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STATEMENT OF
HENRY ESCHWEGE, DIRECTOR
COMMUNITY AND ECONOMIC DEVELOPMENT DIVISION



BEFORE THE
SUBCOMMITTEE ON TRANSPORTATION AND COMMERCE
HOUSE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

ON

IMPLEMENTATION OF THE
NOISE CONTROL ACT OF 1972

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

AS REQUESTED BY THIS SUBCOMMITTEE LAST APRIL WE HAVE MONITORED THE ACTIVITIES OF THE ENVIRONMENTAL PROTECTION AGENCY (EPA) AND THE OTHER FEDERAL AGENCIES RESPONSIBLE FOR IMPLEMENTING THE NOISE PROGRAM. WE ARE HERE TODAY AT YOUR INVITATION TO DISCUSS THE PROGRESS THE FEDERAL GOVERNMENT HAS MADE IN ABATING AND CONTROLLING NOISE POLLUTION.

IN RESPONSE TO THE BASIC QUESTION OF WHETHER THE FEDERAL GOVERNMENT'S NOISE PROGRAM HAS BEEN EFFECTIVE, WE HAVE TO REPORT TO YOU THAT IT REQUIRES SUBSTANTIAL IMPROVEMENT. IMPLEMENTATION OF A UNIFIED, NATIONAL EFFORT TO CONTROL NOISE HAS BEEN SLOW AND, IN SOME CASES, INEFFECTIVE. I DO HASTEN TO ADD THAT SOME ACTIONS TAKEN HAVE BEEN SIGNIFICANT IN ADDRESSING THE NOISE POLLUTION PROBLEM, ESPECIALLY WITHIN THE LAST YEAR.

THESE ACTIONS INCLUDE THE ISSUANCE OF A NATIONAL NOISE STRATEGY, INCREASED EMPHASIS ON PROVIDING ASSISTANCE TO STATE AND LOCAL NOISE PROGRAMS, IMPROVED COORDINATION, AND INITIATION OF A PRODUCT LABELING PROGRAM.

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MANY SERIOUS PROBLEMS MUST BE OVERCOME, HOWEVER, BEFORE A NATIONAL EFFORT TO CONTROL NOISE POLLUTION CAN BE SUCCESSFUL. BUDGET CONSTRAINTS AT THE FEDERAL, STATE, AND LOCAL LEVELS HAVE HINDERED THE EFFECTIVENESS OF THE PROGRAM. MORE RESEARCH IS NEEDED TO DETERMINE THE ADVERSE EFFECTS OF NOISE POLLUTION, AND A NATIONAL PUBLIC AWARENESS PROGRAM CONCERNING THE HARMFUL EFFECTS OF NOISE SHOULD BE DEVELOPED. THERE IS ALSO A NEED FOR MORE EFFECTIVE ACTION TO ENFORCE NOISE REGULATIONS ALREADY PROMULGATED.

AN ESTIMATED 16 MILLION PEOPLE IN THE UNITED STATES SUFFER FROM SOME DEGREE OF HEARING LOSS DIRECTLY CAUSED BY NOISE. AN ADDITIONAL 13 MILLION AMERICANS ARE EXPOSED TO NOISE LEVELS FROM CARS, BUSES, TRUCKS, AIRPLANES, CONSTRUCTION EQUIPMENT, AND KITCHEN GADGETS THAT MAY BE HARMING THEIR HEALTH. FURTHERMORE, AN ESTIMATED 100 MILLION PEOPLE RESIDE IN AREAS WHERE ACCORDING TO EPA, THE AVERAGE NOISE LEVEL IS CLEARLY ANNOYING.

NOISE CONTROL ACT

THE FIRST COMPREHENSIVE NOISE CONTROL LEGISLATION ENACTED BY CONGRESS--THE NOISE CONTROL ACT OF 1972--WAS TO ELIMINATE EXCESS NOISE IN THE DESIGN STAGE OF A WIDE VARIETY OF NEW CONSUMER PRODUCTS. THE OBJECTIVES OF THE ACT ARE TO "PROMOTE AN ENVIRONMENT FOR ALL AMERICANS FREE FROM NOISE THAT JEOPARDIZES THEIR HEALTH OR WELFARE" AND "TO ESTABLISH A MEANS FOR EFFECTIVE COORDINATION OF FEDERAL RESEARCH AND ACTIVITIES IN NOISE CONTROL." EPA IS RESPONSIBLE FOR CARRYING OUT THE MAJOR ELEMENTS OF THE ACT. ANNUAL FUNDING FOR THE PROGRAM HAS AVERAGED ABOUT \$10.5 MILLION FOR THE LAST 3 YEARS. THE REQUEST FOR FISCAL YEAR 1979 IS \$10.7 MILLION.

