority rests with FAA, EPA is mandated to play a significant role in the aviation regulatory process in that under the act, EPA was required to (1) study the adequacy of FAA flight and operational noise controls; the adequacy of present aircraft noise emissions standards (including recommendations on retrofit and phaseout of existing aircraft); the implications of achieving levels of cumulative noise exposure around airports; and additional measures available to airport operators and local governments to control noise and (2) submit recommendations for regulations to FAA which EPA deemed necessary to protect the public health and welfare.

FAA is required to publish the EPA-proposed regulations in the Federal Register within 30 days after receipt from EPA. Within 60 days after publication in the Federal Register, FAA is required to hold public hearings on the proposal. After the hearings the act states FAA must adopt, reject, or modify the proposed regulations "within a reasonable period of time."

Report on Aircraft-Airport Noise

In August 1973 EPA issued a report to the Senate Committee on Public Works entitled "Report on Aircraft-Airport Noise." Major findings noted by EPA in this report were:

--"It is evident that there is a need to mobilize available resources and technology, including those of providing newer and quieter aircraft for the future, to deal with this problem in a coordinated time-phased fashion . . . Congress has thus established a means to integrate the activities of the Administrator [EPA] under the Noise Control Act, those of the FAA under the Federal Aviation Act, and of other Federal Agencies, such as NASA, to accelerate a coordinated program of correction."

--". . . if noise levels protective of the public health and welfare are to be achieved around the Nation's airports in the near future, it will be necessary to establish a Federal regulatory program which effectively combines Federal controls on aircraft flight procedures, technology, and noise control options available to airport operators and local jurisdictions."

Concerning the adequacy of FAA's flight and operational noise controls, EPA concluded:

--". . . it appears that existing FAA flight and operational controls do not adequately protect the public health and welfare from aircraft noise."

--". . . a number of noise abatement flight procedures are available for implementation. Although, by themselves, they cannot totally resolve the noise problem, they play an important part in any comprehensive plan for noise reduction. EPA therefore intends to propose regulations to FAA in accordance with Section 7(b) of the Noise Control Act of 1972."

Regarding coordination of aviation noise, EPA stated the following:

". . . the Inter-Agency Aircraft Noise Abatement Program . . . had the most direct influence in the coordination of R&D [research and development] efforts of NASA and of the Department of Transportation and FAA . . . the Administrator recognizes that with the abolition of the Office of Science and Technology, and the National Aeronautics and Space Council, his coordinating role established in the Noise Control Act will have vastly important implications regarding major decisions yet to be made as to the degree and allocation of investments of Federal funds in apparently competing, but in fact perhaps compatible (if dealt with in a comprehensive time sequence), programs for retrofit and development of new and quieter air transport systems."

Eleven proposals submitted to FAA

EPA has submitted 11 proposals to FAA, as shown in the following table.

<u>Title</u>	<u>Date submitted to FAA</u>
1. Propeller-driven small airplanes	December 6, 1974
2. Minimum altitudes	December 6, 1974
3. Retrofit	January 28, 1975
4. Fleet noise level	January 28, 1975

<u>Title</u>	<u>Date submitted to FAA</u>
5. Supersonic civil aircraft (future supersonic transports)	February 27, 1975
6. Minimum flaps approach	August 29, 1975
7. 2-Segment approach visual flight rules	August 29, 1975
8. 2-Segment approach instrument flight rules	August 29, 1975
9. Supersonic civil aircraft (present supersonic transports)	January 13, 1976
10. Noise level for turbojet-powered airplanes and large propeller-driven airplanes	October 1, 1976
11. Airport regulatory process	October 22, 1976

As required by the act, FAA published all of the proposals in the Federal Register and held hearings on each proposed regulation within the required time.

At the time we submitted this report to DOT for comment, September 22, 1976, FAA had not taken final action on any of the EPA proposals. Later, however, actions were taken on 7 of the 11 proposals. FAA adopted number 6 and portions of numbers 1 and 3. FAA has decided not to promulgate numbers 2, 4, 7, 8 and portions of numbers 1 and 3. No further action has yet been taken on the remaining four.

On one occasion an EPA official criticized ONAC's management of the first supersonic transport proposal. During its review of ONAC's fiscal year 1975 performance, EPA's Office of Air and Waste Management (OAWM) noted that ". . . awareness of the impending deadlines on the other regulations led to haste which led, in turn, to several incomplete 'repairs' to the regulation [supersonic transport proposal] instead of one carefully developed one."

One possible regulation which EPA has identified as necessary to help control aircraft noise is on an airport noise certification program. EPA's 1973 "Report on Aircraft-Airport Noise" stated: ". . . the timely adoption and implementation of an airport noise certification regulation is the keystone of a comprehensive program to diminish [sic] aircraft noise in communities to [a] level adequate

to protect public health and welfare." On October 22, 1976, EPA proposed this regulation to FAA for consideration.

In discussing the joint efforts to control aircraft noise, FAA officials indicated that EPA is not complying with the provisions of the Noise Act. FAA officials told us the EPA proposals dwell too much on safety-related problems, whereas FAA feels it is the only agency qualified to determine the safety aspects of aircraft noise regulations. In addition, FAA does not believe the EPA-proposed regulations adequately cover health and welfare aspects. In a January 11, 1977, letter (see app. I) EPA said it would be inappropriate to propose regulations to FAA without considering safety, and added that "in almost every case [we] have included extensive health and welfare justifications."

In a November 15, 1976, letter (see app. II) DOT stated it should be noted that prior to the passage of the act, FAA had issued or proposed regulations on subjects and approaches to aircraft noise abatement.

A DOT official provided the following information on these regulations:

- 14 Code of Federal Regulations (CFR)-36-"Noise Standards: Aircraft Type Certification." This standard, which became effective on December 1, 1969, set noise level limits for certification of new aircraft designs.
- Notice of Proposed Rule Making 70-16-"Civil Aircraft Sonic Boom." This standard was published April 10, 1970, and became effective April 27, 1973, as 14-CFR-91. It prohibited supersonic flights by civil aircraft over the United States.
- Advanced Notice of Proposed Rule Making 70-33-"Civil Supersonic Aircraft Noise Type Certification Standards," was published on August 4, 1970. This proposal would establish noise standards for civil supersonic aircraft. As of January 1977 this regulation has not been finalized.
- Advanced Notice of Proposed Rule Making-"Civil Airplane Noise Reduction Retrofit Requirement," published October 30, 1970. This standard, which became effective January 1, 1977, amended 14-CFR-91 to require older design civil aircraft to meet the noise standards previously established for new designs.

--Notice of Proposed Rule Making 72-19, "Newly-Produced Airplanes of Older Type Designs," was published July 7, 1972, and was issued on October 26, 1973. This revision to 14-CFR-36 required that all civil aircraft manufactured after the effective date comply with the noise standards originally mandated for new aircraft design.

Lack of coordination

Our analysis of coordination between the two agencies showed that serious problems have hindered the development of aviation noise control regulations. A June 11, 1975, letter from the FAA Associate Administrator for Policy Development and Review to the EPA Assistant Administrator for Air and Waste Management stated:

"Within the Federal Aviation Administration (FAA) we are working to simultaneously develop our NPRM's 1/ and DEIS's 2/ for concurrent release. However, we have been unable to do this for the regulatory proposals which EPA has submitted to us for several reasons: (1) there is insufficient time (30 days) between receipt of the proposals and publication of the NPRM; (2) we do not receive sufficient advance notice of the content of the proposal to permit analyses to start before formal receipt; and (3) as I indicated in my March 4 letter, insufficient data have accompanied each of the proposals received to date to permit an assessment of the impact of the proposal on public health and welfare."

EPA officials told us they have been dissatisfied with the cooperative efforts of FAA. An example of the lack of coordination between the two agencies concerns the development of an airport noise regulation.

In July 1975, FAA published a solicitation of public comment on potential directions for an FAA airport noise policy in the Federal Register. EPA officials told us they were not aware that FAA was going to publish this notice and provided us a July 11, 1975, letter to the EPA Assistant Administrator for Air and Waste Management from EPA's Deputy

1/ Notice of Proposed Rule-Making

2/ Draft Environmental Impact Statement

Assistant Administrator for Noise Control Programs, concerning the lack of coordination with FAA regarding this notice. A section of one paragraph summarizes the feeling of the Deputy Assistant Administrator. It stated:

"I can only view this Notice (FAA's airport proposal) with no prior consultation with EPA, as being one more indication that the FAA has no intention of cooperating and coordinating with EPA on actions relative to aviation noise abatement. In fact, the FAA action, unilateral and not in concert with EPA, could be viewed as being an effort on the FAA's part to build a position to counter EPA's proposal."

Although recent correspondence indicates some improvement in the relationship between the two agencies in dealing with the aviation noise problem, a January 11, 1977, EPA letter (see app. I) indicates that a problem still exists.

LITTLE PROGRESS ACHIEVED IN LABELING NOISY PRODUCTS

According to the act, EPA must require that for any product which (1) emits noise capable of adversely affecting the public health or welfare, or (2) is sold wholly or in part on the basis of its effectiveness in reducing noise, must be "labeled" to indicate its noise level or its effectiveness in reducing noise to the consumer. States and local governments may require product labeling as long as it is not in conflict with EPA regulations.

EPA officials advised us that there are as many as 70 products which EPA will possibly have to regulate. However, in over 4 years of implementation, EPA has issued only four regulations. At this rate, EPA obviously will take many years to regulate all 70 potentially harmful products. According to some ONAC officials, as well as officials in other Government agencies, one possible method of regulating noise is to educate the consumer about the adverse effects of noise, and then require manufacturers to label products as to their potential harm.

Effective labeling plus a good public awareness/education program could result in a form of self-regulation by manufacturers. As public demand for less noisy products increased, manufacturers would be required to reduce the noise generated by their products to retain their share of the market.

