

H/B - 113



# Alaska State Legislature

## House

JUNEAU ALASKA

HOUSE HESS COMMITTEE MEETING

APRIL 9, 1976

Present: Parr Swanson Beirne  
Davis Sullivan

Testifying: Bill Mack, KAKM  
Frank Mengel,  
Larry Verable, Ak. Carriers Assoc.

### HB 447 Ak. Educational Broadcasting - Beirne

Bill Mack made opening presentation for K.A.K.M.

Frank Mengel, explained progress of the project and why more \$ was needed.

Charlie, line 10, delete "\$225,000", add "\$185,000"  
Change line 11 "13" to "11"

Hohman, explained situation of Bethel-Kuskokwim Com College, they would like to expand their T.V. system.

Red, move to have a new section add "\$140,000 for 15 translators, \$81,000 for talk back capability, SW Ak., KYUK, Kuskowim Com. College

Red, move out with do pass, as a C.S.HB 447  
unanimous

### HB 113 - Noise Pollution - Beirne

Robertson, presented Public Safety position.

Larry Verable, presented the Ak. Carriers Assoc. position.

Bill held over till Helen gets C.S.

HB 113



JUNEAU ALASKA

# Alaska State Legislature House

HESS COMMITTEE MEETING

2-25-75

Members Present:

Beirne	Sullivan
Davis	Swanson
Hackney	
Osterback	

Chairman Sullivan called the meeting to order at 11:00 am. The first bill up for consideration is HB 29.

HB 29 - School Tax On Oil

Mr. Swanson is the sponsor of this bill and gave a briefing of his bill. We are allowed to do this by Chapters 57 and 58. By law the revenue will go into the general fund. This is not a dedicated bill. With a tax of this type, a per barrel tax, as the production grows, the returns increase. The revenue goes right along with it. This bill deals with the future more than with the immediate time. It will add \$6 million annually to our treasury by the passage of this bill. Also it will be very easy to amend it if our costs are much higher.

Hackney On page 2, line 10. What is the meaning of this applying only on intra state oil?

Swanson Intrastate is the feeder line that we have control of, we have no control of the Interstate Pipeline.

David Walker Legislative Affairs

The meaning of this is that when you're talking about the transportation of oil, the oil transported within the state pertains to this bill. The rates are set by the Commission.

Beirne I am questioning the concept or content of this bill. We're dealing with proposing another small tax, it would seem to me, on how we tax our greatest resource. The big issue here is how much the oil companies put into the state. This might complicate it. Is there any other need for this bill, we already have a school tax which doesn't really go strictly for schools?

Swanson Putting tax on oil hoping it will go into the general fund. We shouldn't every top an industry, everyone can argue this but I don't have any sympathy for an industry that makes such an overwhelming profit from the state.

Davis What percent are we talking of, pertaining to Intrastate Oil?

Swanson 125 Million up to 620 Million barrels. ( see attached sheet )

Hackney This would tax all the oil moving within the state where there's pipeline action?

Swanson Yes, this is the only defense we have in dealing with interstate situations. We can tax, by this bill, any feeder line.

Beirne The only oil at this time is out of the Kenai area and its being taxed right out of existence. I'm insulted that you would ask to send this important bill out of committee with no more testimony than we have here.

Hackney I'm inclined to agree with Dr. Beirne, I think its a crime to treat such an important bill in this manner.

Davis I move we pass this bill out of committee with individual recommendations.

Chairman Sullivan Without hearing objection, so ordered.

Meeting Adjourned until 3:00 pm. this afternoon.

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Chairman Sullivan recalled the committee at 3:00 to take up HB 113.  
Mr. Ose was the only one absent

HB 113 Dr. Beirne is the sponsor of this bill. This is the same bill as was introduced in 1974 session (HB 201) At that time we had considerable hearings in Anchorage area. Dr. Fritz was the co sponsor at that time. Right now we have some considerations and amendments to add to this bill at its present state.

Charles Smith - Dept. Public Safety  
We held meeting on this and proposed legislation in the Attorney General's office requiring periodic inspection programs to the state only relating to highway vehicles. We would suggest to incorporate some type of check on snow machines through motor vehicles registration. This would require certain controls on them at the time of registration.

Beirne Would you propose the section of motor vehicles be changed? Or reflect?

Smith This would reflect our regulations. At the present time there are nuisance regulations. And if motorcycles are used on the highways they are under our control.

Hackney Are you aware of any case of conviction of a nuisance case?

Smith No, not to my knowledge.