PROGRESS OVER THE PAST YEAR

THERE HAS BEEN SOME PROGRESS IN THE FEDERAL GOVERNMENT'S NOISE ABATEMENT PROGRAM SINCE THE ISSUANCE OF OUR REPORT IN MARCH 1977. THE PROGRAM STILL NEEDS CONSIDERABLE IMPROVEMENT, HOWEVER, BEFORE THE GOALS OF THE NOISE CONTROL ACT CAN BE REALIZED. I WANT TO DISCUSS BRIEFLY THE MORE SIGNIFICANT ACTIONS TAKEN DURING THE PAST YEAR.

--ISSUANCE OF A STRATEGY DOCUMENT
FOR THE FEDERAL NOISE PROGRAM

THE ISSUANCE OF A STRATEGY DOCUMENT IN MAY 1977, WAS THE MOST IMPORTANT ACTION TAKEN. IT WAS A GOOD FIRST STEP IN THE DEVELOPMENT OF A UNIFIED, NATIONAL EFFORT TO REDUCE NOISE POLLUTION.

THE DOCUMENT SPELS OUT NUMEROUS REGULATORY MEASURES WHICH ARE AVAILABLE TO CONTROL NOISE, BUT RECOGNIZES THAT MANY OF THEM HAVE NOT YET BEEN UTILIZED TO THEIR FULL POTENTIAL. MEASURES NOT PREVIOUSLY UTILIZED BUT WHICH ARE GIVEN PRIORITY IN THE STRATEGY ARE TECHNICAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS, COORDINATION OF THE NUMEROUS FEDERAL PROGRAMS CONCERNING NOISE CONTROL, AND THE LABELING OF NOISY PRODUCTS.

--EXPANSION OF THE FEDERAL INTERAGENCY
COORDINATION EFFORTS

EPA HAD ESTABLISHED FOUR RESEARCH PANELS TO COORDINATE FEDERAL RESEARCH EFFORTS, BUT THESE HAD BEEN INACTIVE FOR ALMOST TWO YEARS. THE RESEARCH PANELS ARE NOW MEETING ON A REGULAR BASIS AND APPEAR TO BE MAKING PROGRESS IN ASSESSING THE NOISE RESEARCH DONE TO DATE BY THE FEDERAL GOVERNMENT.

IN OUR MARCH 1977 REPORT WE CONCLUDED THAT THE ASSESSMENT OF RESEARCH IS NECESSARY TO ENSURE THAT THE ACCOMPLISHMENTS AND AREAS NEEDING IMPROVEMENT IN THE FEDERAL EFFORT ARE KNOWN. THE FOUR PANEL REPORTS, DEALING WITH SURFACE VEHICLES, HEALTH EFFECTS, MACHINERY AND CONSTRUCTION, AND AIRCRAFT HAVE RECENTLY BEEN ISSUED. THE OVERALL ASSESSMENT IS IN ITS FINAL STAGE.

THESE REPORTS ARE A GOOD BEGINNING IN THE DEVELOPMENT OF A UNIFIED APPROACH TO NEEDED RESEARCH. CONTINUED EFFORTS BY THESE RESEARCH PANELS SHOULD BE ENCOURAGED SO THAT THE DIRECTION OF FUTURE RESEARCH IS COMPATIBLE WITH THE OBJECTIVES OF THE NOISE CONTROL ACT.

---INCREASED EMPHASIS ON
LABELING NOISY PRODUCTS

IN JUNE 1977, EPA PROPOSED BOTH ITS FIRST PRODUCT LABELING REGULATION---COVERING HEARING PROTECTORS---AND GENERAL PROVISIONS FOR FUTURE PRODUCT LABELING. PUBLIC HEARINGS HAVE BEEN HELD ON THESE PROPOSALS AND EPA EXPECTS THE REGULATIONS TO BE PROMULGATED BY THIS SUMMER.

