

Mr. Joe Goffman  
Acting Assistant Administrator  
for Air and Radiation  
Environmental Protection Agency  
Washington, DC 20460

January 13, 2022

Dear Mr. Goffman,

Today, hundreds of communities around the country are struggling, without Federal support, to confront the public health problem of noise. Our small organization is trying to provide scientific support to these efforts, but we can barely scratch the surface of the kind of help these communities need that was previously provided by EPA's Noise Program.

- **We are asking for your help to correct this situation.**

We are writing to you specifically because, until it was de-funded, EPA's Noise Program was a key component of the Office of Air, Noise, and Radiation. Last fall we met with some of your staff about this situation and our 2017 petition,<sup>1</sup> and have now developed a specific proposal that we discuss in this letter.

Noise is not simply a "nuisance" or "annoyance" as some believe but a serious public health risk – not only to hearing but to cardiovascular, metabolic, neurological and psychiatric health, and well as children's learning.<sup>2</sup> In addition, several national studies show that environmental justice (EJ) communities bear the brunt of the noise burden – pre-disposing them to poorer health and learning outcomes.<sup>3</sup> Addressing noise now is especially important given that major infrastructure projects -- funded by the **Infrastructure and Jobs Act** -- are likely to impact EJ communities the hardest.

The Noise Program was not de-funded in 1981 because it was failing to deliver results. Quite the contrary. It was shut down for political reasons because it was delivering results. A businessman in Michigan became angry when the equipment he manufactured was regulated by the Noise Program. Unfortunately for the Program, he was a constituent of Congressman David Stockman. When Ronald Reagan appointed David Stockman as Director of the Office of Management and Budget, it took Mr. Stockman only a few days before he told EPA to shut the Noise Program down in a directive that he said could not be appealed by the Agency.

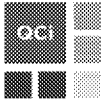
The Agency has complied with Mr. Stockman's directive for the past 40+ years, but the current public health and environmental justice needs in our communities present a strong reason for the Biden Administration to correct this situation by re-funding the Program under the authorization that remains in the Act.

The Noise Control Act of 1972, which was not rescinded and therefore is still the law of the land, is similar in strength and scope to the other core EPA environmental laws which Congress enacted in the 1970's. The Act contains a number of non-discretionary mandatory requirements for EPA action which,

<sup>1</sup> [Petition to the US EPA, Quiet Communities, 2017](#)

<sup>2</sup> [Noise as a Public Health Hazard](#), American Public Health Association, 2021.

<sup>3</sup> Casey JA et al. *Environ Health Perspect* 2016;125. Collins TW et al. *Environ Res.* 2019;175:257-265. Collins TW et al. *Journal of Transport Geography* 2020; 82:102604.



if addressed again as they were when the Program was shut down, would lead to major improvements in public health. Key EPA noise regulations are still on the books. Major companies that are currently subject to these 1980-era noise regulations are now forced to compete with other companies that cheat because they know that EPA has stopped enforcing them. This is not fair for companies that are trying to do the right thing.

We are lucky to be working with a former Director of the Noise Program, Chuck Elkins. He brought to our attention that in 1980, on the 10<sup>th</sup> anniversary of the Noise Program's creation (originally under Title IV of the Clean Air Act of 1970), the Agency published *The Noise Control Program to Date—1980*.<sup>4</sup> This report summarizes all the regulations, publications, and program achievements during the Program's existence. It provides a very useful primer for re-establishing the Noise Program which, at its peak employed 107 full-time staff and had a budget of \$11.9 million (\$37 million in 2022 dollars).

Using that 1980 Report as a guide, we have worked with Mr. Elkins to develop the attached proposed budget for the first-year of a re-funded program. The proposal advances several goals of EPA's current strategic plan and calls for:

1. Financial and technical support to community noise efforts,
2. Enforcing the current regulations, and
3. Updating the key technical documents on health effects, monitoring and control information and model ordinances—documents designed to undergird the national effort on noise.