EPA officials told us the labeling program has received minimum resources. Our analysis of the budget data showed

that for fiscal years 1973-75 the entire labeling program received only about \$100,000. The major portion of these funds--\$87,363--was for one contract, awarded on June 26, 1974, which was designed to

- develop a general approach to noise-labeling regulations,
- address the technical issues involved in establishing a labeling program, and
- recommend methodologies and test procedures which would insure compliance with the labeling information.

EPA, however, was not satisfied with the results of the contract. In a January 12, 1976, memorandum the labeling program project manager wrote to the EPA Contracts Management Division noting the following deficiencies in the contract:

- Contract reports were " cursory in nature and highly deficient."
- Certain items were not accomplished.

The project manager told us the contract was deficient because (1) the contractor had underbid, (2) the scope was too broad, and (3) EPA managed it poorly.

Currently, ONAC is working on a proposal for development of labeling requirements for hearing protectors (i.e., ear plugs and ear muffs). However, no final labeling regulations on any products have yet been issued by EPA. The Deputy Assistant Administrator, ONAC, acknowledged in a June 4, 1976, meeting that EPA's efforts in the labeling area were weak, but he stated that greater emphasis would be placed on labeling in the near future.

LOW PRIORITY ON TECHNICAL ASSISTANCE

EPA is authorized to provide technical assistance to State and local governments to facilitate their development and enforcement of comprehensive noise standards. Such assistance is to include advice on training personnel, selecting and operating noise abatement equipment, and preparing model noise legislation.

EPA has placed low priority in the technical assistance area, having only one permanent employee in each EPA regional office available to provide assistance. EPA officials told us

that other duties are also performed by this employee in addition to providing technical assistance to States and local communities.

Although resources allocated to the technical assistance area have been minimal, EPA has developed two documents which should prove helpful to State and local governments: a model State noise ordinance, published in July 1974; and a model community ordinance issued in September 1975. Both documents can be used to construct noise control ordinances or legislation suited to local or State needs and conditions.

In January 1977 EPA officials advised us that five States have either adopted or are following the EPA model for States and that 26 communities have passed or have proposed a version of the EPA model community noise ordinance.

EPA officials told us the reason that technical assistance resources have been so minimal is because ONAC placed the majority of its resources into developing regulations. However, in June 1976 EPA officials told us they realize the burden of the Nation's noise control efforts will eventually fall on State and local governments. These officials said that ONAC has not been too effective in this area, but it plans to put greater emphasis on the area in the near future.

CONCLUSIONS

The agencies involved in implementing the provisions of the Noise Control Act have experienced problems in attempting to effectively reduce noise pollution in our environment. Since passage of the act, only four sources of noise have been regulated, and there has been little progress in issuing final aviation noise control regulations.

Two provisions in the act for the control and abatement of noise pollution--technical assistance to State and local governments and the development of a labeling program for noisy products--were given lower priority by EPA. Consequently, progress in these areas has been slow.

AGENCY COMMENTS AND OUR EVALUATION

In a January 11, 1977, letter (see app. I) EPA said the regulations were late due to ". . . extensive data collection and review periods which have run beyond the time allotted in the statute." EPA acknowledged that better foresight and planning could have resulted in improved regulations for interstate motor carriers and rail carriers, and stated that the four regulations would have been accelerated if more resources could have been allocated to these efforts.

In commenting on the aviation noise problem, EPA stated there is still a serious aviation noise problem essentially the same as that which existed four years ago, and stated, ". . . the FAA's plan for future action does not make us optimistic about the progress which will be achieved during the next few years."

In commenting on the resources applied to technical assistance and labeling, the EPA letter stated that it has proposed a reprogramming of fiscal 1977 resources to give more support to previously inadequately supported activities. EPA also stated that increased efforts in these areas are planned for fiscal year 1978.

EPA has recognized the need for better planning in the development of future regulations, and has stated that additional resources will be applied to the labeling and technical assistance areas. The actions planned by EPA, if effectively implemented, will help insure the completion of the provisions of the Noise Act.

Because of the differences in opinion between EPA and FAA on solving the aviation noise problem, we recommend in chapter 4 that the Congress hold oversight hearings to determine what can and should be done.

CHAPTER 3

EPA EFFORTS TO COORDINATE THE NOISE RESEARCH AND CONTROL PROGRAMS OF THE FEDERAL GOVERNMENT HAVE NOT BEEN EFFECTIVE

Due to the wide divergence of noise abatement programs within the Federal Government, the Congress recognized the urgent need for a coordinated effort to control and abate noise pollution in order to protect the public health and welfare. Accordingly, under the 1972 act EPA was charged with the responsibility for coordinating the noise research and control programs of all Federal agencies.

Our review of EPA's implementation of the coordination aspect of the act has shown that EPA has not been effective in promoting the coordination of Federal noise research and control efforts. In fact, our discussions with officials of other Government agencies involved in noise control programs indicates a feeling of hostility towards EPA. The majority of agencies contacted told us that coordination of the Federal noise control program has not been effective since EPA assumed the responsibility.

MANY OTHER FEDERAL AGENCIES INVOLVED IN NOISE RESEARCH AND CONTROL ACTIVITIES

A substantial investment of effort and funds has already been made by the Federal Government for noise research and control programs. However, before the act was passed, the majority of these funds and efforts had been directed to noise abatement of specific sources (aircraft noise), or to special environmental situations (such as occupational exposure or transportation planning). The act was designed to establish a coordinated, complementary Federal program to control and abate noise pollution.

Responsibility for noise control is vested in some 31 Federal agencies as a collateral activity to their primary missions. Those with significant involvement are the: Departments of Defense; Transportation; Health, Education and Welfare; Housing and Urban Development; Commerce; Interior; and Agriculture; and the National Aeronautics and Space Administration; National Science Foundation; and Consumer Product Safety Commission.

The area of involvement and funding of each of these agencies and departments in noise research activities, as stated in EPA's June 1975 report entitled "First Report on Status and Progress of Noise Research and Control Programs in the Federal Government," are as follows:

**SUMMARY OF FEDERAL AGENCY
CURRENT INVOLVEMENT IN NOISE RESEARCH**

AGENCY	NOISE EFFECTS	AREA OF INVOLVEMENT		
		AIRCRAFT	SURFACE VEHICLES	STATIONARY MACHINERY
NASA	X	X		
DOT	X	X	X	
HEW	X			X
DOD	X	X	X	X
NSF	X		X	X
DOI	X			X
DOC/NBS	X			X
USDA			X	X
CPSC				X
HUD	X			
EPA	X	X	X	X

SUMMARY OF FEDERAL AGENCY EXPENDITURES FOR NOISE RESEARCH

AGENCY	FISCAL YEAR FUNDING (\$!000)		
	1973	1974	1975
NASA	46,407	47,232	28,504
DOT	13,767	5,269	3,467
HEW	1,090	1,613	2,015
DOD	3,897	4,621	3,063
NSF	263	658	-
DOI	409	551	730
DOC/NBS	236	381	407
USDA	4	93	131
CPSC	-	70	-
HUD	117	638	460
EPA	453	1,189	490
TOTALS	66,643	62,315	39,186

SOURCE: U.S. ENVIRONMENTAL PROTECTION AGENCY

EPA'S EFFORTS TO COORDINATE THE
NOISE ACTIVITY OF THE FEDERAL GOVERNMENT

The responsibility for implementing EPA's research coordination under the act has shifted between ONAC and EPA's Office of Research and Development (ORD). Originally, the responsibility for all coordination was vested in ONAC. In November 1973 the responsibility for coordinating noise research at the Federal level was assigned to ORD, while ONAC retained the responsibility for coordinating Federal noise control programs. In September 1975 the responsibility for coordinating Federal research activities was transferred from ORD back to ONAC. However, the responsibility for EPA noise research remained in ORD, with the exception that ONAC was responsible for conducting research on products it identifies for regulation.

To discharge its legislative mandate to coordinate Federal agency noise research, development, and demonstration activities, EPA--through ORD--established four interagency noise research panels in February 1974. In addition to exchanging information, the panels were to (1) review and assess the current state of technology, (2) review and assess the status of research and technology development, (3) prepare recommendations concerning ongoing research activities, (4) recommend noise research programs and projects and methods for their accomplishments, (5) prepare reports on the status and/or progress of ongoing noise research activities, and (6) consider scientific and programatic advice from other sources.

The four research panels established were aircraft, machinery, noise effects, and surface vehicles. EPA designated itself as chairman of each of the panels. Memberships of the panels were as follows:

<u>Panel</u>	<u>Agency membership</u>
Aircraft	Departments of Commerce, Defense, Transportation; EPA; Housing and Urban Development; National Aeronautics and Space Administration
Machinery	Departments of Commerce (National Bureau of Standards), Defense, Interior, Labor; EPA; Health, Education, and Welfare

Panel

Agency membership

Noise effects

Departments of Commerce, Defense, Labor, Transportation; EPA; Health, Education, and Welfare; National Aeronautics and Space Administration; National Science Foundation; Housing and Urban Development

Surface vehicles

Departments of Commerce (National Bureau of Standards), Defense, Transportation; EPA; Housing and Urban Development

EPA has repeatedly (in various reports and testimony before congressional committees) stated that these four panels are the mechanism it uses to coordinate the noise research activities of the Federal Government. However, in discussing the results or effectiveness of the efforts, EPA officials and officials from the other agencies on the panels have told us the panels have not been effective. In fact, the panels first met in early 1974 and then were inactive for over 2 years. In a January 11, 1977, letter (see app. I) EPA said the four research panels have been reactivated.

Numerous agency representatives on the panels told us they have not been contacted about meetings for almost 2 years, and they feel the only reason the panels were asked to meet in the first place was to assist EPA in compiling a report on the status and progress of Federal activities on noise research and noise control, as required by the act.

