

## AVIATION NOISE LAW

### Loss of the U.S. EPA's Office of Noise Abatement and Control

The U.S. Environmental Protection Agency created the Office of Noise Abatement and Control (ONAC) following enactment of the Noise Control Act of 1972 (codified in [49 United States Code 4901 - 4918](#)). In 1981 Congress agreed to the Reagan Administration's proposal to cease funding for ONAC. Congress, however, did not repeal the Noise Control Act when it eliminated ONAC's funding.

Before its elimination, ONAC engaged in a wide variety of activities to abate noise pollution under authority of the Noise Control Act and, after 1978, the Quiet Communities Act.\* These included identifying sources of noise for regulation, promulgating noise emission standards, coordinating federal noise research and noise abatement, working with industry and international, state and local regulators to develop consensus standards, disseminating information and educational materials, and sponsoring research concerning the effects of noise and the methods by which it can be abated. The Quiet Communities Act of 1978 authorized the EPA to provide grants to state and local governments for noise abatement.

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\* The Quiet Communities Act of 1978 (Public Law 95-609) amended portions of the 1972 Noise Control Act to require coordination between federal agencies on noise control. It was intended to speed up FAA response to noise regulations proposed by the EPA and requires the FAA to provide the public with a detailed analysis of EPA proposals.

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The EPA ceased most noise abatement activities after ONAC's funding was eliminated. The EPA does, however, use minimal resources for limited enforcement of existing noise regulations, disseminating information created during ONAC's existence, and commenting on environmental impact statements issued by the Federal Aviation Administration concerning airport noise. Responsibility for the enforcement of EPA's railroad and motor carrier emission standards was shifted to the Department of Transportation, which has funding for this purpose. The Transportation Department, however, does not have authority to promulgate new or amended emission standards different from those adopted by EPA.

Since funds for ONAC were eliminated existing federal noise emission and labeling standards have not been subjected to critical evaluation for a decade, despite the evolution of relevant science and technology and a better understanding of the effects of noise on people. The EPA has been unable to provide technical assistance to state and local governments or to participate in private standard-setting efforts. State and local governments have been preempted from adopting their own noise emission and labeling standards that differ from EPA standards for sources or products that EPA has regulated. Noise abatement programs run by states and localities have declined significantly, and some private rights to bring tort actions under common law may be affected by possibly outmoded EPA emission and labeling standards.

In addition, the reduction in the level of coordination between the United States and foreign government agencies concerning noise abatement standards and regulations has a potential impact on U.S. international trade.

Finally, it appears that the problem of environmental noise is just as great, or possibly greater, than it was when ONAC was defunded.

A bill to restore funding for ONAC has been repeatedly introduced in the Congress beginning in 1997. The latest bill is the [Quiet Communities Act of 2003](#). Also see:

[The Defunding of the EPA's Office of Noise Abatement and Control](#)" by Sidney Shapiro.

[A Voice to End the Government's Silence on Noise](#) by Arline Bronzaft, *Hearing Rehabilitation Quarterly*, Vol. 23, No. 1, 1998.