Commissioner Mueller - Dept. Environmental Conservation  
If the primary thrust of this Legislation is for motor vehicles, then it should be under the Public Safety section. Our Dept. has an Environmental Advisory Board. A question we have is that this legislation speaks to motor vehicles and snow machines, would the Committee consider air craft boats etc. or do they come under this catagory? There would also seem to be a problem of enforcement, particularly the control on motor vehicles. Regulations should be developed, if the vehicle was sold after a certain year, it should have noise control devices on them at the time of sale and it would be illegal to modify or remove after point of sale.

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Osterback You mentioned boats and planes. I don't see how you could do this. To muffle an engine on a boat would ruin the engine. I think this bill should exempt boats and planes.

Parr Are there any municipalities to date that you know of that have a noise control ordinance?

Commissioner We have had some correspondence from Anchorage on these matters, you have some of the information in the pamphlet before you.

Parr Although the intent of this bill is good, I wonder if we're trying to do a little much here. For example comparing the noise of the City of Anchorage with the noise of a village.

Beirne The actual intent of this bill is to the decible of noise which is going to effect the health. It is not to address itself only to snow machines or motor vehicles but to building materials, architectural designs, road construction and boarders to reflect sound etc. It addresses itself to all areas of noise detrimental to health also to the psychological health of the individual.

Swanson I don't believe it is necessary to impose this regulation on country people. They couldn't afford to put control mechanisms on all their machinery.

Parr I have an objection to the Advisory Council or standards set by the department. Sec. 400 pg 3 reads to me that if you don't put the control at the local level it would be unreasonable and too costly to be regulated this way.

Beirne In terms of costs, in the big industries it will be cheaper in the long run to take these precautions rather than face the suits that are now beginning to take place.

Hackney Commissioner are you saying that OSHA would be in a better position to take care of contractors etc.?

Commissioner Not necessarily, the impingment on the individual workers should be handled by them, and construction operations.

Mr. Weeden - Dir. Div. Policy & Planning

I would only like to add that it seems that the section in the duties of the Council which speak of the education involved are the most criticle. And we would ask that the local governments be allowed to take up their own positions.

Swanson Are you comparing the noise of the typewriter with a caterpillar? In the same bill?

Beirne Every law is subject to a reasonable mans knowledge. At a decible level this could address itself to any noise making device going over the level of safety to the individual health.

Smith The biggest problem is where equipment is altered. There is a National Control Board and Federal Standards already in affect. Alaska isn't subject to the Federal Standards because it lacks the motor vehicle laws at this time.

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Swanson I don't think there is anything we could pass here that would control automobiles that isn't already in effect.

Canterbury - Communicative Disorders Program.

This program is responsible for hearing testing in field work. We see a broad range of hearing loss throughout the state. A lot of this loss is because of the style of living, activities etc. The most important aspect is that hearing loss can be prevented. (Showed Committee Audiogram Chart) The OSHA standards recognize 90 DB of noise for a normal working day. I believe this bill has some good facets. We would rather see a comprehensive plan to the program by educating people as to its importance, when and why they should wear ear plugs etc.

Swanson It seems to me we are dealing in two areas. Operators who have hearing hazard, and the nuisance hazard which probably has more pressure on a person mentally and physically.

Canterbury I'm speaking of physical damage. If you have the right education program it would help a lot. It's amazing how many people just don't realize that their hearing is going. They really take it for granted.

Parr Isn't there a certain amount of hearing loss with advanced age?

Canterbury Sure, progressive hearing loss exists in the elderly. What really disturbs me is the amount of hearing loss with teenagers.

Mr. Bridges Architect from Anchorage

The bill as proposed is a step in the right direction. We would hope that an architect be considered for the Advisory Council. The construction of buildings could be an important factor in adding the decibel range subject to individuals.

Chairman Sullivan recalled the meeting at 7:00 pm. to take up CSSB 28.

Rep. Ose was the only member not present for this meeting.

Chairman Sullivan asked Judge Stewart how he would interpret the proposed amendment.

Judge Stewart I'm not sure I know.

Hackney If that part were deleted, what would your interpretation be?

Stewart You have to make judgments on any issue like this by considering what is in the best interest of the minor. So, consider if this marriage was or evidence was to be in the best interest of the involved minor. An example of the evidence would be to bring in a psychiatric specialist to state that this is the case.

Chairman The competency and maturity of the minor, is this what you would judge your decision on?

Stewart Yes, that's what I had in mind when I used the phrase, best interest of the minor.

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Hackney Would a Judge call the parents?

Stewart Yes, the parents would certainly be able to come in and testify as to whether it would be good or bad.

Hackney Would the child need to have legal council?

Stewart Not necessarily, unless there is some question here about the Childrens Code.