In June 1975 EPA issued its "First Report on Status and Progress of Noise Research and Control Programs in the Federal Government" (Status Report). The report, according to EPA and other agency officials, does not meet the requirements of the act because it does not adequately assess the contributions of those programs to the Federal Government's overall efforts to control noise. Officials in ONAC told us the report is essentially an inventory or library of information, and therefore does not constitute an assessment, as called for in the act. The introduction of the report recognizes that: "Although the report provides descriptions of Federal agency noise research and control programs, it contains limited information with respect to the 'assessment' referred to in the Act." EPA officials told us they plan to update the Status Report and include the assessment called for in the act.

The majority of agencies contacted regarding the EPA Status Report told us they were generally displeased with the report and found it virtually useless. All agencies said an assessment of the contributions made by the various programs in the Federal Government would be quite beneficial to their programs and would better enable EPA to provide necessary leadership and direction. A few examples provided by officials in other agencies of how such an assessment would be beneficial were as follows:

--A complete, in-depth assessment of Federal noise research would identify those areas where research has been incomplete, thereby identifying areas needing additional research efforts.

--If the assessment was completed, when presenting budget requests to the Office of Management and Budget the agencies and EPA could use the assessment to illustrate where critical areas of need exist.

--An assessment of the Federal noise research and development efforts would identify those areas where research in noise control has been adequate, enabling EPA to prepare material for technical assistance to other government agencies, the public, and State and local governments.

In a November 15, 1976, letter (see app. II) DOT said that the noise research budget for the entire Federal Government has decreased since the passage of the Noise Control Act. A portion of this letter stated:

". . . Other agencies have reduced their budget requests for noise research, as they have looked to EPA for leadership and guidance in the definition of public health and welfare effects from noise. Overall, Federal noise abatement research has decreased since the Act became law."

ANALYSIS OF EPA'S CONTACTS WITH OTHER AGENCIES

We interviewed officials in seven Federal departments and agencies to determine how effectively EPA has been meeting the requirements of the act, specifically the area of coordination and assistance provided to Federal agencies. The majority of these agencies felt EPA had not been successful in coordinating Federal noise activities. Some believed that cooperation between EPA and other agencies was hindered by the attitude of EPA officials.

As evidenced in the following comments from officials of other Government agencies, there appears to be attitudinal or conceptual differences between the other agencies and EPA. The general feeling of the agencies is that EPA should (1) assess the status of noise research and control activities of the Federal Government, (2) encourage and facilitate the agencies in meeting to discuss their activities and problems, (3) act as a communication link between the agencies, and (4) fill the gaps in the Federal noise program not covered by the other agencies. It was emphasized that EPA should not attempt to direct the agency programs as has been done in the past, but that EPA should mainly encourage cooperation.

One example given of how EPA tried to direct rather than assist the agencies was in the way the four research panels were set up. EPA established itself as chairman of each of the committees; consequently, the agencies that had been involved in noise control activities for a number of years became disenchanted with the entire program.

In recent discussions with ONAC officials, we were informed that they were aware of hostilities toward EPA and planned to take appropriate action. One action mentioned was to have the agency with the major interest in the panel (e.g., DOT in the surface vehicle panel) assume chairmanship of the panel. When the panels were recently reactivated, representatives from other agencies were designated as chairmen.

Specific comments or examples of EPA's failure to coordinate with some of these agencies follow.

Department of Transportation

DOT officials informed us that since the passage of the act in 1972, when EPA took responsibility for coordinating Federal noise control activities, coordination has taken "a few steps backward." According to these officials, before the act, DOT and other agencies did coordinate with each other.

DOT officials discussed the following problems concerning EPA's coordination of Federal noise control and research activities:

--The law creating DOT authorized it to perform noise abatement research in the transportation area, including aviation. In order to fulfill its responsibilities on aircraft noise, DOT created the Interagency Aircraft Noise Abatement Program (IANAP) in 1968, consisting of the following agencies:

the Civil Aeronautics Board; the Departments of Commerce; Defense; Health, Education, and Welfare; Housing and Urban Development; Interior; and Transportation; the Federal Aviation Administration; and the National Aeronautics and Space Administration. Although not entirely effective, these officials said the program established a committee which was a viable, coordinating body. In March 1973 EPA decided not to continue IANAP. Since that time, these officials said there has been no formal coordination of Federal aircraft noise research.

--DOT officials believe EPA has viewed its coordination responsibilities under the act as dictatorial rather than as fostering a feeling of cooperation between agencies. They said EPA wanted things done "EPA's way or not at all." They said this alienated the other agencies. According to these officials, EPA rarely sought the opinions of other agencies.

--DOT officials said it is obvious to them EPA has done virtually nothing regarding noise research. They said the lack of coordination of noise research has caused DOT, as well as other agencies, to lose confidence in EPA's noise programs. These officials feel the reduction in Federal noise research activities and EPA's failure to adequately assess and coordinate research activities, as called for by the act, has resulted in a critical void in the Federal effort to control noise pollution.

DOT officials stated that after EPA was given responsibility for assessing Federal research, the Office of Management and Budget was reluctant to approve new research on noise without an understanding of how such research complemented the total Federal effort. EPA's failure to assess the significance of various research activities to the Federal noise effort has resulted in a reduction in the amount of research accomplished since the act was passed. With proper assessment of Federal research programs, EPA could have given support to the noise research and development (R&D) budgets of all agencies.

Federal Highway Administration

One problem mentioned by these officials is the noise caused by vertical exhaust systems of trucks. These exhaust systems are 8 to 10 feet above ground and are a major source of highway noise because the noise emitted from them is not contained by noise barriers constructed along highways. They said it is not economically feasible to build highway barriers high enough to contain the noise. These officials

said they brought the problem of vertical exhaust noise to ONAC's attention, and sought advice about what could be done to solve the problem, but that ONAC did not respond.

FHWA officials expressed dissatisfaction with EPA's assistance in enforcing the interstate motor carrier regulations. (Section 18 of the act authorized DOT to enforce EPA regulations of interstate motor carriers.) These officials said EPA had little contact while the regulation was being developed, and after initial contacts with EPA's enforcement division, they feel the same lack of cooperation exists.

These officials said that because EPA did not provide effective technical assistance to the State and local governments, in their opinion there is total confusion among the State and local governments regarding what EPA expects of the regulation. They said this has resulted in the State and local governments becoming "disenchanted with EPA," similar to what has happened in the FHWA. EPA officials told us that 13 States and numerous cities are enforcing standards which are applicable to interstate carriers.

EPA's press release announcing the interstate motor carrier regulation referred to a universe of 1,000,000 vehicles affected. FHWA officials informed us that they feel the universe is at least four times that figure. EPA officials stated that there are a total of four to five million trucks weighing over the 10,000-pound limit, but that only those operated by interstate carriers are subject to the regulation, and they feel this number is approximately one million.

National Aeronautics and Space Administration

These officials said the abolishment of the Interagency Aircraft Noise Abatement Program has been detrimental to the Federal effort to control aviation noise because EPA has done virtually nothing in this area. They said that formal coordination of noise activities has been minimal since EPA was granted responsibility for coordination. Although one official at our meeting was the representative for almost 2 years to one of the EPA-established panels, he said he had yet to be contacted about any meetings. These officials said there is too much "remoteness" between EPA and the other agencies.

Consumer Product Safety Commission

The noise control representative for this agency told us that he went to EPA in 1973 to coordinate noise efforts,

specifically for lawnmower noise, because the Commission was planning to issue a regulation limiting the noise emitted from lawnmowers. However, he said he was told by ONAC officials that there was no need to regulate lawnmowers because EPA was planning to issue a regulation, but EPA would not specify when its lawnmower regulation would be promulgated. He viewed this contact with EPA as discouraging rather than fostering coordination, and was quite disturbed because it appeared that EPA was years from issuing a lawnmower noise regulation.

LACK OF COORDINATION OF RESEARCH ON NOISE
HAS BEEN DETRIMENTAL TO EPA EFFORTS

Officials in ONAC also told us that the failure of EPA to effectively assess, foster, and coordinate the research activities of the Federal Government in noise control has been detrimental to the noise program to date and will continue to hurt the program until something is done. A September 23, 1975, memorandum from one ONAC Division Director to another stated:

" . . . it is my understanding, based on remarks I have heard, that ORD will not carry forward research coordination for EPA, and that no action has yet been taken to direct ONAC to assume this responsibility. I am becoming increasingly concerned as we move into more product regulations that I and my staff are inadequately informed as to on-going and near-term projected noise and noise-related R&D in the Federal Government. Such information is essential as we endeavor to identify what constitutes 'available technology,' state-of-the-art, and areas which warrant federal noise R&D attention to fill critical gaps and thus permit lower noise regulatory standards to be promulgated then would otherwise be statutorily defensible."

The memo continued:

"As you have had ONAC responsibility for endeavoring to resolve the noise research dalemena [sic] which has confronted us for some months, I would ask that you stress to those in the Agency who may/can resolve this matter, its critical relationship to our regulatory responsibility, and my increasing concern over the limited action underway to assure that we are being responsive to section 14 of the Act."

Under the act, EPA is authorized to conduct research on the effects, measurements, and control of noise. However, EPA's expenditures for research has declined from about \$545,000 in fiscal year 1975 to \$45,000 in fiscal year 1976. EPA did not request funds for research in fiscal year 1977. Recently, ORD published a 5-year plan for its total research and development activities. No consideration was given to noise research in this plan.

In its August 1976 report entitled "A Review of the U.S. Environmental Protection Agency Environmental Research Outlook - FY 1976 through 1980," the Office of Technology Assessment stated that:

"Despite the passage of the Noise Control Act of 1972 which authorizes EPA to conduct and coordinate research programs in environmental noise, EPA/ORD is not presently studying noise, nor does its Research Plan propose such research."