---HIGHER PRIORITY PLACED ON THE DEVELOPMENT OF
VIAIBLE STATE AND LOCAL PROGRAMS TO CONTROL NOISE
POLLUTION

THE EPA TECHNICAL ASSISTANCE BUDGET INCREASED FROM ABOUT \$600,000 IN FISCAL YEAR 1976 TO \$1.1 MILLION IN FISCAL YEAR 1977. THE 1978 BUDGET FOR TECHNICAL ASSISTANCE IS \$1.2 MILLION.

THIS INCREASED EFFORT HAS RESULTED IN THE INITIATION OF NEW PROGRAMS WHICH SHOULD BE OF ASSISTANCE TO LOCAL COMMUNITIES. ONE, CALLED "ECHO" (EACH COMMUNITY HELPS OTHERS), PROVIDES FOR ONE LOCAL NOISE EXPERT TO GIVE TECHNICAL ASSISTANCE

OR ADVICE TO ANOTHER COMMUNITY EXPERIENCING SIMILAR NOISE PROBLEMS. COMMUNITIES DESIRING ASSISTANCE REQUEST EPA TO FIND APPROPRIATE VOLUNTEERS. THERE ARE CURRENTLY 8 COMMUNITIES PARTICIPATING IN THIS PROGRAM.

ANOTHER, CALLED THE QUIET COMMUNITY PROGRAM, IS BEING TESTED IN ALLENTOWN, PENNSYLVANIA, WHEREBY THE CITY GOVERNMENT WILL ENACT NEW LOCAL NOISE ORDINANCES AND WILL STRICTLY ENFORCE THE EXISTING REGULATIONS. EPA WILL SHARE ITS EXPERTISE IN REDUCING NOISE, COOPERATE IN PUBLIC EDUCATION AND INFORMATION EFFORTS, AND MAKE THE RESULTS OF THE PROJECT KNOWN TO OTHER COMMUNITIES INTERESTED IN NOISE CONTROL.

---ISSUANCE OF ADDITIONAL PROPOSED STANDARDS

EPA HAS ALSO ISSUED PROPOSED NOISE STANDARDS FOR TRASH COMPACTORS, BUSES, MOTORCYCLES, AND BULL DOZERS AND FRONT END LOADERS.

STATE AND LOCAL COMMUNITIES REACTIONS

TO FEDERAL NOISE EFFORTS

WE RECENTLY INTERVIEWED OFFICIALS IN 4 STATE AND 3 LOCAL NOISE PROGRAMS TO OBTAIN THEIR OPINIONS OF THE FEDERAL NOISE PROGRAM AND HOW IT COULD BEST ASSIST IN THEIR LOCAL EFFORTS.

THE MOST SEVERE AND CONSTANT NOISE PROBLEM FOR BOTH STATE AND LOCAL COMMUNITIES IDENTIFIED WAS NOISE FROM MOTORCYCLES, AUTOMOBILES, AND TRUCKS. FOR THE MOST PART, NOISE PROGRAMS WERE CONSIDERED TO HAVE A LOW PRIORITY COMPARED TO OTHER ENVIRONMENTAL PROGRAMS IN THE STATE AND LOCAL COMMUNITIES. THE EFFECTIVENESS OF THESE STATE AND LOCAL PROGRAMS IS SEVERELY HINDERED BY LACK OF PUBLIC AWARENESS, SMALL STAFFING, AND INADEQUATE FUNDING. ENFORCEMENT, IF ANY, IS BEING HANDLED BY STATE OR LOCAL POLICE WHERE NOISE IS DEFINITELY NOT A HIGH PRIORITY.

STATE AND LOCAL OFFICIALS WE TALKED WITH BELIEVE EPA COULD HELP THEM MOST BY PROVIDING TECHNICAL ASSISTANCE. THEY ALSO BELIEVE EPA COULD PLAY A VITAL ROLE IN IMPROVING THE EFFECTIVENESS OF LOCAL NOISE PROGRAMS BY PROVIDING TRAINING COURSES AND INFORMATION ON THE USE OF NOISE MONITORING EQUIPMENT, AND DEVELOPMENT OF EFFECTIVE NOISE ORDINANCES. THE OFFICIALS WERE PARTICULARLY CONCERNED THAT THE PUBLIC IS NOT BEING ALERTED TO THE CONSEQUENCES OF NOISE POLLUTION. A WIDESPREAD NATIONAL PUBLIC AWARENESS PROGRAM ON THE HEALTH EFFECTS OF NOISE APPEARS TO BE A MUST IF LOCAL NOISE PROGRAMS ARE TO SURVIVE. ALSO THEY FELT THE KEY TO AN EFFECTIVE NOISE PROGRAM IS ENFORCEMENT WHICH SHOULD BE ACCOMPLISHED AT THE STATE AND PARTICULARLY THE LOCAL LEVEL AND WOULD REQUIRE INCREASED FINANCIAL SUPPORT.