Parr It seems that I don't understand why everyone in the family must be petitioned into court, why can't they meet informally in the judges chambers?

Stewart They must have records in the court unless you write statutes into the Childrens Laws (Title 47) to cover this.

Sullivan The whole subject here is concerned with section 3 and the amendment we have talked about, this is where the trouble will occur in courts?

Stewart Yes, what are extra ordinary circumstances?

Beirne Perhaps if we insert "in the best interests of the minor" this will comply with the childrens code.

Sullivan I think we should consider Judge Stewarts amendment: after the word "may" insert the words, "where it is in the best interest of the minor".  
Another amendment I'm interested in, would you say that there are many 12 and 13 year olds in this situation? I'm wondering about setting absolute doors to the age limit.

Stewart No, but then those cases wouldn't come my way.

Sullivan I've heard this is happening and I'm very concerned.

Stewart That might be so in cases of pregnancy.

Parr This was originally an equalizer bill.

Swanson I move for the passage of these two amendments (see attached)

Chairman So ordered.

Swanson I move and ask unanimous consent to pass bill out of committee as amended.

No Objection.

Meeting Adjourned

POSITION PAPER

ON

HOUSE BILL No. 113

An Act relating to noise pollution control.

House Bill No. 113 is intended to create a Noise Control Council within the Department of Environmental Conservation, with the purpose of assisting that Department in an advisory capacity in formulating regulations for the control of excessive environmental noise levels.

Excessive exposure to intense levels of noise does have a deleterious effect upon the health, safety, and welfare of the residents of Alaska. This specifically manifests itself as an irreversible hearing loss which first affects high frequency responses, and thereafter encroaches into the frequency range of sounds which are vital to human communication. Numerous research studies have documented the detrimental effects of high intensity noise.

Excessive noise exposure is a major hazard in certain work environments and in connection with some recreational activities. In addition to loss of hearing sensitivity, noise may provoke physical and mental distress; hinder or complicate performance capability, and disrupt relaxation and sleep. The potential cost of compensation for hearing loss due to industrial noise could be very large.

Alaskans are exposed to an inordinate amount of high intensity noise originating from snowmobiles, rifle fire, light aircraft, and motor boats. In a recent study of the hearing acuity of the entire population of new students from the BIA High School at Mt. Edgecumbe, approximately 13% showed some degree of auditory nerve damage. This is the type of hearing loss resultant from excessive exposure to loud noise. Hearing conservation programs established in many sections of the United States have successfully coped with this problem. The control of excessive noise need not be an expensive undertaking for the State. In most cases minor architectural change, public education, and ear protection are satisfactory to control the problem. To be maximally effective, a Noise Control Program should include the following components:

1. Evaluation of excessive noise levels.
2. Reduction of excessive noise levels at the source.
3. A hearing testing program.
4. Individualized ear protection against noise.
5. Health education with regard to the dangers of noise induced hearing loss.

The Communicative Disorders Program of the Department of Health and Social Services has an active program underway in the last three of the five listed. Through extension of responsibilities of the Communicative Disorders Program staff, it could function cooperatively with the Noise Control Council on service delivery aspects of all five components. The Communicative Disorders Program is the only program within the State of Alaska which has the expertise and the instrumentation necessary to perform the required technical service.

The Department suggests the following modifications to the bill:

- (1) At least 1 of the 13 members of the Noise Control Council should be an individual who is familiar with the intricacies of the measurement of noise.
- (2) Section 46.03.390 pertaining to noise levels of snowmobiles should be deleted along with other references to specific sources of noise pollution.
- (3) In accordance with the recommendations of the Comprehensive Health Advisory Council, that all new councils relating to the health services be incorporated as committees under the State-wide Health Coordinating Council, the Noise Control Council's responsibility should be as a committee under the State-wide Health Coordinating Council, and not in the Department of Environmental Conservation.

The Department supports the bill with changes recommended above.

Recommended By:

Frank P. Pauls  
Frank P. Pauls, Dr. P.H.

4/9/76  
Date

Approved By:

Francis S. L. Williamson  
Francis S. L. Williamson  
Commissioner

4-9-1976  
Date

HB113



**International Snowmobile Industry Association**

Washington, D.C. Headquarters  
1755 South Jefferson Davis Highway  
Arlington, Virginia 22202  
(703) 979-7600  
Telex: ISIA AGTN 89-9439

**February 12, 1975**

**The Honorable Susan Sullivan  
House of Representatives  
State of Alaska  
7330 Marge Court  
Anchorage, Alaska 99504**

**Dear Ms. Sullivan:**

I am enclosing a copy of a letter sent to the Honorable Helen Beirne relating to H. B. 113, which you co-sponsored. I believe the information contained therein may prove useful to you.

