

**ENVIRONMENTAL PROTECTION
AGENCY**
40 CFR Part 205
IL 1931-2)
**Noise Emission Standards: Medium
and Heavy Trucks—Truck-Mounted
Solid Waste Compactors**
**AGENCY: Environmental Protection
Agency (EPA).**
**ACTION: Deferral of effective dates;
Final rule.**

SUMMARY: The U.S. Environmental Protection Agency (EPA) hereby defers the effective date for the noise emission standard of 80 decibels (dB) for medium and heavy trucks from January 1, 1983 to January 1, 1984. This action is being taken after consideration of comments and new technical information that were received by the Agency in response to two Federal Register notices: One dated January 27, 1981 (46 FR 8497) which deferred the original effective date from January 1, 1982 to January 1, 1983 in response to requests for near-term economic relief from truck manufacturers and users; and the second notice of March 19, 1981 (46 FR 17558) which solicited public comment as to whether the Agency should consider withdrawal of the 80 dB standard.

The Noise Control Act of 1972 requires that the Administrator of EPA set limits on the noise emissions of new products distributed in commerce, that are requisite to protect public health and welfare, taking into account the use of the product (alone or in combination with other products), the degree of noise reduction achievable with best available technology, and the costs of compliance.

In consideration of the present economic state of the truck industry and the potential interrelationship of design changes that may be required to meet the 80 dB standard with technological innovations now being considered to reduce exhaust emissions and improve fuel economy, the Administrator has concluded that an additional three-year deferral of the 80 dB standard for medium and heavy trucks to 1984 is appropriate. Thus, the purpose of this deferral is twofold: First, to provide near-term economic relief to the truck industry by allowing them to temporarily divert those resources that would otherwise be used to comply with the 80 dB standard to help meet

near-term economic recovery and second, to permit manufacturers to align and economize the design requirements attendant to the 80 dB standard with improved fuel economy designs and Federal air

emissions standard is anticipated in the 1988 timeframe.

This action is expected to introduce only a small loss in near-term health and welfare benefits due to the delayed entry into the fleet of trucks quieted below the current Federal regulatory level of 83 dB. This deferral should have no adverse effects on the total benefits anticipated in the out-years.

Because the Federal noise emission standard for truck-mounted solid waste compactors is closely related to the noise level of medium and heavy truck chassis, the effective date for the 78 dB compactor standard is also being deferred by this notice, from July 1, 1983 to July 1, 1984.

EFFECTIVE DATES: All medium and heavy trucks manufactured after January 1, 1984 must not emit a noise level (A-weighted) in excess of 80 dB when measured as prescribed in 40 CFR Part 205, Subpart B, Noise Emission Standards for Medium and Heavy Trucks (41 FR 15538).

All truck-mounted solid waste compactors manufactured after July 1, 1984 must not emit a noise level (A-weighted) in excess of 78 dB when measured as prescribed in 40 CFR Part 205, Subpart F, Noise Emission Standards for Truck-Mounted Solid Waste Compactors (44 FR 58524).

These amendments take effect on or before March 19, 1982.

ADDRESSES: Copies of the public docket (ONAC Docket 81-02—Medium and Heavy Trucks); the Agency's analysis of the comments to the Docket; the Agency report entitled, "Updated Analysis of the Benefits and Costs of the 80 dB Noise Emission Regulation for Medium and Heavy Trucks;" related correspondence; and other documents supporting these amendments are available for public inspection between the hours of 8:00 a.m. and 4:00 p.m. at the Central Docket Section of the Environmental Protection Agency, West Tower, Gallery 1, 401 M Street SW., Washington, D.C. 20460. As provided in 40 CFR Part 2, a reasonable-fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT: Timothy M. Barry, Program Manager, Standards and Regulations Division, (ANR-190), U.S. Environmental Protection Agency, Washington, D.C. 20460; or phone (703) 557-2710.

SUPPLEMENTARY INFORMATION:
1. Background

EPA published noise emission regulations for newly manufactured medium and heavy trucks on April 13, 1978 (41 FR 15538). The regulations required that trucks having a gross

vehicle weight rating (GVWR) greater than 10,000 pounds and manufactured after January 1, 1978 meet a not-to-exceed noise level of 83 dB when measured in accordance with the specified test procedure. Trucks manufactured after January 1, 1982 were required to meet a not-to-exceed noise level of 80 dB.