**We ask you to consider funding this proposal in the Agency's FY2024 budget.**

We would like to arrange a Zoom meeting with you and your staff to go over this proposed budget and discuss how it could enable the Agency to begin to tackle the Agency's long-neglected Congressional noise control mandates that would begin to address the environmental justice problems and assistance needs of communities all across this country. We will be in touch with your office soon to arrange a mutually convenient time for this discussion.

Sincerely,

Jamie Banks, PhD, MSc, Founder and President,  
Quiet Communities Inc

Arline Bronzaft, PhD, Board of Directors, GrowNYC;  
Professor Emerita, City University of New York

Chuck Elkins, JD, Former Director, Noise Control  
Program, US EPA

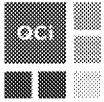
Joel Mintz, JD, Professor Emeritus of Law and C.  
William Trout Senior Fellow in Public Interest Law

Rick Reibstein, JD, Lecturer, Boston University,  
Harvard Continuing Education; Board of Directors,  
National Pollution Prevention Roundtable

Sidney Shapiro, JD, Frank U. Fletcher Chair in  
Administrative Law, Wake Forest Law School

David M Sykes, MA, Boston University and  
Rensselaer Polytechnic Institute, Professor (retired)

<sup>4</sup> US EPA. *The Noise Control Program to Date—1980*.



## Proposed Initiative and Budget to Re-fund the Noise Control Act of 1972

**Introduction:** This is a proposal to the Office of Air and Radiation and to EPA to re-fund the Noise Control Act of 1972 (including the Quiet Communities Act of 1978). This Act was de-funded for non-programmatic reasons at the beginning of the Reagan Administration and has never been re-funded in the 40 years since. Yet the Act is still in force, contains non-discretionary mandates for the Agency, and regulations promulgated before the Act's de-funding are going un-enforced. Noise damages public health with the preponderance of this damage occurring in disadvantaged communities raising environmental justice issues that the Agency should no longer ignore.

**Advancing of EPA's 2022-2026 Strategic Plan:** This proposal advances the following goals of EPA's Strategic Plan:

- Take Decisive Action to Advance Environmental Justice and Civil Rights
- Enforce Environmental Laws and Ensure Compliance
- Ensure Clean and Healthy Air for All Communities<sup>5</sup>

**The Noise Control Act:** The Act contains a comprehensive set of responsibilities including the regulation and enforcement of noise-emitting products in interstate commerce, providing grants to communities for noise control, carrying out technical studies and providing technical assistance in monitoring and local control ordinances. At the time of its de-funding, the Agency's noise budget was at \$12 million (\$37 million in today's dollars) and 100 FTE, of which 10 were in the regions.

**Public Health Benefits:** Abating and controlling noise will reduce risks of hearing damage, cardiovascular disease, metabolic disease, psychological disorders, and will improve children's learning, work productivity, and quality of life. For example, lowering environmental noise just five decibels is estimated to reduce the prevalence of hypertension by 1.4% and of coronary heart disease by 1.8%, resulting in medical cost savings of \$3.9 billion annually ([Swinburn, 2015](#)).

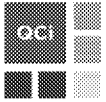
**Environmental Justice Benefits:** Abating and controlling noise in low income and minority communities – whose residents bear a disproportionate burden of environmental noise exposure ([Casey, 2016](#)) – will result in improved health and learning outcomes.

**Proposed Re-funding of the Act:** We propose that the Agency's noise program be ramped up in a phased manner, emphasizing 4 major components:

- Inventorying and supporting the existing local noise control programs in communities around the country by:
  - Updating previous surveys/studies of local community noise control programs and ordinances;
  - Providing EJ grants to communities to institute controls that immediately reduce the impact of noise on disadvantaged communities from transportation (aviation, vehicles, trains) and other sources such as construction and industrial activity; and
  - Re-staff the Regional Offices with noise specialists to provide award grants and provide technical assistance to states and localities.