STATE AND LOCAL OFFICIALS BELIEVE EPA'S ECHO PROGRAM IS GOOD IN THEORY. HOWEVER, THE COMMUNITY PROVIDING THE NOISE ADVISOR IS IN EFFECT LOSING PART OF ITS STAFF, BUT STILL PAYING THE SALARY COSTS. COMMUNITIES MAY BE RELUCTANT TO ALLOW THEIR STAFF TO PARTICIPATE IN OTHER COMMUNITIES' NOISE PROGRAMS.

UNDER THE NOISE CONTROL ACT, FEDERAL NOISE STANDARDS PREEMPT STATE OR LOCAL STANDARDS. MANY OFFICIALS FELT NOISE STANDARDS SHOULD BE APPLIED NATIONWIDE TO AVERT UNDUE HARDSHIPS ON MANUFACTURERS RESULTING FROM COMPLYING WITH A VARIETY OF STANDARDS. THEY WERE CONCERNED, HOWEVER, THAT EPA'S NATIONAL STANDARDS ARE LESS STRINGENT THAN NECESSARY. IN TWO COMMUNITIES, LOCAL MOTOR CARRIER REGULATIONS WERE PREEMPTED BY EPA'S REGULATION. YET THESE COMMUNITIES HAVE IGNORED THE LESS STRINGENT FEDERAL REGULATIONS IN FAVOR OF THEIR OWN MORE STRINGENT STANDARDS. THESE OFFICIALS FELT THE NOISE ACT SHOULD BE AMENDED TO PERMIT THE ESTABLISHMENT OF MORE STRINGENT STANDARDS BY LOCAL COMMUNITIES, IF SUCH A NEED CAN BE JUSTIFIED.

AREAS NEEDING IMPROVEMENT AND SUGGESTED

LEGISLATIVE CHANGES TO NOISE ACT

ALTHOUGH THERE HAS BEEN PROGRESS WITHIN THE PAST YEAR, A NUMBER OF AREAS NEED CONSIDERABLE IMPROVEMENT BEFORE THE OBJECTIVES OF THE NOISE CONTROL ACT CAN BE MET. LET ME CITE SOME EXAMPLES.

---THERE IS A FUNDAMENTAL DIFFERENCE OF PHILOSOPHY
BETWEEN EPA AND FAA ON HOW BEST TO CONTROL AIRCRAFT
NOISE AND WHETHER THE ACTIONS TAKEN HAVE BEEN EFFECTIVE

SINCE THE ACT DIVIDED RESPONSIBILITIES FOR AIRCRAFT NOISE BETWEEN THE EPA AND FAA, AN ADVERSARY RELATIONSHIP HAS DEVELOPED; CONSEQUENTLY, THERE HAS BEEN LITTLE PROGRESS IN ABATING AVIATION NOISE. IN COMMENTING ON OUR MARCH 1977 REPORT, EPA STATED, "...FUNDAMENTAL POLICY QUESTIONS DIVIDE THE TWO AGENCIES AND THEY WILL CONTINUE TO DELAY PROGRESS IN THE AVIATION NOISE AREA UNTIL CONGRESS CLARIFIES ITS INTENT." IN FEBRUARY 1978, EPA OFFICIALS TOLD US THEY HAVE SUBSTANTIALLY REDUCED THEIR AIRCRAFT NOISE CONTROL EFFORT BECAUSE THEY HAVE SEEN LITTLE BENEFIT RESULTING FROM THEIR PREVIOUS EFFORTS.

UNTIL SUCH TIME AS THE RESPECTIVE ROLES OF THE TWO AGENCIES CAN BE MORE CLEARLY DEFINED AND OVERALL RESPONSIBILITY FOR THE AIRCRAFT NOISE PROGRAM CAN BE ESTABLISHED, WE SEE LITTLE CHANCE OF SIGNIFICANT IMPROVEMENTS IN THE PROGRAM. THIS ISSUE IS EXTREMELY SENSITIVE IN THAT ANY EFFORTS TO CONTROL AIRCRAFT NOISE MUST ALSO BE CAREFULLY WEIGHED IN TERMS OF AIRCRAFT SAFETY.