ISIA extends its offer of full cooperation and assistance to you on this and all other snowmobile-related matters.

**Sincerely,**

**Derrick A. Crandall  
Director, Government Affairs**

**DAC:kh  
Attachments**

Regional Office  
1440 St. Catherine Street West  
Room 1016  
Montreal, Quebec, Canada H3G 1R8  
(514) 871-9121

Regional Office  
2950 Metro Drive, Room 210  
Minneapolis, Minnesota 55420  
(612) 854-8005

February 11, 1975

The Honorable Helen Beirne  
Member, House of Representatives  
State of Alaska  
Box 4-BB  
Spennard, Alaska 99503

Dear Ms. Beirne:

We note with interest your introduction of House Bill 113, "An Act Relating to Noise Pollution Control." The new proposed section 46.03.390, establishing snowmobile noise limits, of course has great significance for the snowmobile industry.

We further note the changes incorporated into this legislation as compared with your H.B. 201 of last session. Despite the incorporation of the revised date for establishing a 73 dBA level, we continue to view portions of the proposed language as at variance with similar requirements in other states.

The prohibition on the sale or offering for sale is tied in virtually all other states with a date of manufacture. As an example, I cite legislative wording of the current Massachusetts law: (Mass. Laws, Chapter 90B, Section 24):

"No snow vehicle manufactured after July 1, 1972, shall be sold, offered for sale, or operated that produces a sound pressure level of more than 82 dBA. No snow machine manufactured after July 1, 1975, shall be sold, offered for sale, or operated that produces a sound pressure level of more than 78 dBA."

Otherwise, sale of used machines as well as machines held by dealers for sale would be in violation of the law according to our interpretation.

Massachusetts, and at least seven other states currently require that certification of compliance with this provision be

The Honorable Helen Beirne  
Page two  
February 11, 1975

established. Currently, several states are acting to further insure compliance through independent certification by a qualified testing laboratory. In this way, the sound level reduction necessary for the public welfare is achieved without imposing additional and substantial enforcement burdens upon the state. At this time, some 90% of the entire snowmobile production is voluntarily tested for compliance with a 78 dBA maximum sound emission, as tested under SAE J192(a) under a program administered by the Snowmobile Safety and Certification Committee, Inc.

Maine has already formalized this requirement by regulation. A copy of the provision is enclosed for your information and possible use.

Additional information on the aforementioned SSCC program is enclosed. We should be delighted to answer any inquiries on this matter and/or refer you to the appropriate parties involved.

Finally, I would make mention of recent actions commenced by the U. S. Environmental Protection Agency as mandated by the 1972 Noise Pollution Control Act. In light of the preemptive nature of EPA's forthcoming regulation, a large number of states have not specified sound level reductions beyond 1975, to 78 dBA. We would support the inclusion of the 78 dBA level with a recognition of imminent Federal requirements as an amendment to your proposed legislation.

If we may be of some further assistance to you, please feel free to call upon us at any time.

Sincerely,

M. B. Doyle  
President & Chief  
Executive Officer

Attachments

cc: The Honorable Susan Sullivan ✓

NOTICE OF RULEMAKING

Pursuant to Title 12 M.R.S.A. §1979 and after notice and hearing as required therein the following regulation is hereby adopted:

Regulation No. 4

Pursuant to the provisions of Title 12 M.R.S.A. §1972, Subsection 6, no snowmobile manufactured after February 1, 1975 may be sold or offered for sale by any manufacturer, distributor or dealer in the State of Maine unless such snowmobile is constructed so as to limit total vehicle noise to not more than 78 decibels of sound pressure at 50 feet on the A scale as measured by the SAE Standards J-192a and proof of compliance with the foregoing requirement in the form of either (i) an "SSCC" label conspicuously attached showing certification by the Snowmobile Safety Certification Committee, Inc. that such snowmobile meets the State's minimum noise standards or (ii) by a letter with test results submitted to the Commissioner of Inland Fisheries and Game showing an evaluation of the noise levels by a competent independent testing laboratory and showing or certifying that such snowmobile meets the State's minimum noise standards.



MAYNARD F. MARSH

Commissioner

Department of Inland  
Fisheries & Game

A True Copy. Attest:

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There are considerable differences of opinion as to how to define "objectionable" noise. Although sound levels can be measured, human psychological responses generally cannot. What may be annoying to one person will not necessarily be so for another. However, there is general agreement that noise exposures of over 90 db(A) for an eight-hour period will cause damage to the human ear, and one of the State and National Occupational Safety and Health Standards is established at this level. Other standards have been established at 115 db(A) for a 15-minute exposure, while the allowable instantaneous noise exposure limit is set at 140 db(A).