The report continued:

"At present, EPA has no research program on noise. It is entirely dependent on what other information may be available on this topic, and seems ill prepared to respond quickly to problems of environmental noise which may arise . . . The research being conducted elsewhere in the Federal Government on noise effects on human health is not sufficiently defined in the Plan to enable an assessment of its adequacy. In particular, it appears that EPA has the clearest responsibility to appraise the psychological and esthetic impacts of incongruous noises upon the environment."

CONCLUSIONS

The objectives of the act concerning noise research have not been accomplished. The system established to coordinate the noise research efforts of the Federal Government has not been effective; consequently, the expertise of other Federal agencies concerned with noise control has not been adequately utilized.

Although the act specifically required EPA to assess the noise research done to date by other Federal agencies, such an assessment has not been completed, and therefore the accomplishments and areas needing improvement in Federal noise research are not known.

AGENCY COMMENTS AND OUR EVALUATION

In a January 11, 1977 letter (see app. I) EPA said more effort will be put into Federal noise program coordination beginning in fiscal year 1977 and emphasis will be placed on building cooperative relationships among the various Federal programs. EPA stated that research coordination received less emphasis in the first 4 years than most other provisions of the act and, therefore, comprehensive assessment of Government research has not been done. EPA said the total Federal noise research effort is now being analyzed and evaluated by the reestablished interagency research panels and will be actively continued in the future.

We believe noise research, assessment of noise research done to date, and coordination of the Federal noise research effort need more resources and effort in order to be effective. The recent reactivation of the four interagency noise research panels--with other agency representatives designated as chairmen--is an important first step in establishing the much-needed coordination system.

CHAPTER 4

NEED FOR DEVELOPMENT OF A COMPREHENSIVE NOISE ABATEMENT STRATEGY

Two months after the Noise Control Act of 1972 was passed, ONAC officials prepared a strategy for implementation of the act. Short-range program goals identified in this document were (1) reducing noise produced by interstate motor carriers, and operation of interstate railroads and their facilities, (2) structuring and implementing solutions to the aircraft/airport noise problem, (3) reducing significantly noise emissions from certain products, (4) initiating an effective cooperative Federal program of noise control, (5) initiating an effective cooperative Federal program of noise research, and (6) initiating an effective comprehensive noise control program in State and local governments. This document placed primary emphasis on developing major noise source product emission standards in the surface transportation and construction areas, producing those documents with mandatory deadlines, and publishing the interstate carrier regulations. Areas such as technical assistance, Federal program coordination, and labeling were given lower priority in the near term.

Early in 1974 OAWM officials recognized that the original strategy study answered the questions for the first year of the ONAC noise program, but they felt that a more comprehensive noise abatement strategy was needed. A revised strategy for the noise abatement program was prepared in July 1974; however, EPA officials have told us it was not as comprehensive as it should have been, and therefore was never approved by the Administrator.

Although it has been recognized that a more comprehensive strategy has been needed since 1974, EPA has not yet developed such a strategy for the Noise Control Act.

We recognize that developing regulations is necessary to control noise pollution. However, control of noise pollution is such a difficult task that it requires a comprehensive, coordinated effort by all segments of society--private, local, State, and Federal. Consequently, a comprehensive noise abatement strategy, utilizing all aspects of the Noise Control Act, should be prepared and implemented.

MAJOR PROGRAM EMPHASIS PLACED ON
DEVELOPING REGULATIONS

The main objective of the noise program since passage of the act in October 1972 has been to identify products considered as major sources of noise and to promulgate regulations establishing standards governing the noise emission characteristics of these products. Consequently, areas such as coordination of research and control activities, technical assistance to State and local governments, and development of a labeling program have received low priorities and resources. This is illustrated in the following table, which shows ONAC's funding in these program areas during the last 4 fiscal years.

ONAC Funding for FY's 1973-76

<u>Program area</u>	<u>FY 73</u>	<u>FY 74</u>	<u>FY 75</u>	<u>FY 76</u>
Development of regulations	\$1,232,000	\$2,180,900	\$3,510,500	\$8,329,400
Federal coordination	-	288,300	228,300	204,400
Technical assistance to State and local governments	48,600	667,500	696,800	907,000
Labeling program	-	87,400	13,400	360,000
Research (ORD)	280,800	498,400	544,600	45,000

EPA's budget request for fiscal year 1977 includes the following for these four areas:

Development of regulations	\$6,907,000
Federal coordination	\$672,000
Technical assistance to State and local governments	\$1,751,000
Labeling	\$400,000
Research	-

Accordingly, EPA plans to continue devoting the majority of its effort to developing regulations.

NEED TO DEVELOP A NOISE PROGRAM STRATEGY

Although the development of regulations is an important part of the noise program, we believe that EPA should prepare an overall strategy to implement the noise control program, which will make sure that all provisions of the act are implemented in a balanced, coordinated manner.

Such a strategy should address such questions as:

- To what extent should EPA's technical assistance to State and local governments play a role in EPA's noise abatement program?
- Where should the Federal research dollar for noise control technology be spent?
- What part should the coordination of Federal activities and research play in the overall noise abatement program? Can EPA prevent duplication and direct research in areas that are currently deficient?
- When would be the most beneficial time to start a labeling program? How soon after a public awareness/education program should EPA begin a labeling program?

The need for a comprehensive noise program strategy has been recognized for some time by various officials in ONAC and OAWM to which ONAC is organizationally responsible.

As noted previously, EPA has formally identified eight major sources of noise. ONAC officials informed us that products to be identified in the near future are automobiles, tires, snowmobiles, and lawnmowers. Of the eight products identified, EPA has issued regulations for only two: newly manufactured portable air compressors and medium- and heavy-duty trucks. ONAC officials said the lack of a decision on strategy issues has caused major set-backs in developing some of ONAC's proposed regulations. They told us the lack of a comprehensive strategy has caused ONAC to either regulate, or plan to regulate, items which are not significant contributors to the noise pollution problem. One official told us that lack of a comprehensive strategy has caused items to be identified, or "pre-identified," which when regulations are finalized will be ineffective in decreasing noise levels in the United States. Examples of these products are lawnmowers, motorcycles, and snowmobiles. (Only motorcycles have been formally identified at present.) Other EPA officials believe these are major sources of noise exposure and annoyance and, therefore, should be regulated.

On several occasions OAWM expressed concern that ONAC needed a clearly defined strategy setting forth its goals, timing, and priority for actions. In a July 19, 1974, memorandum to the Deputy Assistant Administrator, ONAC, the Assistant Administrator for OAWM expressed concern that ONAC planned to proceed rapidly on a certain regulation without a clear plan of action for the total program. He stated that:

"The extent and timing of our action * * * should relate to the attainment of our goals and resulting priorities or we may find our resources committed to the lower priority tasks."

In further discussing the lack of a strategy, the Assistant Administrator asked:

"Are premature or poorly defined actions, not in the context of an appropriate plan, a major cause for the present difficulties * * * with the Section 6 New Truck Regulations?"

After pointing out that contracts, let some time ago, to generate the necessary information, were not conceived and executed in a manner which provided the best options in drafting new truck regulations, the Assistant Administrator asked:

"Will we not run the same risk by premature thrusts in other directions without a properly conceived set of goals, priorities, and plans?"

Almost a year later, in April 1975, OAWM's Office of Program Planning and Review, in assessing ONAC's fiscal year 1975 performance and fiscal year 1976 plan, noted that:

"Three major outputs relating to the development of an overall program strategy have slipped badly. This slippage impacts FY 1976 planning by allowing continuing indecision on the nature of and intensity of regulatory thrusts. It furthermore tends to perpetuate a climate in which policy (strategy/tactical) questions arise on a crisis basis causing delay in other products."

The memo continues:

"* * * the development of regulations has been chronically behind schedule. The lateness relates to over optimism, crisis changes, past deficiencies in information development, and inadequate manpower."

"Every regulation which ONAC has proposed or promulgated thus far in FY 1975 has been late, based on the schedules mandated in the legislation, commitments made to OAWM and/or the Formal Planning and Reporting System, or by letter and verbal communication to Congressional staff or individual members of Congress."

Furthermore it stated:

". . . the related late recognition of policy/strategy issues has caused delays."

In a May 5, 1975, memorandum to the Deputy Assistant Administrator, ONAC, concerning ONAC's proposed fiscal year 1976 budget, the Assistant Administrator, OAWM, stated:

"I am still concerned that the proposed FY 1976 plan may not be the optimum plan, in terms of present product emphasis or forward looking studies which will define our regulation development in subsequent years.

"I had hoped that my feelings were clearly understood as a result of our discussions over the past year on the need for the development of a strategy * * *. I am concerned that we may be locking the program too tightly into areas where we feel that we know what to do as opposed to providing the best opportunity to make choices which will have the most desirable impact on the problem."

In June 1976 we told ONAC officials that developing a comprehensive strategy appears to be an issue that warrants immediate attention if the provisions of the Noise Act are to be accomplished. The Deputy Assistant Administrator, ONAC, concurred with our comment and said developing such a strategy is one of his highest priorities. He said that many draft strategies have been prepared, but that an official, agency-approved strategy has never been finalized. The Deputy Assistant Administrator said the strategy should be finalized within a few months. He told us he intends to "go public" with the ONAC strategy so that industry, other Government agencies, and private citizens can see the direction ONAC plans to take.

CONCLUSIONS

The Noise Control Act of 1972, the first comprehensive noise control legislation passed by the Congress, required that certain mandates be completed within specified deadlines

and provided various mechanisms for the control and abatement of noise pollution. Implementation of the provisions in the act has been slow and, in some cases, ineffective.