THE ISSUE IS A POLICY MATTER WHICH WE BELIEVE WILL NEED TO BE RESOLVED BY THE CONGRESS. A NUMBER OF OPTIONS ARE AVAILABLE.

- (1) EITHER EPA OR FAA COULD BE GIVEN COMPLETE RESPONSIBILITY FOR THE AIRCRAFT NOISE PROGRAM WITH NO INVOLVEMENT BY THE OTHER. THIS WOULD REQUIRE THAT APPROPRIATE EXPERTISE BE ASSIGNED TO THE AGENCY HAVING THE RESPONSIBILITY.
- (2) ULTIMATE RESPONSIBILITY COULD BE ASSIGNED TO ONE AGENCY BUT REQUIRING FORMAL INPUT FROM THE OTHER ON ANY PROPOSED ACTIONS OR REGULATIONS WITHIN SPECIFIED TIMEFRAMES.
- (3) ULTIMATE RESPONSIBILITY COULD BE ASSIGNED TO A SINGLE AGENCY WITH A REQUIREMENT THAT AN INDEPENDENT COUNCIL OR COMMITTEE OF EXPERTS FROM APPROPRIATE FEDERAL AGENCIES BE REQUIRED TO FORMALLY COMMENT ON ANY PROPOSED ACTIONS OR REGULATIONS.

--FUNDING FOR THE FEDERAL NOISE RESEARCH EFFORT HAS
DECREASED SINCE THE NOISE ACT WAS PASSED

NOISE RESEARCH IN THE FEDERAL GOVERNMENT IS CONDUCTED BY SEVERAL AGENCIES AND DEPARTMENTS. DESPITE THE NEED FOR ADDITIONAL RESEARCH CREATED BY THE NOISE CONTROL ACT, HOWEVER, THE TOTAL FEDERAL NOISE RESEARCH BUDGET HAS DECLINED FROM A HIGH OF \$54 MILLION IN FISCAL YEAR 1973 TO AN ESTIMATED \$32 MILLION IN FISCAL YEAR 1978. THIS DECREASE IN RESEARCH FUNDING WILL HINDER THE DEVELOPMENT OF STANDARDS AND NOISE REDUCTION TECHNOLOGY FOR THE FUTURE.

IF THE FEDERAL GOVERNMENT IS TO HAVE A VIABLE NOISE CONTROL PROGRAM, RESEARCH TO IMPROVE TECHNOLOGY IS NECESSARY. EPA SHOULD BE ABLE TO PROVIDE CRITERIA TO INDUSTRY AS TO WHAT NOISE LEVELS WILL BE ACCEPTABLE AND WHAT CONTROL METHODS ARE AVAILABLE, SO THAT MANUFACTURERS CAN BEGIN TO ADJUST THEIR DESIGN AND DEVELOPMENT SCHEDULES.

ALTHOUGH EPA WAS AUTHORIZED BY THE NOISE CONTROL ACT TO CONDUCT RESEARCH, EPA CURRENTLY DOES NOT HAVE A NOISE RESEARCH PROGRAM. SINCE THE MAJORITY OF THE RESEARCH CONDUCTED BY THE OTHER FEDERAL AGENCIES SUPPORTS THEIR INDIVIDUAL STATUTORY MANDATES, IT APPEARS TO US THAT A RESEARCH PROGRAM GEARED TOWARDS THE NEEDS OF THE NOISE CONTROL ACT IS NEEDED. PEPHAPS WHAT IS NEEDED IS FOR THE CONGRESS TO SPECIFICALLY AUTHORIZE AND FUND SUCH A PROGRAM.