In response to petitions for reconsideration of the 80 dB standard which were submitted by International Harvester Company and Mack Trucks, Incorporated, the Agency on January 19, 1981 (published in the Federal Register on January 27, 1981 (46 FR 8497)) deferred the effective date of the 80 dB noise emission standard for medium and heavy trucks one year, from January 1, 1982 to January 1, 1983. The notice further stated that because the 78 dB noise emission standard for truck-mounted solid waste compactors is related to the availability of 80 dB truck chassis, the effective date of that standard was also being deferred one year, from July 1, 1982 to July 1, 1983.

The Agency believed that this action would provide adequate temporary economic relief to the truck manufacturing industry by freeing resources that would otherwise be expended in 1981 to bring their medium and heavy trucks into compliance with the 1982, 80 dB regulation.

The Agency anticipated that some parties affected by the 80 dB standard might consider the one-year deferral either too long or too short. To ensure maximum consideration of both industry and public concerns, the deferral notice also established a 90-day public comment period and specifically invited comment and new information on whether a further deferral of the 80 dB standard, beyond one year, might be warranted. On March 19, 1981 the Agency issued a second Federal Register notice (46 FR 17558) that requested public comment on whether or not the Agency should consider withdrawing the 80 dB standard for medium and heavy trucks. The public docket (ONAC Docket 81-02—Medium and Heavy Trucks) for both notices closed on April 24, 1981.

II. Discussion

Analysis of the comments and new technical and cost information received in response to the Agency's January 27, and March 19, 1981 Federal Register notices revealed no new substantive issues from those previously addressed in detail in the January 27, Federal Register notice (46 FR 8497) that effected the one-year deferral. The Agency's analysis and responses to these

7-96-01
III-A-32

comments is available for public inspection in the public docket of this rulemaking (see "Addresses").

In their comments submitted to EPA, the truck industry requested that the Administrator rescind the 80 dB standard or at least defer the standard until such time that the Agency has had an opportunity to fully re-evaluate its benefits and costs. The truck industry, however, supported retention of the current Federal 83 dB noise standard, citing its environmental benefits and the re-emption it affords truck manufacturers over non-identical State and local rules.

On the other hand, comments received from six State and three local governments requested the Agency not withdraw the 80 dB standard. One State cited the potential adverse economic effects on its noise barrier program should the 80 dB rule be rescinded. Two States recommended that, in the event EPA decides to withdraw the 80 dB standard, it should rescind the truck regulation in its entirety, thereby removing the present 83 dB standard, along with its prohibition of State and local rules, leaving the control of these products totally to State and local governments. Seven truck manufacturers submitted cost and pricing data that reflect a recent assessment of possible increases to meet the 80 dB noise standard in 1983. In addition, EPA also reviewed comprehensive quieting, maintenance and repair cost data that recently emerged from its on-going Quiet Truck Demonstration Program. Using these new data into consideration, the Agency updated its economic assessment of the 80 dB truck standard. The revised quieting costs show that, on the average, the 80 dB standard can be expected to increase the price of a new truck by approximately \$279, which represents an increase of about one percent in the average price of a new truck. Further, the 80 dB standard may also be expected to increase the average annual operating costs by about 0.07 percent or about \$43 per truck per year. The revised cost and pricing information that the industry provided to the Agency revealed a reduction in estimated compliance costs compared to previous estimates. However, the Noise Control Act of 1972 requires the Administrator to take costs of compliance into consideration in setting noise standards. Based on the cost data, EPA has estimated that a near-term capital cost of approximately \$40 million will be required of truck manufacturers to comply with the 80 dB standard. In

light of the present economic state of the industry, this diversion of resources could impose an economic burden on the truck industry during a time when the industry is focusing its attention on recovery and endeavoring to effect an upturn in its markets.

Further, several manufacturers requested that any deferral of the effective date of the 80 dB standard take cognizance of the anticipated effective dates of future Federal air emissions standards for total suspended particulates and nitrous oxides. These manufacturers stated that coordination of the effective dates for the noise and anticipated future air standards would allow truck manufacturers to effect designs that would meet the needs of both standards at the same time, thus resulting in potentially significant reductions in design and engineering costs.