#### Federal Noise Control Act of 1972

Public Law 92-574, the Noise Control Act of 1972, focuses its regulatory thrusts at controlling noise at federal facilities, and at certain classes of "products distributed in commerce." The Act requires the Administrator of the U. S. Environmental Protection Agency to "...publish proposed regulations, meeting the requirements of subsection (c), for each product--(A) which is identified (or is part of a class identified) in any report published under section 5(b)(1) as a major source of noise, (B) for which, in his judgment, noise emission standards are feasible, and (C) which fall in one of the following categories: (i) Construction equipment. (ii) Transportation equipment (including recreational vehicles and related equipment.) (iii) Any motor or engine (including any equipment of which an engine or motor is an integral part). (iv) Electrical or electronic equipment." EPA released its first set of regulations for noise control on October 22, 1974. The regulations covered in-use interstate motor carriers. At the same time, EPA issued proposed noise standards for new medium and heavy duty trucks and portable air compressors. A copy of information materials which EPA issued regarding these regulations is attached for your review.

#### Comments on HB 113

The Department of Public Safety will present the bulk of the Administration's comments on HB 113. We would like to focus our comments on Section 46.03.440. The Department believes the establishment of a Noise Control Council is an excellent idea, but we suggest that the public members of the Council should be members of the Department's Environmental Advisory Board. There are nine members on the Board, including the Commissioner who serves as chairman. The public members of the Board represent a broad spectrum of interests and would undoubtedly do an excellent job.

We believe the duties of the Council in Section 46.03.450 are good and will be of great assistance in fulfilling legislative intent of the bill. However, we suggest that the word "department" be replaced by "Department of Public Safety" and "Department of Environmental Conservation."

The Honorable Susan Sullivan 3

February 25, 1975

The Department will have representatives present at the Committee hearing on HB 113 today. If the Department may be of any further assistance to you, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Ernst W. Mueller". The signature is written in a cursive style with a large, sweeping initial "E".

Ernst W. Mueller  
Commissioner

Enclosure

# STATE OF ALASKA

## DEPT. OF ENVIRONMENTAL CONSERVATION

JAY S. HAMMOND, Governor

POUCH 0-- JUNEAU 99801

February 25, 1975

The Honorable Susan Sullivan  
Chairperson  
Health, Education and Social  
Services Committee  
Alaska State House  
Pouch V  
Juneau, Alaska 99811

Dear Madame Chairperson:

The Department of Environmental Conservation has reviewed HB 113 relating to noise pollution control. We would like to present our comments on the bill, and present additional information which may be of use to the Committee in its deliberations. For ease of review, we shall present our comments in three categories: 1) background information regarding noise pollution, 2) information regarding the Federal Noise Control Act of 1972, and 3) specific comments on HB 113.

### Background Information On Noise Pollution

Noise pollution is frequently referred to as the "other pollution" and has been shown to be a hazard to public health if high decibel (db) levels are reached. The standard unit of measurement of noise is the decibel which is based on a logarithmic function of the noise energy. Therefore, a sound level of 90 decibels has ten times more energy than one of 80 decibels, or one hundred times more energy than one of 70 decibels. An increase of three decibels in measured sound levels represents a doubling of the sound energy. A sound level of 110 decibels is 50 decibels higher than normal conversation levels, but the energy of the 110 decibels noise is 1,000,000 times greater than that of conversation sound levels. Because sound energy is transmitted in a wide range of frequencies and the human ear reacts differently to these frequencies, a "weighting" scale (A) typically is used to describe decibel levels.

## SUMMARY OF THE INTERSTATE MOTOR CARRIER NOISE STANDARDS

Applicability: These regulations apply to motor vehicles over 10,000 pounds GVWR engaged by motor carriers in interstate commerce.

Pass-by Performance Standards: No motor vehicle shall exceed 86 dB (A) at 50 feet at speeds under 35 mph. No motor vehicle shall exceed 90 dB (A) at 25 feet at speeds over 35 mph.

Stationary Run-up Test Standard: No motor vehicle powered by an engine with a governor shall generate more than 83 dB (A) at 50 feet when accelerated from idle to wide open throttle with the transmission in neutral.

Visual Exhaust System Inspection: No motor vehicle shall be operated that is not equipped with an exhaust system that is in constant operation and properly maintained.

Visual Tire Inspection: No motor vehicle shall be operated on tires having a tread pattern composed primarily of cavities that are not vented to the shoulder of the tire (pocket tread tires) unless such tires can be shown to comply with the performance standard.