WE CONTINUE TO BELIEVE AS STATED IN OUR MARCH 1977 REPORT THAT THERE IS A NEED FOR THE FEDERAL GOVERNMENT TO CONDUCT ADDITIONAL NOISE RESEARCH. UNLESS THE FEDERAL RESEARCH EFFORT IS INCREASED, ADDITIONAL NOISE STANDARDS AND CONTROL TECHNOLOGY WILL BE JEOPARDIZED. SPECIFICALLY MORE RESEARCH INTO THE ADVERSE HEALTH EFFECTS OF NOISE IS NEEDED. THERE ARE NUMEROUS INDICATIONS THAT NOISE CONTRIBUTES TO HEART DISEASE, HEADACHES, EMOTIONAL STRAIN, AND POSSIBLY GENETIC DEFECTS. THE RESULTS OF SUCH RESEARCH SHOULD BE USED AS APPROPRIATE TO SUPPORT A NATIONAL PUBLIC AWARENESS PROGRAM.

—EXISTING NOISE REGULATIONS HAVE
NOT BEEN ADEQUATELY ENFORCED

THE FEDERAL HIGHWAY ADMINISTRATION IS NOT PROSECUTING INTERSTATE MOTOR CARRIER VIOLATORS UNDER THE CRIMINAL PROVISIONS OF THE NOISE ACT AND THE ACT DOES NOT PROVIDE FOR CIVIL PENALTIES. IN OUR MARCH 1977 REPORT WE RECOMMENDED THAT THE ACT BE AMENDED TO PROVIDE FOR CIVIL PENALTIES. IN OCTOBER 1977, EPA REQUESTED THAT THE CONGRESS AMEND THE NOISE ACT TO ALLOW CIVIL AS WELL AS CRIMINAL PENALTIES. TO DATE, NO FORMAL ACTION HAS BEEN TAKEN.

THE ASSOCIATION OF AMERICAN RAILROADS FILED SUIT IN THE U.S. COURT OF APPEALS REQUESTING A JUDICIAL REVIEW OF EPA'S INTERSTATE RAILROAD NOISE REGULATION. THE ASSOCIATION REQUESTED THE REVIEW BECAUSE IT FELT THE REGULATION DID NOT PROVIDE

FOR NATIONAL UNIFORM TREATMENT OF THE RAILROAD INDUSTRY. EPA, HOWEVER, FELT STATE AND LOCAL JURISDICTIONS SHOULD BE PERMITTED TO ESTABLISH NOISE EMISSION REQUIREMENTS BASED ON LOCAL NEEDS AND CONCERNS. THE COURT SUBSEQUENTLY RULED THAT EPA "MISINTERPRETED THE CLEAR STATUTORY MANDATE TO REGULATE THE EQUIPMENT AND FACILITIES OF INTERSTATE RAIL CARRIERS" AND ORDERED EPA TO REVISE THE REGULATION BY AUGUST 23, 1978. EPA OFFICIALS HAVE TOLD US THE REGULATION IS BEING CHANGED TO COVER VIRTUALLY ALL RAILROAD EQUIPMENT AND FACILITIES AND IT WILL BE PROMULGATED BY THE DEADLINE.

THE EPA NOISE STANDARDS FOR MEDIUM AND HEAVY DUTY TRUCKS AND AIR COMPRESSORS BECAME EFFECTIVE IN JANUARY 1978. AN EPA OFFICIAL STATED THAT THESE TWO STANDARDS COULD BE ENFORCED WITH CURRENT STAFF LEVELS. NO ADDITIONAL STANDARDS COULD BE ENFORCED, HOWEVER, WITHOUT ADDITIONAL RESOURCES. YET, EPA'S FISCAL YEAR 1979 BUDGET REQUESTED TWO LESS POSITIONS FOR NOISE ENFORCEMENT.

EVEN IF EPA COULD ENFORCE NEWLY MANUFACTURED PRODUCT NOISE STANDARDS, A MORE IMPORTANT PROBLEM IS MAINTAINING COMPLIANCE AFTER THE PRODUCT IS IN-USE. THIS ENFORCEMENT MUST BE DONE AT THE STATE AND LOCAL LEVEL. UNLESS NOISE STANDARDS ARE EFFECTIVELY ENFORCED THERE APPEARS TO BE LIMITED BENEFIT IN RELATION TO THE COSTS INCURRED BY MANUFACTURERS IN DEVELOPING LESS NOISY PRODUCTS.