In implementing the provisions of the act, EPA concentrated most of its resources on developing regulations for the control of noise emitted from interstate railroad and motor carriers; developing source standards for major sources of noise; producing various documents, such as the Airport/Aircraft Report, the criteria and environmental noise level documents; and preparing proposed regulations for submission to FAA for the control of aircraft noise. Other areas, such as technical assistance, Federal program coordination, research, and labeling, were given lower priority. While EPA recognized early in 1974 that a more comprehensive noise program strategy was needed, such a strategy has not been published.

Controlling and abating noise pollution will require the coordinated and balanced implementation of all provisions provided in the Noise Control Act. Since EPA has been charged with implementing the provisions of the Noise Control Act, we believe EPA should prepare an overall strategy for the Federal noise control program, setting forth the goals, timing, and priority for actions needed to make sure that all provisions of the Noise Control Act are implemented.

At a minimum, the strategy should:

- Identify those products for which noise control regulations will be needed in the foreseeable future.
- Identify the research which will be needed to support those regulations and the Federal agency which will conduct the research.
- Include plans for a labeling program coupled with a program to educate the public on the detrimental effects of noise, as a means of encouraging manufacturers to voluntarily take action to reduce noise generated by their products.
- Include a workable plan for coordinating research and control activities of all agencies, including the maintenance of coordinating panels.
- Provide that the chairmanship of each interagency coordinating panel be maintained in the Federal agency with the greatest expertise in the area to be covered by each panel.

--Include plans for providing technical assistance to State and local governments, including identification of the types and extent of such assistance.

The failure to assess the status of noise research done to date, as specifically required by the act, has hindered the total noise program of the Federal Government. This assessment is necessary to make sure that the accomplishments and areas needing improvement in the Federal noise research effort are known.

Noise research and coordination of the Federal noise research program need more resources and effort in order to be effective. EPA's fiscal year 1977 budget request contained no funds for noise research, and no mention of noise research was made in ORD's 5-year plan for its total research and development activities.

RECOMMENDATIONS TO THE ADMINISTRATOR OF EPA

We recommend that the Administrator, EPA, direct that an overall strategy for the noise control program be prepared so that all provisions of the Noise Control Act are implemented in a balanced, coordinated manner.

An essential element of this strategy should be an assessment of the Federal research effort to determine the effectiveness of research done to date, as well as to identify and provide for needed research.

AGENCY COMMENTS AND OUR EVALUATION

In a January 11, 1977, letter (see app. I) EPA agreed that updating the strategy proceeded more slowly than it should have, and stated that a draft of such a strategy was circulated for public comment in November 1976. EPA added that the strategy will be redrafted in the spring of 1977, in response to public comments.

The Department of Transportation concurred with the recommendation to the Administrator of EPA on the need for an overall strategy for the noise control program, with two qualifications. (See app. II.) First, DOT stated that it must be recognized that an overall strategy plan can only be conceptual in nature, since the technology to achieve much of the desired noise reduction is not yet available in many instances. Second, it said such assessment can only be performed through close alliance and cooperation with other Federal agencies, and not through a unilateral EPA study or contractor analysis.

We believe the overall noise program draft strategy that has been prepared and sent to other organizations is a step in the right direction in the development of a unified, national effort to reduce noise pollution. Controlling and abating noise pollution has been and will continue to be a complicated job requiring the coordinated and balanced efforts of all provisions contained in the Noise Control Act of 1972.

RECOMMENDATION TO THE CONGRESS

Because of the problems discussed in this report--slow and ineffective implementation of certain sections of the Noise Control Act, and the disagreements between EPA and the other agencies as to what actions are necessary to control noise pollution--we recommend that the appropriate congressional committees or subcommittees hold oversight hearings to evaluate past performance and to provide guidance for future activities. In addition to considering needed improvements in the overall management of the program and its effectiveness, we believe that the act should be amended to:

- Change the penalty for violating the interstate motor carrier regulation from a criminal to a civil penalty.
- Require FAA to publish a notice in the Federal Register, within a specified time, as to whether the noise abatement proposals submitted by EPA will be accepted, modified, or rejected. If the proposals are to be modified or rejected, the reasons for such actions should also be stated.

We would be glad to assist the appropriate congressional committees in the development of such legislative amendments.

AGENCY COMMENTS AND OUR EVALUATION

EPA supported our recommendation that the Congress hold oversight hearings on the implementation of the Noise Control Act (see app. I). EPA said some sections of the act have been implemented more successfully than others and that evaluation of the Executive Branch's performance will be helpful. EPA also supports the two specific legislative amendments we suggested.

With regard to aviation noise, EPA said the Congress should explore the basic philosophical differences between EPA and FAA. It was further stated that fundamental policy questions divide the two agencies and progress will be delayed in the aviation noise area until the intent of the Congress is clarified.

The Department of Transportation agreed generally with our findings and said that a major review of the act by the Congress is both appropriate and timely. DOT said the act sets up basic conflicts between EPA and other Federal agencies in carrying out their respective responsibilities and, therefore, DOT feels a thorough congressional review of the act would be highly desirable.

DOT concurred with the first legislative amendment we suggested and it suggested this change be extended to violations of the interstate rail carrier regulations. DOT also suggested that the difference in interpretation between EPA and DOT regarding the preemptive nature of sections 17 and 18 of the act should be another matter of review by the Congress.

DOT did not concur with our second suggested legislative amendment concerning the establishment of a fixed time period for response to the EPA aircraft noise proposals. DOT said the administrative reviews necessary to determine the proper action vary so widely that a fixed time period for response is not practicable. While we recognize that each proposed aircraft noise regulation is unique, we believe that FAA should state, within a specified time, what action is to be taken on the EPA proposals. The regulations do not necessarily have to be promulgated by a certain date; however, if they are not, the reasons why would be useful in determining what additional research or data is required.

Progress in implementing the Noise Control Act of 1972 has been slow and, in some cases, ineffective. Although the two major agencies responsible for the act have basic philosophical differences concerning how the act should be implemented, both agree that a thorough congressional review is necessary.

A proposed national strategy for noise abatement and control has finally been drafted and submitted to other interested agencies and organizations. Provided the redrafting is completed by the time oversight hearings are held, the Congress will have an opportunity to examine and comment on the direction of future noise pollution efforts.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 11 1977

OFFICE OF
PLANNING AND MANAGEMENT

Mr. Henry Eschwege, Director
Community and Economic Development Division
United States General Accounting Office
Washington, D. C. 20548

Dear Mr. Eschwege:

On September 22, 1976, you sent us copies of a draft report entitled "Implementation of the Noise Control Act of 1972 Has Been Slow and Ineffective," for our review and comment. Enclosed is EPA's response to that report.

We appreciate the opportunity to review the report prior to its submission to Congress and if there is any additional information needed please let us know.

Sincerely yours,

A handwritten signature in black ink that reads "Alvin L. Alm".

Alvin L. Alm
Assistant Administrator
for Planning and Management

Enclosure

EPA RESPONSE TO GAO REPORT ON NOISE

I. Regulations

A. Meeting of Deadlines

Report

Regulations issued have been many months late.

EPA Response

It is true that EPA has been late in promulgating regulations. These delays are not the result of any lack of zeal on the part of the Agency but rather the consequence of extensive data collection and review periods which have run beyond the time allotted in the statute. It has taken longer than anticipated to develop the necessary cost/technology information; prepare environmental impact and inflation impact assessments; conduct interagency reviews on both the proposed and final versions of the regulations; and hold public hearings. The IIS requirements were imposed by Executive Order after enactment of the Noise Control Act (NCA) and were not considered when the NCA deadlines were established. It would have been irresponsible for the Agency to adopt regulations hastily, without proper documentation and review, thereby possibly failing to achieve optimum environmental benefits.

Of course, EPA did face particular problems in the very early years of a totally new program. In the case of the interstate motor carrier and rail carrier regulations, for instance, better foresight and planning could have resulted in improved regulations. Also, promulgation of these regulations and truck and portable air compressor regulations would have been accelerated had the Agency been able to allocate more resources several years ago to these efforts. More resources and better planning have been applied to subsequent actions by the Agency and many of the program's start-up problems have been ameliorated.

B. Interstate Motor Carrier Regulation

Report

Neither EPA nor the FHWA has as yet requested the Congress to amend the Noise Act to change the criminal provision to a civil violation.

EPA Response

EPA took the initiative some time ago to draft legislative language to amend the Act to provide civil penalties which can be imposed by EPA and by DOT/FHWA. DOT has already concurred with this proposal. EPA plans to submit these amendments to the Congress in the next session. Once this one major impediment to enforcement of this standard is solved, we would expect a more vigorous enforcement program.

C. Interstate Railroad Regulations

Report

DOT officials are reported as identifying the major cause of railroad noise as the railroad yard.

EPA Response

All of EPA's studies of railroad noise indicate otherwise. There are approximately 120 hump yards in the United States as compared to thousands of miles of mainline railroad running through essentially all principal populated areas of this country. Almost all of the complaints and inputs we have received from State and local governments and private citizens have been regarding noise from mainline railroad operations.

The issue of regulating railroad yards in addition to mainline train operations raises the Federal preemption issue which is central to a suit filed by the Association of American Railroads. The EPA Rail Carrier Regulation set standards for railroad rolling stock -- that equipment of the railroad which would clearly be adversely impacted by varying State and local jurisdictions because of the mobility of such equipment. However, railroad yard noise emissions represent a stationary localized noise source.