## FINAL NOISE EMISSION REGULATIONS FOR INTERSTATE MOTOR CARRIERS

The Environmental Protection Agency has announced the issuance of regulations for the control of noise emissions from vehicles operated by interstate motor carriers. The proposed regulations were published in the Federal Register on July 27, 1973, as required under Section 18 of the Noise Control Act of 1972. Final regulations will be published in the Federal Register within the next few days. This is the first final standard-setting action by the Agency under authority of the Act.

The new standards, which apply to all vehicles over 10,000 lb. gross vehicle-weight rating or gross combination weight rating by interstate motor carriers, take into account the best available noise reduction technology and the cost of compliance within the one-year time period for conformance with the standard by interstate carriers.

This regulation is the first significant Federal step in a series of actions to reduce highway noise. This standard, applicable to in-use vehicles operated by interstate carriers, will have an impact within one year on reducing highway traffic noise. In conjunction with the more stringent new medium and heavy-duty truck noise control regulations just proposed by the Agency (see fact sheet on Noise Emission Standards Proposed for New Trucks), further traffic noise reduction will be accomplished in a systematic time phased manner to permit application of available technology while keeping the costs to meet the standards as low as reasonably possible.

The standards are expressed in A-weighted decibels. A decibel is a numerical expression of the relative magnitude of sound. "A-weighting" is a method of numerical adjustment to reflect impact of noise on the range of human hearing.

As new control retrofit technology is developed and can be applied at reasonable cost, the interstate motor carrier regulations will be revised accordingly. Further revision of

State and local jurisdictions may not adopt or enforce noise control regulations of the noise sources covered by this interstate motor carrier regulation unless such State or local regulations are identical to the Federal regulations. Federal preemption for interstate motor carrier noise control regulations (Section 18 of the NCA, 1972) is significantly different from the preemptive Federal authority for newly manufactured trucks (Section 15 of the NCA, 1972) which leaves to State and local jurisdictions the authority to establish and enforce controls on levels of noise emissions resulting from the operations of such new trucks. However, States and localities are strongly urged to adopt regulations applicable to interstate motor carriers that are identical to the Federal standards and to participate, through their enforcement capabilities, in achieving an effective nationwide enforcement program. It is recognized, however, that in some areas standards or controls on levels of environmental noise, or on the operation or movement of any motor vehicle to which these regulations are applicable may be necessary or desirable based on special local conditions, as long as such action is determined not to be in conflict with the Federal regulations. In these cases, application shall be made to the Administrator for such determination. The procedures for applying for such determination will be published in the Federal Register within the next four months.

#### ENFORCEMENT

Under the law, the Secretary of Transportation, after consulting with the Administrator of EPA, is responsible for assuring compliance with these standards. State and local jurisdictions employing identical standards, are encouraged to act as independent enforcement agencies.

NOVEMBER 1974

## PROPOSED NOISE EMISSION STANDARDS FOR NEW MEDIUM AND HEAVY TRUCKS

The Environmental Protection Agency proposes to establish a regulation limiting noise emission from newly manufactured medium and heavy trucks. Notice of the proposed rule making will appear in the Federal Register within the next few days.

### BACKGROUND

The Congress passed the Noise Control Act in 1972 as a result of their findings that (1) inadequately controlled noise presents a growing danger to the health and welfare of the Nation's population; (2) the major sources of noise fall into four categories of which construction equipment, transportation equipment, and aircraft are the most significant; and (3) while primary responsibility for the control of noise rests with State and local governments, certain major sources in commerce require national uniformity of treatment and therefore Federal action is essential.

Under the provision of the Act, the EPA is to identify the major sources of noise and issue regulations designed to reduce and limit such noise. The EPA has identified new medium and heavy trucks as major sources of noise in the transportation equipment category.

### THE STANDARDS

The proposed regulation would require that new medium and heavy truck noise emissions not exceed, when measured at a distance of 50 feet (15.24 meters) from the center line of the test track, the following for the vehicle model-years shown:

<u>Date</u> <u>(Model Year)</u>	<u>Low Speed,</u> <u>High Acceleration Test</u>
1977 thru 1980	83 dB(A)
1981 thru 1982	80 dB(A)
1983 and subsequent	75 dB(A)

In arriving at the standard, the Agency considered the degree of noise reduction that could be achieved by using the best available technology, as well as the cost of compliance and the benefits that would accrue to the public health and welfare.