—EFFECTIVE STATE AND LOCAL NOISE CONTROL

EFFORTS ARE ESSENTIAL TO MEET THE

OBJECTIVES OF THE NOISE CONTROL ACT

THE EFFORTS CURRENTLY BEING PLACED ON NOISE CONTROL BY STATE AND LOCAL GOVERNMENTS ARE MINIMAL. ONLY 11 STATES HAVE AUTHORIZED BUDGETS SPECIFICALLY

FOR ENVIRONMENTAL NOISE CONTROL, AND SOME STATES WITH NOISE LEGISLATION DO NOT HAVE ANY ENFORCEMENT CAPABILITY. ALTHOUGH EPA ESTIMATES THAT OVER 1,000 COMMUNITIES HAVE NOISE CONTROL ORDINANCES, MOST OF THESE ORDINANCES ARE CONSIDERED AMBIGUOUS AND VIRTUALLY UNENFORCEABLE.

RECENTLY, SOME PREVIOUSLY ESTABLISHED STATE AND LOCAL NOISE CONTROL PROGRAMS HAVE BEEN ELIMINATED AND OTHERS ARE FACING CUTBACKS IN FUNDING. PENNSYLVANIA ELIMINATED ITS PROGRAM AND GEORGIA'S NOISE BUDGET HAS BEEN SIGNIFICANTLY REDUCED. NUMEROUS COMMUNITIES, SUCH AS BALTIMORE, BOSTON, INDIANAPOLIS, AND PALO ALTO, HAVE ALSO ELIMINATED THEIR PROGRAMS. THE REASON GIVEN FOR THESE PROGRAMS BEING ELIMINATED IS LACK OF FUNDING. AN UNDERLYING CAUSE MAY BE THE LACK OF PUBLIC AWARENESS OF HEALTH DANGERS FROM NOISE.

WE ARE NOT SUGGESTING, HOWEVER, THAT THE ACT BE AMENDED TO PROVIDE FINANCIAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS AT THIS TIME. WE BELIEVE THAT EPA FIRST NEEDS TO DEMONSTRATE WHAT CAN EFFECTIVELY WORK AT THE LOCAL LEVEL IN REDUCING NOISE.

EPA COULD ASSIST STATE AND LOCAL COMMUNITIES BY MAKING THE PUBLIC COGNIZANT OF THE ADVERSE EFFECTS OF NOISE POLLUTION THROUGH A NATIONAL PUBLIC AWARENESS PROGRAM. SUCH A PROGRAM WOULD GENERATE INTEREST IN NOISE POLLUTION AND ENCOURAGE A CONTINUING NOISE CONTROL EFFORT AT THE STATE AND LOCAL LEVEL.

—EPA NEEDS TO DEVELOP ITS OWN EXPERTISE

ONE AREA OF CONCERN TO THIS SUBCOMMITTEE LAST YEAR WAS THE EXTENSIVE USE OF CONTRACTORS BY THE EPA NOISE PROGRAM. SINCE THE BEGINNING OF EPA'S NOISE PROGRAM, \$29.7 MILLION, OR 74 PERCENT, OF ITS TOTAL BUDGET OF \$40.2 MILLION, HAS BEEN CONTRACTED OUT. BASED ON THE FISCAL YEAR 1979 BUDGET REQUEST FOR THE NOISE PROGRAM, WHICH INCLUDES EIGHT LESS POSITIONS, THIS TREND WILL NOT ONLY CONTINUE BUT APPEARS TO BE ESCALATING.

IT SEEMS TO US THAT THE EPA NOISE PROGRAM NEEDS TO DEVELOP MORE OF ITS OWN IN-HOUSE EXPERTISE. THIS IT CANNOT DO UNDER THE EXISTING PERSONNEL CEILINGS.

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IN SUMMARY, THE FEDERAL NOISE POLLUTION PROGRAM NEEDS CONSIDERABLE IMPROVEMENT BEFORE THE POLICY OF THE UNITED STATES" . . .TO PROMOTE AN ENVIRONMENT FOR ALL AMERICANS FREE FROM NOISE THAT JEOPARDIZES THEIR HEALTH OR WELFARE" IS ACHIEVED. IMPLEMENTATION OF THE NOISE ACT HAS BEEN DISAPPOINTING IN MANY AREAS. THE CONGRESS WILL WANT TO EXPRESS ITS VIEWS ON THE FUTURE DIRECTION OF THE FEDERAL NOISE PROGRAM. I HOPE THAT OUR OBSERVATIONS PROVE HELPFUL IN THIS EFFORT.

MR. CHAIRMAN, THIS CONCLUDES MY PREPARED STATEMENT. WE SHALL BE GLAD TO RESPOND TO ANY QUESTIONS.