Railroad yards are located in a wide variety of environmental settings across this country. Some yards are in densely populated areas, others in isolated locations such as deserts or open farmland. In EPA's opinion, it seems more reasonable to allow State and local jurisdictions to establish noise emission requirements on railroad yards based on local needs and concerns as long as they do not conflict with the Federally-established standards for rolling stock. Control of such noise at the local level without in any way interfering with equipment which must move from one community to another is relatively easy. EPA's regulation encourages State and local agencies to do this. It appears to be the fear of local regulation of these activities which causes the American Association of Railroads and certain elements of the Department of Transportation to criticize the EPA regulation. EPA's refusal to regulate railroad yards is now the subject of a court test by the AAR and should the Congress wish to pursue this matter further, we will be glad to furnish the court documents which set forth the requisite analyses.

Report

Officials in EPA have stated that portions of the interstate railroad regulation will provide little noise reduction benefit because it did not require retrofit for existing equipment.

EPA Response

EPA did not propose that existing diesel and diesel-electric locomotives -- both new and currently in use -- meet a standard similar to the standard for new locomotives. That would have meant equipping nearly the entire locomotive fleet with mufflers in four years at a cost estimated by EPA at \$60,000,000 to \$120,000,000 and by the railroad industry at upwards of \$400,000,000. This extraordinary cost is the result of the fact that mufflers would have to be "custom-built" for most of these older locomotives. Since noise from railroads is less of a health and welfare problem than that from many other sources identified in the Act and legislative history, serious consideration had to be given to how much economic disruption was justified by the health and welfare benefits to be gained by custom retrofit of these locomotives. Given the economic condition of the railroads and their very positive environmental benefits as an efficient alternative to other modes of transport, the Agency chose not to push blindly for the incorporation of this complex retrofit technology in order to achieve such small benefits for society.

Although this regulation did not require retrofit of existing equipment, there are some significant benefits to be derived from the regulation. The regulation requires that locomotives, rail cars, wheels, and track be maintained in good operating condition in order to meet the specified noise level. The EPA and DOT were unable to identify new technology which could be applied in any reasonable manner to significantly reduce wheel-rail noise below that caused by well-maintained equipment; thus a noise ceiling for railroad rolling stock was established which puts into motion a maintenance program using currently available technology which will monitor and maintain railroad equipment to specified noise levels. This imposes a significant burden on the railroad industry but one which will have more than compensating benefits in terms of noise abatement as well as safety.

II. Aviation Noise

Report

Little progress has been made in abating aviation noise since 1972.

EPA Response

In 1972, when the Congress passed the Noise Control Act, there was a serious aviation noise problem which clearly needed to be attacked in an aggressive manner. Today, four years later, there is still a serious aviation noise problem of essentially the same dimensions. In November of 1976, the FAA did take a few steps toward solving this problem, but a great deal remains to be done.

In 1972, the Congress amended the Federal Aviation Act to give EPA a role to the aviation noise area. EPA is proud of the job that it has done in the last four years. The Agency has produced as required by Congress a comprehensive study which identifies steps that should be taken by the Federal Government to deal with this problem. The Agency has subsequently sent eleven regulatory proposals to the FAA. The FAA's actions in November were largely in response to some of the EPA initiatives.

However, the FAA's plan for future action does not make us optimistic about the progress which will be achieved during the next few years.

The GAO Report indicates that there has been considerable controversy between the FAA and EPA. Various efforts to make the relations between the two agencies amicable have been attempted but this is difficult given the adversary relationship established by the Act. If anything, the Congress should be suspicious if EPA and the FAA were to be in total agreement, given the very different philosophies of the two agencies about what is needed to deal with the aviation noise problem.

The performance of the Federal Government in the aviation noise area should be one of the major subjects of the oversight hearings conducted by the Congress in 1977. It would be appropriate for the Congress to explore the basic philosophical approaches of the two agencies and to contrast the performance in the aviation area to the performance in other noise control areas set forth by the Act. In EPA's view the FAA's regulations under Section 7 of the Act require only "current practice", while the EPA's regulations under Section 6 require "best available technology". Since the specific criteria for establishing standards differ in the two Sections of the Act, perhaps the outcomes should also be different, but fundamental policy questions divide the two agencies and they will continue to delay progress in the aviation noise area until Congress clarifies its intent.

Three specific criticisms by the FAA which are quoted by the GAO Report require an answer:

1. The FAA criticizes EPA for dwelling too much on safety-related problems in its proposals. Safety is dealt with by EPA primarily in those regulations related to the operation of aircraft (e.g. EPA's proposal for the use of minimum flaps on approach). It would be inappropriate for EPA to propose regulations to the FAA which are clearly unsafe. This would be a waste of FAA's time as well as a discredit to the regulatory process. Consequently, EPA has proposed only those procedures which it felt were safe, recognizing that the expertise and responsibility for making that final determination rest with the FAA.

2. FAA criticizes EPA for not submitting adequate health and welfare data to support promulgation of the regulations. EPA has gone beyond the requirements for the Act in submitting full regulatory packages to the FAA ready for publication in the Federal Register supported by extensive background reports. These proposals in almost every case have included extensive health and welfare justification. The health and welfare justification may not be persuasive to the FAA, but it is there nevertheless. The FAA has criticized EPA for relying to some extent on health and welfare data already developed by the FAA or in FAA files. Apparently, the FAA would like EPA to develop new health and welfare data in some of these areas. The simple fact remains that the aviation noise problem in this country today is severe and steps should be taken now to abate this noise. It is always possible to do more analysis and to gather more data before taking any action, but we believe that the EPA proposals are so clearly justified that to delay their promulgation on the basis of lack of further data is unconscionable.

3. The Report quotes the FAA criticism that EPA does not give the FAA sufficient advance notice about the content of the EPA proposals. FAA fails to mention the 1973 Aviation Report to Congress, and the February 19, 1974, Advanced Notice of Proposed Rulemaking, both of which outlined the forthcoming proposals. FAA's criticism is also inconsistent with its contention that EPA's proposals constitute "nothing new" to the FAA, as well as the direct request of the FAA on January 17, 1974 (letter from R.P. Skully, Director of Environmental Quality to Alvin F. Meyer, Jr., Deputy Assistant Administrator for Noise Control Programs) not to send draft project reports on the aviation proposals to the FAA ("We request you defer submitting this type of material for our analysis until such time as the documents represent formal EPA proposals.")

III. Program Balance

Report

EPA has concentrated most of its resources on the development of standards and consequently has given lower priority to other important sections of the Act.

EPA Response

EPA's strategy for the implementation of the Act in the first few years after its passage was to attack the most serious noise sources first and to meet the mandatory requirements for which the Act established specific deadlines. Specifically, top priority for the short term was placed on developing source standards for major sources of noise in the surface transportation and construction areas; producing the other documents with mandatory deadlines such as the Airport/Aircraft Report and the criteria and environmental noise level documents; and publishing the two interstate carrier regulations. Technical assistance, federal program coordination, and labeling were given lower priority in the near term.

EPA has now promulgated all standards and published all reports for which there were specific deadlines. Consequently it has been possible for EPA to be more flexible and broaden its approach to national noise control. The staff has been reorganized to achieve a better balance in implementing the authorities of the Noise Control Act. In addition, EPA has proposed reprogramming of FY 1977 resources within the ONAC appropriation to give more support to previously inadequately supported activities. This redirection of the program is reflected in the Strategy document which the Agency published for public comment in October, 1976. This strategy recognizes the essentiality of state and local programs, other federal programs, and informed consumer choice through labeling for the national noise control effort. Increased efforts in these areas are therefore planned for FY 1977 and 1978.

The Agency believes that the original choice of priorities for the implementation of the Act was correct, but that it is now time to give increased emphasis to these other authorities in the Act. For instance, we believe the authority to label products has great potential for noise control. In the one area in which labeling had a relatively high priority--hearing protectors--EPA has drafted a labeling regulation which will be proposed shortly. However, many other products that are candidates for labeling did not have sufficient population impact to rank among the most serious sources of noise requiring immediate action. In addition, it seemed evident that in order to have a successful labeling program it is also necessary to have an allied consumer information effort. For these reasons, the development

of labeling regulations did not receive the highest priority. In FY 1977, it has become feasible to initiate a consumer information program and to place greater emphasis on the use of labeling as a supplement to national source standards.

IV. Research Coordination

A. Overall Effort

Report

The system established to coordinate noise research efforts of the Federal government has been ineffective.

Only limited assessment of noise research done by Federal agencies to date has been made.

EPA Response

Research coordination received less emphasis in the first four years of the Act than most other provisions of the Act and consequently the comprehensive assessment of government research has not been done.

However, the total Federal noise research effort is now being analyzed and evaluated by EPA using interagency research panels chaired by representatives of other agencies. These panels began work in August and October 1976. This assessment will include evaluation of current research in the Federal Government, in industry, and at universities. When these studies are completed, in the Spring of 1977, EPA in coordination with the other agencies will make recommendations to the Office of Management and Budget concerning the appropriate priorities within the Federal noise research program and the current needs which should be met by increased funding in the next Federal Budget. EPA is now committed through its reorganization of the Noise Office and the allocation of personnel resources to this activity to continue this assessment function in an active manner in the coming years.

B. Interagency Aircraft Noise Abatement Committee

Report

The Agency failed to continue the DOT Interagency Aircraft Noise Abatement Committee (IANAP).

EPA Response

This committee was an active coordinating body during its existence, and DOT proposed that it be continued by EPA after the passage of the Noise Control Act of 1972. However, because EPA's mandate is broader than aviation noise EPA instead established four research panels, one of which -- Aircraft Research -- essentially encompasses the function of the DOT/IANAP. This EPA research panel has not been as effective as IANAP was but EPA's increased efforts in FY 1977 should fill this gap.

V. Federal Noise Program Coordination

Report

Many agencies are unhappy with EPA's responsiveness to their recommendations and with EPA's attempts to implement the Congressional directive to coordinate all Federal noise control programs.