### ECONOMIC IMPACT

The 1972 population of medium-and heavy-duty trucks to which the proposed regulations are applicable is estimated to be about 3.5 million vehicles, of which approximately 65 percent are gasoline powered and 35 percent diesel. Based on current trends, this population is estimated to increase to about 5.5 million in 1990 with a greater portion of diesel powered trucks being present.

The approximate increased retail price of a truck to which the regulations are applicable over 1973 prices, to achieve the various noise levels, are:

<u>Noise Level</u>	<u>Medium &amp; Heavy-Duty Gasoline Trucks</u>	<u>Medium-Duty Diesel Trucks</u>	<u>Heavy-Duty Diesel Trucks</u>
83 dB(A)	\$ 0	\$105	\$195
80 dB(A)	\$125	\$265	\$490
75 dB(A)	\$300	\$1120	\$1130

The individual prices increase as the allowed level is lowered due to the increase in complexity of noise reduction treatment required.

The above figures correspond to the following estimated percentage increases in average truck prices:

<u>Noise Level</u>	<u>Medium-Duty Gasoline Trucks</u>	<u>Heavy-Duty Diesel Trucks</u>
83 dB(A)	0%	0.8%
80 dB(A)	2.2%	1.9%
75 dB(A)	5.2%	4.5%

Based on 1973 technology, the first year increased capital costs for user/truck purchasing industries are estimated to be \$34 million in 1977 for 83 dB(A), \$132 million in 1981 for 80 dB(A) and \$318 million in 1983 for 75 dB(A). The costs actually incurred in 1983 are expected, in fact, to be less than those cited here as it is fully anticipated that technology of noise control will advance substantially over the ten year period before the 75 dB(A) standard becomes effective.

Annual costs to users (incremental depreciation, cost of capital, and operating expenses) have been estimated as \$11.3 million in the first full year in which the regulations take effect. For several ensuing years the projected annual costs, excluding current year production, are:

1980	-	\$ 26 million
1985	-	\$ 427 million
1990	-	\$1,183 million

Costs increase as the allowable level is lowered and as noisy trucks are increasingly phased out of the total truck population on the streets and highways. The 1990 value is clearly a worst case estimate. It assumes no cost reduction whatsoever due to improved technology beyond 1978. Also, the truck population is assumed to increase by approximately 50 percent even with a reduction in forecast sales volume associated with price increases due to regulation. In addition it does not take into account significant fuel savings generated by improved cooling systems which are necessary for achieving regulated levels. These savings are expected to be as much as 10 percent per gallon per year under 1985 base on 1978 population. The actual costs anticipated in order to meet the standards by the year 1990 are expected to be substantially lower than those cited above.

Various economic impact considerations were assessed to evaluate potential price and operating costs resulting from the proposed standard. Upper bound cost values were used to provide worst case estimates. The following economic impacts are envisioned:

1. Because of the basically strong position of the truck manufacturing industry, the volume changes brought about by noise control regulations will have little overall impact on most firms.

2. The impact of noise abatement upon all classes of truck users (i.e., line haul, contract, and private) will be very small, since the cost of noise abatement represents an increase of less than 1 percent in the annual cost of owning and operating a large diesel truck.

#### HEALTH & WELFARE IMPACT

It is anticipated that the implementation of a 75 dB(A) not to exceed standard, will reduce noise from new medium and heavy trucks to a point where it will no longer be a substantial

cause of annoyance to the population. Some time will be required for the older (noisier) trucks now in use to be retired and replaced by new quiet trucks, but after this occurs an estimated 35 million people who are directly and continually impacted by the noise from such trucks, will have the benefit of significant noise reduction in their environment. The benefits will accrue, however, to all Americans who experience annoyance from the noise from such vehicles.

#### ENFORCEMENT

Enforcement by EPA will include product verification testing, warranty labeling requirements, selective enforcement auditing procedures, and anti-tampering requirements.

#### PREEMPTION

No State or political subdivision thereof may adopt or enforce any regulation or standard for noise emissions from newly manufactured medium and heavy trucks which is not identical to the Federal regulation. However, States or their political subdivisions are not precluded from nor denied the right to establish and enforce controls of environmental noise through the licensing, regulation, or restriction of use, operation, or movement of newly manufactured medium heavy trucks under this proposed regulation.

NOVEMBER 1974

## PROPOSED NOISE EMISSION STANDARDS FOR PORTABLE AIR COMPRESSORS

The Environmental Protection Agency proposes to establish a regulation limiting noise emission from newly-manufactured portable air compressors. Notice of the proposed rule making will appear in the Federal Register within the next few days.