The Agency has given careful consideration to the concerns of State and local governments who believe that extended deferrals of the effective date or withdrawal of the 80 dB standard would deprive their citizens of the protection they had anticipated through their adoption of complementary regulations which contain the initial 1983 80 dB Federal standard. Based on projected new truck sales and the low turnover rate for the Nation's truck fleet, the Agency believes that the incremental benefits expected to be provided by the 80 dB standard during its first three years, while not insignificant, are sufficiently small so that a short delay of these initial benefits would not deprive the public of anticipated long-term health and welfare benefits.

In reassessing the 80 dB standard, the Administrator has also given consideration to the fact that the Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978, is currently undergoing revision by the Congress. Consequently, the future of the Federal noise regulatory program and the medium and heavy truck noise emission regulation, in particular, is uncertain.

III. Conclusion

The Administrator has concluded that the one-year deferral of the 80 dB medium and heavy truck noise emission standard that was issued on January 19, 1981 will not provide adequate time to the truck industry to effect a reasonable level of economic recovery, or to integrate, in a cost-effective manner, further noise reduction requirements with new air emission and fuel economy designs and engineering. Therefore, the Administrator is deferring, for an

additional three years, the effective date of this standard, from January 1, 1983 to January 1, 1986.

Based on comments and information received by the Agency, and the length of this deferral, the Administrator believes it unnecessary to decide at this time whether the 80 dB noise emission standard should be withdrawn.

This action is expected to save truck manufacturers up to \$10 million in interest charges or opportunity costs as a result of deferring inventory and capital equipment investments of approximately \$40 million. This deferral should also result in an improved near-term cash flow position for manufacturers.

For truck users, EPA estimates a potential near-term savings of approximately \$374 million since users will not incur the increased purchase price and operating costs associated with the 80 dB standard for an additional three years.

In summary, this additional three-year deferral is expected to produce several near-term effects: Ensure that the trucking industry and the public will not incur noise regulatory costs that may become unnecessary as a result of Congressional revisions to the Act; provide cash-flow relief and a significant cost savings to both truck manufacturers and purchasers as a result of deferred investments and avoided increased costs; provide the industry with time to align, and thus economize, the design requirements attendant to the 80 dB noise standard, Federal air emissions requirements anticipated in the 1986 timeframe, and customer demands for improved fuel economy; and introduce a small loss of anticipated near-term health and welfare benefits due to the delayed entry of vehicles quieted below the current 83 dB Federal standard, into the fleet.

Because the 78 dB noise emission standard for truck-mounted solid waste compactors is dependent, in large part, on the availability of truck chassis that meet the 80 dB standard, the Agency is also deferring, for an additional three years, the effective date of the compactor standard from July 1, 1983 to July 1, 1986.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This deferral of the effective date for the 80 dB standard is intended to provide regulatory relief. Consequently, it is not judged "major" because:

(1) The deferral will not have an annual adverse effect on the economy of \$100 million or more;

(2) It will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and

(3) It will not cause significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The amendment was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291 and received its concurrence on September 14, 1981.

Under the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, I hereby certify that this action will not have a significant economic impact on a substantial number of small entities. These amendments are intended to ease manufacturer compliance with the noise emission standards for the affected products and thus should reduce any adverse economic effects on these industries.

These amendments are issued under the authority of Section 6 of the Noise Control Act, 42 U.S.C. 4905.

Dated: February 6, 1982.

Anne M. Gorsuch,
Administrator.

PART 205—TRANSPORTATION EQUIPMENT NOISE EMISSION CONTROLS

For the reasons set forth in the Preamble, the noise emission standards for medium and heavy trucks and truck-mounted solid waste compactors are amended as follows:

§ 205.52 (Amended)

1. 40 CFR Part 205, Subpart B, is amended by removing the word "1983" and inserting in its place, the word "1986" in § 205.52(a).

§ 205.202 (Amended)

2. 40 CFR Part 205, Subpart F, is amended by removing the word "1983" and inserting in its place, the word "1986" in § 205.202(a).

(Sec. 6, Pub. L. 92-574, 80 Stat. 1237 (42 U.S.C. 4905))

Doc. 82-4122 Filed 2-19-82 2:41 am
LPA CODE 4160-77-4