EPA Response

The attempt of any agency to coordinate the activities of other agencies is destined to provoke some degree of unhappiness, especially when the "coordinator" is the newest agency on the scene. However, EPA has attempted to coordinate all Federal noise-related programs and has met with some success. More effort will be put into this activity beginning in FY 1977 and emphasis will be placed on building cooperative relationships among the various Federal programs.

With regard to EPA's responsiveness to other agencies' recommendations regarding EPA regulations all noise product regulations are extensively coordinated with Federal agencies and their comments are given close attention. Their comments are, in each case, included as an appendix to the respective Background Documents together with EPA's responses thereto. The responsiveness of EPA can, therefore, be judged on the basis of the record of EPA disposition of each comment should anyone wish to pursue this matter in detail.

Through the "Interagency Review Process" EPA regulations receive more review by other agencies before proposal in the Federal Register than all other agencies' regulations receive at any time. EPA does, in fact, make many changes in its regulations as a result of the interagency coordination process.

EPA is the only agency we are aware of that documents this type of review process and gives an answer on the record to every comment received from other agencies. This entire process is over and above the normal Federal Register public comment process. Rather than criticizing EPA's coordination methods, other agencies would be well advised to adopt EPA's methods since they are sorely needed in many instances.

Many of the criticisms from offices in DOT stem, we believe, from the fact that EPA has been requested to conduct all its coordination with FHWA, FRA, and other component agencies with the exception of the FAA, through the DOT Noise Office. Extensive coordination with that office has taken place regarding all EPA regulations. EPA's efforts to deal directly with component offices of DOT have often been rebuffed as inconsistent with Departmental policy. The failure of component offices to have much contact with EPA officials is more a criticism or comment directed at DOT's policy of coordination than at EPA.

The Report cited specifically FHWA's comment regarding EPA's nonresponsiveness to the vertical exhaust issue in relation to highway barriers. This issue was clearly recognized by EPA and addressed in the docket and the Background Document to the medium and heavy truck regulation. The FHWA official contacted was apparently unaware of DOT's official position in response to the final New Truck Regulation which supported vertical exhaust systems (see New Truck Background Document page A-2-29), primarily because of adverse impact resulting from other-than-vertical positioning and the minimal environmental benefits which would be achieved since exhaust stacks are expected to be one of the first components quieted by industry under the truck regulation because of cost considerations.

VI. Noise Abatement Strategy

Report

EPA has been slow in developing a more comprehensive noise abatement strategy

EPA Response

To be effective, strategies should be updated and expanded over time. The GAO is correct that the updating of the noise strategy in 1974 proceeded more slowly than it should have although an intensive effort was made to update it and drafts were produced which set out environmental goals and recommended a continuation of the basic set of priorities decided upon in 1973.

In the Spring of 1976, another strategy development effort was begun culminating in the publication for public comment in October of 1976 of a comprehensive strategy which deals with all of the topics suggested by the GAO Report except research. This strategy will be redrafted in the Spring of 1977 in response to public comments. Research is being dealt with through interagency panels and the results of that work will be integrated into the overall program strategy.

EPA supports strategy planning as an effective method of directing program efforts of the Agency. In some cases, as in noise, there are times in the development of the program when a more comprehensive strategy is evolving, but is not immediately committed to paper in a formal strategy paper. Nevertheless, we are not aware of many agencies in the Government which do as extensive strategy planning and which provide for as much public input to these strategies as does EPA. On the whole, EPA believes that it has done a reasonably good job in strategy planning for noise in the past, but that even more extensive strategy planning is needed for the future since many of the actions mandated for immediate implementation in the Act have been carried out and there are now more choices which need to be made about the direction of the future effort.

VII. Recommendations

A. Oversight Hearings

The GAO Report recommends that the Congress hold oversight hearings on the implementation of the Noise Control Act and recommends two specific legislative amendments. EPA supports this recommendation. It has now been four years since the passage of this Act. A number of actions have been taken pursuant to the Act; many others are well on the way toward completion; priorities have been set, a new program strategy is in development. Implementation of some sections of the Act has been more successful than that of others. Evaluation of the Executive Branch's performance in implementing this Act will be helpful.

B. Recommendations to the Administrator of EPA.

1. Development of an overall strategy. We agree with the GAO: Such a strategy was begun in the Spring of 1976 and was circulated for public comment in November, 1976.
2. Assessment of Federal research. We agree that such an assessment is necessary: This process began in August 1976 and an initial product of this effort will be completed by the Spring of 1977.

C. Other Recommendations

1. Increased emphasis on coordination of Federal programs, technical assistance to State and local programs, and on labeling: We agree that these activities now deserve greater emphasis in the overall effort. FY 1977 and FY 1978 resources have been allocated to give such emphasis and the Office of Noise Abatement and Control has been reorganized to give more visibility to these functions.



ASSISTANT SECRETARY
FOR ADMINISTRATION

OFFICE OF THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

November 15, 1976

Mr. Henry Eschwege
Director
Community and Economic Development Division
U. S. General Accounting Office
Washington, D. C. 20548

Dear Mr. Eschwege:

This is in response to your letter of September 22, 1976, requesting comments from the Department of Transportation on the General Accounting Office draft report entitled "Implementation of the Noise Control Act of 1972 Has Been Slow and Ineffective." We have reviewed the report in detail and prepared a Department of Transportation reply.

Two copies of the reply are enclosed.

Sincerely,

A handwritten signature in black ink, appearing to read "William S. Heffelfinger".

William S. Heffelfinger

Enclosures

DEPARTMENT OF TRANSPORTATION REPLY

TO

GAO DRAFT OF REPORT TO THE CONGRESS OF THE UNITED STATES

ON

IMPLEMENTATION OF THE NOISE CONTROL ACT
OF 1972 HAS BEEN SLOW AND INEFFECTIVESUMMARY OF GAO FINDINGS AND RECOMMENDATIONS

Implementation of the Noise Control Act of 1972 by the Environmental Protection Agency (EPA) has been slow and generally ineffective. Specific mandated actions have been late, and certain actions, such as labeling, coordination, assessment of Federal research [See GAO note 1, p. 61.] have been virtually ineffective.

The report recommends that the Administrator, EPA, prepare an overall strategy for the noise control program, to assure that all provisions of the Noise Control Act are implemented in a balanced and coordinated manner, and that he also assess the Federal research efforts to determine the effectiveness of research done to date, as well as to identify needed future research.

The report finds that planned Congressional oversight hearings on the Noise Control Act are both appropriate and timely, and recommends that Congress consider amending the Act to (1) change the penalty for violating the interstate motor carrier noise emission regulation (a DOT enforcement requirement) from a criminal to a civil penalty; and (2) require the FAA to inform the EPA within a specified timeframe whether EPA aircraft noise abatement proposals will be accepted, modified, or rejected by the FAA.

SUMMARY OF DEPARTMENT OF TRANSPORTATION POSITION

The Department of Transportation agrees in general with the findings of the draft GAO report. Implementation of the Noise Control Act of 1972 has been slow and generally ineffective. Part of this result is due, however, to the fact that many of the mandates included in the Act were extremely difficult to meet under the best circumstances, and virtually impossible under the time constraints included in the Act. In addition, parts of the Act create counterproductive conflicts between the EPA and other Federal agencies. In view of these legislative difficulties, the Department agrees that a major review of the Act by the Congress is both appropriate and timely. [See GAO note 1, p. 61.]

The four regulations which the EPA has promulgated were possible only because prior adequate research was available. Additional regulations were not possible because adequate research has not been performed in other areas.

The Department concurs in the draft recommendations to the Administrator of the EPA, but with two qualifications. First, it must be recognized that an overall strategy plan can only be conceptual in nature, since the technology to achieve much of the desired noise reduction is not yet available in many instances. The second qualification pertains to the mandated assessment of Federal research efforts and identification of future research needs by the EPA. Such assessment and identification can only be performed through close alliance and cooperation with other Federal agencies, and not through a unilateral EPA study or contractor analysis.

The Department concurs in the first draft recommendation to the Congress for the consideration of an amendment to the Act to change the penalty for violating the interstate motor carrier noise emission regulations from a criminal to a civil offense. This change should also be extended to violations of the interstate rail carrier regulations as well. The Department does not concur in the second recommendation for the consideration of an amendment to the Act to specify a fixed timeframe within which the FAA must inform the EPA regarding its intention to accept, modify, or reject EPA aircraft noise abatement proposals. Such proposals, and the administrative reviews necessary to determine proper action regarding those proposals, vary so widely in nature and scope that a fixed timeframe for response is not practicable. The Department recommends that the present wording, requiring FAA response "within a reasonable time," be retained.

POSITION STATEMENT

The Department of Transportation agrees in general with the findings of the draft GAO report. The implementation of the Noise Control Act of 1972 has been slow and ineffective, and Congressional review of the Act is both appropriate and timely. Part of the reason for the poor implementation may be found within the Act itself. Many of the mandated actions required of the EPA were extremely difficult to meet, because adequate information on which to base those actions is not available. In particular, the Act required the EPA to establish firm public health and welfare criteria, which even now remain highly controversial and without consensus agreement. In addition, the Act sets up basic conflicts between the EPA and other Federal agencies in carrying out their respective responsibilities, rather than fostering the coordination required in implementing the Act's basic intent. A thorough Congressional review of these factors would be highly desirable.

The draft report finds that only four noise control regulations have been issued in over four years by the EPA. It should be noted that other

agencies issued noise control regulations during this period,^{1/} although most of these were issued under authority other than the Noise Control Act of 1972. [See GAO note 1, p. 61.]

It should be noted that two of the four regulations deal with operating noise emissions of interstate motor and rail carriers, and do have the effect of imposing limits on the previous uncontrolled growth of these noise sources until new-product noise emission standards can become effective in reducing noise levels from those sources. Although not effective in reducing noise pollution, these two regulations limit the further growth of noise pollution, and hence are very important.