The Congress passed the Noise Control Act in 1972 as a result of their findings that (1) inadequately controlled noise presents a growing danger to the health and welfare of the Nation's population; (2) the major sources of noise fall into four categories of which construction equipment, transportation equipment, engines or motors and electric or electronic equipment are the headings; and (3) while primary responsibility for the control of noise rests with State and local governments, certain major sources in commerce require national uniformity of treatment and therefore Federal action is necessary.

Under the provisions of the Act, the EPA is to identify the major sources of noise and issue regulations designed to reduce and limit such noise. The EPA has identified portable air compressors with a rated output above 75 cubic feet per minute as a major source of noise.

### THE STANDARDS

The proposed regulation would require that, effective one year after the date of promulgation of the final notice of rule-making, newly manufactured portable air compressors introduced in commerce shall not exceed an average sound level of 76 dB(A) when measured at a distance of seven meters (23 feet) from surfaces of the compressor. In arriving at the standard, the Agency considered the degree of noise reduction that could be achieved by using the best available technology, as well as the cost of compliance and the benefits that would accrue to the public health and welfare.

### IMPACT

The portable air compressor is one of twenty typical major pieces of construction equipment that contribute to construction site noise.

The regulation is expected to eliminate the portable air compressor as a major source of noise, particularly, as a major source of construction site noise. This will occur in time as the current population of portable air compressors is replaced by newly manufactured units complying with the proposed regulation.

Compliance with the proposed standard will benefit 11 percent of the population impacted to the point of extreme annoyance by construction site noise. When considered in conjunction with proposed standards for new medium and heavy trucks, which also contribute to construction site noise, the population impacted by construction site noise will decrease by 45 percent.

The total first year capital cost increase to manufacture compressors that comply with the regulation is not expected to exceed \$21 million.

Enforcement by EPA will include product verification testing, warranty labeling requirements, selective enforcement auditing procedures, and anti-tampering requirements.

#### PREEMPTION

No State or political subdivision thereof may adopt or enforce any law or regulation that sets a limit on noise emissions from newly manufactured portable air compressors which is not identical to the Federal regulation. However, States or their political subdivisions are not precluded from nor denied the right to establish and enforce controls of environmental noise through the licensing, regulation, or restriction of use, operation, or movement of portable air compressors or combination of products which includes portable air compressors.

NOVEMBER 1974

GREATER ANCHORAGE AREA BOROUGH

3330 C STREET.  
ANCHORAGE, ALASKA 99503

DEPARTMENT OF ENVIRONMENTAL QUALITY  
274-4561



VR - for your info.  
RTN TO TH when done.  
HB 113

February 19, 1975

Mr. Tom Hanna  
Alaska Department of  
Environmental Conservation  
Pouch 0  
Juneau, Alaska 99801

Subject: NOISE ORDINANCE

Reference: FILE NUMBER 6-11-2

Dear Tom,

The major problem that we are experiencing with this regulation is that of not being able to enforce the provisions of the regulation. The first glaring error is in the area where the ambient of community noise levels are determined. If the current noise level is above that of the ordinance, the higher level is the standard for that area. Therefore, the increase in traffic and population will eventually raise the noise in the area to a level which no one can tolerate, and we have no means to prevent this rise. The major purpose of the ordinance, in my opinion, is to show for the record, that the Greater Anchorage Area Borough is in favor of noise control, but is unwilling to do anything that will infringe upon the right of the individual in protecting his right to a quiet environment.

At the present time, the Legal Department is working on a new ordinance for submission to the Borough Assembly. The new ordinance will be based on the Lakewood, Colorado ordinance and adapted to the peculiarities of Alaska and Anchorage.

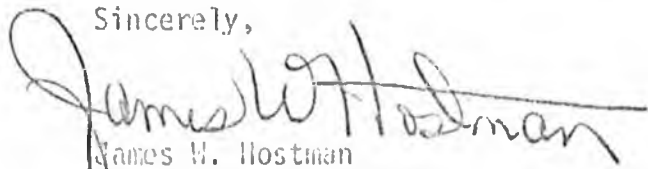
If a vehicle noise statute is on the drawing board for the State, what specific provisions for enforcement will be installed? Will snowmobiles, trail bikes, etc. be included? A mandatory state vehicle inspection

Tom Hanna  
February 19, 1975  
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would be a good idea. The expiration date of the inspection could be staggered throughout the year so that no one month of the year had the full burden. If the State Troopers have to enforce the ordinance, where will they get the expertise for monitoring and measuring? One thing is necessary for proper enforcement, that is a clear definition of the terms used in the regulation/statute. There must be no ambiguity on what is meant by the terms of the law.

Good luck in trying to keep the peace all over Alaska.

Sincerely,



James W. Hostman  
Environmental Engineer

JH:pob

Enclosure