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<sup>5</sup> The Agency's initial Congressional mandate related to noise was an amendment to the Clean Air Act and during its existence, the Agency's Noise Control Program was part of the Office of Air, Noise, and Radiation. In addition, there is a close nexus with air pollution from combustion sources, the typical source of most harmful noise impacts.



- Enforcing the current regulations' established noise emission limits on new motorcycles and after-market exhaust systems, medium and heavy trucks, and air compressors, and performance rating requirements for hearing protectors, starting with requiring manufacturers to submit their required testing results.
- Updating approximately 15 existing key technical documents that provide health effects, monitoring, control information and model ordinances that were developed to undergird the national efforts.
- Foster development of quieter technology by linking to the Agency's partnership infrastructure (e.g. Energy Star) and coordinate research/ technical assistance with relevant federal programs such as NIOSH.

Why a Federal Program is Necessary: Noise control, like air pollution control, is a highly technical field requiring guidance on monitoring, control technology, and health effects at various degrees of exposure. Local communities currently must each individually address these issues, a task that is both difficult and expensive. Where products sold in interstate commerce are involved, communities are not able to limit their emissions. Yet, with a relatively small amount of national technical assistance, regulation, and enforcement, immediate reductions in noise impacts on populations can be achieved at the local level.

### Estimated Resources Needed for the First Year Re-starting of the Noise Control Office

Area	Staff	Funds: staffing payroll	Funds: Contracts, grants, and other
1. Survey/study of local programs/ordinances	4	\$0.4 million	\$0.5 million
2. Grants for EJ (administered through Regional offices)	5	\$0.5 million	\$ 6 million
3. Update Technical documents/guides	7	\$0.7 million	\$5 million
4. Enforcement	5	\$ 0.5 million	\$1.5 million
5. Regional offices	10	\$ 1 million	\$2 million
TOTALS	31	\$3.1 million	\$15.0 million
GRAND TOTALS	31	\$18.1 million	

Message

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**From:** Kim, Eunjung [Kim.Eun@epa.gov]  
**Sent:** 1/14/2022 6:50:50 PM  
**To:** Goffman, Joseph [Goffman.Joseph@epa.gov]  
**CC:** Nunez, Alejandra [Nunez.Alejandra@epa.gov]  
**Subject:** FW: Letter, budget proposal, request for meeting  
**Attachments:** QCi\_Letter to Joe Goffman re refunding Noise Program\_2022.01.13.pdf

Hey Joe – here’s the letter from Quiet Communities.

Eunjung Kim  
Special Assistant  
Office of Air and Radiation  
Environmental Protection Agency  
(202) 815-7252

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**From:** Jamie Banks <jamie@quietcommunities.org>  
**Sent:** Thursday, January 13, 2022 12:56 PM  
**To:** Goffman, Joseph <Goffman.Joseph@epa.gov>  
**Cc:** Kim, Eunjung <Kim.Eun@epa.gov>; Rakosnik, Delaney <rakosnik.delaney@epa.gov>; Arline L Bronzaft PhD <Albtor@aol.com>  
**Subject:** Letter, budget proposal, request for meeting

Dear Mr. Goffman,

Please find attached our letter as a follow up to our meetings in Fall 2021. Once you have had the chance to review the letter and budget proposal, we would like to schedule a Zoom meeting to discuss them with you.

Thank you for your consideration.

Sincerely,

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Jamie L. Banks PhD, MS, President

Quiet Communities Inc.

[quietcommunities.org](http://quietcommunities.org)

Chair, Noise & Health Committee

American Public Health Association

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*Quiet Communities, Inc. (QCi) is a national 501(c)(3) non-profit organization dedicated to protecting the public health, the environment, and quality of life for everyone -- children, families, seniors, minorities and disadvantaged -- by reducing noise and related pollution. QCi hosts 5 programs: [Quiet Coalition](#), [Quiet Outdoors](#), [Quiet Conversation](#), [Quiet Healthcare](#), and [Quiet American Skies](#).*