[See GAO note 1, p. 61.]

These four regulations were issued only because prior research had been performed on these noise sources, largely by this Department, and results were available as bases for these regulations. Additional regulations were not possible because adequate research has not been performed in other areas. In addition, the statement on this page, indicating that the interstate motor carrier regulation is unenforceable, relates to the inappropriate criminal penalties prescribed by the Act; it does not refer to any technical deficiency in that regulation.

On page 14 of the draft GAO report, the discussion of Section 17 of the Act and the petition in the U. S. Court of Appeals relates to the intent of the Congress regarding preemption of State and local regulations by the Federal regulations mandated under Section 17. This question extends beyond the simple need for consistency of State and local regulations with the Federal regulations, and the Department suggests that this is an important matter for Congressional review.

[See GAO note 1, p. 61.]

The new truck regulation will be the most effective of the four, beginning in 1978, but the new air compressor regulation and the interstate motor carrier regulation will also contribute to noise reduction.

1/ For example:

1. 14 CFR 91, Civil Aircraft Sonic Boom, March 28, 1973.
2. 14 CFR 36, Noise Standards for Newly-Produced Airplanes of Older Design, October 26, 1973.
3. 14 CFR 36, Noise Standards for Propeller-Driven Small Airplanes, January 6, 1975.
4. 23 CFR 772, Highway Noise Standards and Procedures, June 19, 1973.
5. 49 CFR 393, Vehicle Interior Noise Levels, November 8, 1973.
6. 49 CFR 325, Regulations for Enforcement of Motor Carrier Noise Emission Standards, September 12, 1975.

[See GAO note 1, p. 61.]

On page 21, the draft GAO report does not note that aircraft noise regulations proposed by the EPA to the FAA are based only on the EPA's determination of what is necessary to protect the public health and welfare. The FAA must then consider factors of safety, available technology, economic reasonableness, and appropriateness to type of equipment regulated, and then prepare the associated environmental, inflationary, and public impact analyses required by the Congress and Executive orders. Certainly such complex analyses must be developed carefully and opportunities provided for public study and participation. These steps take time, especially since some of the bases on which the EPA had developed its proposals may not be known to the FAA, and this effort begins upon receipt of each proposal by the FAA.

On pages 23 and 24, the draft GAO report should also note the final regulations and proposed regulations issued by the FAA on its own initiative, prior to the EPA proposals but covering similar subjects and approaches to aircraft noise abatement. These duplications often cause confusion for the public and the affected industry, due to apparent concurrent rule making by the FAA (FAA-initiated and EPA-proposed) on the same subject. Incidentally, on October 1 and October 22, 1976, the EPA submitted its tenth and eleventh proposals, respectively, to the FAA for consideration and action. These submissions were subsequent to the preparation of the draft GAO report.

On page 26 of the draft GAO report, it is stated that the FAA has said an airport noise regulatory program is needed. The FAA has not concluded that an airport noise regulation is needed, and, in fact, has sought widespread public comment on that possibility. On July 9, 1975 (at 40 FR 28844) the FAA invited the public "to assist in the identification and selection of a policy course or alternative courses of action" to provide effective relief from aircraft noise. The FAA consequently held 25 public hearings across the country on potential FAA approaches to an airport noise policy. Thus, the FAA has reached no conclusion on the need for, or potential nature of any airport noise regulation. In that same paragraph of the draft GAO report, it is indicated that the FAA published in July 1975 a Notice of Proposed Rule Making for an airport noise regulation in the Federal Register, without prior consultation with the EPA. The publication noted above was not a Notice of Proposed Rule Making, but a solicitation of public comment on potential directions for FAA airport noise policy. A copy of that notice is attached for reference. Prior consultation on such publications is not required by the Act, inasmuch as no regulatory action was proposed. [See GAO note 2, p. 61.]

The draft GAO report indicates in several places that EPA's budget for noise abatement research is decreasing, and no funds were requested for Fiscal Year 1977. An associated point may also be made--the noise research budget for the entire Federal Government has decreased since the enactment of the Noise Control Act. Other agencies have reduced their budget requests for noise research, as they have looked to EPA for leadership and guidance in the definition of public health and welfare effects from noise. Overall, Federal noise abatement research has decreased since the Act became law.

The draft GAO report recommends consideration of two specific amendments to the Act. The Department concurs in the first such recommendation, wherein the present criminal penalties for violation of the interstate motor carrier noise regulations should be changed to civil penalties. This same change is appropriate for violations of the interstate rail carrier noise regulations as well.

The Department does not concur in the second recommendation for amendment to the Act, wherein a specified timeframe would be required for the FAA to respond to EPA aircraft noise proposals. Proposed regulations dealing with aircraft noise will vary widely in scope, stringency, schedule for implementation, and affected parties. The FAA is required to publish these proposals and hold public hearings to identify these factors for proper consideration. Subsequent implementation of any resultant regulations is subject to a number of administrative procedures, including the environmental impact assessment required by the National Environmental Policy Act of 1969, inflationary impact analyses, and analyses of projected impacts on industry, consumers, and the public in general. As noted above, the EPA provides none of these assessments when it submits aircraft noise proposals to the FAA, inasmuch as EPA interprets its proper basis for such proposals only as "EPA determines necessary to protect the public health and welfare." The FAA must additionally assess each proposal in terms of the "highest degree of safety," "economically reasonable, technologically practicable, and appropriate" tests of the Act, before proceeding with the administrative procedures noted above. Thus, for example, it may be necessary to develop specific technology to demonstrate that a proposal is "technologically practicable," under the meaning of the Act. Finally, implementation of specific proposals may depend on broader policy decisions, over which the FAA has little control. A mandated timeframe for FAA response could force inappropriate action.

The Department recommends that the current requirements for FAA response to EPA aircraft noise proposals "within a reasonable time" be retained. "A reasonable time" is subject to court interpretation, if controversy arises, to consider the different circumstances appropriate to each proposal, and does not allow undue delay. Thus, the practical intent of the Act, requiring prompt action, is satisfied.

One additional weakness exists in the Act as presently written, and may be considered for amendment by the Congress. This weakness relates to the intended preemptive nature of Sections 17 and 18 of the Act, regarding interstate motor carrier and rail carrier operating noise regulations. Subsection (c)(1) of each section reads as follows:

" . . . no State or political subdivision thereof may adopt or enforce any standard applicable to noise emissions resulting from the operation of the same equipment or facility of such carrier, unless such standard is identical to a standard applicable to noise emissions resulting from such operation prescribed by any regulation under this section." (Underlined portion as contained in Section 17(c)(1); that portion replaced by "the same operation of such motor carrier" in Section 18(c)(1)).

The EPA interprets this wording to provide Federal preemption only to the noise emission standards which the EPA promulgates, and not to the compliance regulations which the DOT(FRA/FHWA) promulgates, as required by the Act. The EPA view then follows that State and local governments may enforce the noise emission standards in an "equivalent" procedure at their discretion. The Department interprets this wording as preemptive for both types of regulations (the noise emission standards and the compliance regulations), and that State and local governments must enforce the noise emission standards in an identical fashion to that specified in the compliance regulations for the intended national uniformity. Because of the difference of interpretation between the two agencies, it may be advisable to ask the Congress to clarify its intent in the Act, and to consider clearer wording.

Date Nov. 16, 1976

D. M. [Signature]
Assistant Secretary for Systems
Development and Technology

Attachment:
40 FR 28844-45

GAO Notes:

1. Deleted comments refer to material contained in draft report but omitted from final report.
2. The attachment to this letter was considered in the preparation of our final report but has not been included.

PRINCIPAL OFFICIALS RESPONSIBLE
FOR ACTIVITIES DISCUSSED IN THIS REPORT

Tenure of office
From To

ENVIRONMENTAL PROTECTION AGENCY

ADMINISTRATOR:

John R. Quarles, Jr. (acting)	Jan. 1977	Present
Russell E. Train	Sept. 1973	Jan. 1977
John R. Quarles, Jr. (acting)	Aug. 1973	Sept. 1973
Robert W. Fri (acting)	Apr. 1973	Aug. 1973
William D. Ruckelshaus	Dec. 1970	Apr. 1973

**ASSISTANT ADMINISTRATOR FOR
AIR AND WASTE MANAGEMENT:**

Edward F. Tuerk (acting)	Jan. 1977	Present
Roger Strelow <u>a/</u>	Apr. 1974	Jan. 1977

**ASSISTANT ADMINISTRATOR FOR
RESEARCH AND DEVELOPMENT:**

Dr. Wilson K. Talley	Dec. 1974	Present
Albert C. Trakowski, Jr.	May 1974	Dec. 1974
Dr. Stanley Greenfield	Feb. 1971	May 1974

DEPARTMENT OF TRANSPORTATION

SECRETARY OF TRANSPORTATION:

Brock Adams	Jan. 1977	Present
William T. Coleman, Jr.	Mar. 1975	Jan. 1977
John W. Barnum (acting)	Feb. 1975	Mar. 1975
Claude S. Brinegar	Feb. 1973	Feb. 1975
John Volpe	Jan. 1969	Feb. 1973

**ADMINISTRATOR, FEDERAL
AVIATION ADMINISTRATION:**

John L. McLucas	Nov. 1975	Present
James E. Dow (acting)	Apr. 1975	Nov. 1975
Alexander P. Butterfield	Mar. 1973	Mar. 1975
John H. Shaffer	Mar. 1969	Mar. 1973

a/ Prior to this time, the Noise Program was the responsibility of several different offices and assistant administrators.

	<u>Tenure of office</u>	
	<u>From</u>	<u>To</u>
ADMINISTRATOR, FEDERAL HIGHWAY ADMINISTRATION:		
Norbert T. Tieman	May 1973	Present
Ralph R. Bartelsmeyer (acting)	July 1972	May 1973