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H.B. 1092

RELATING TO NOISE CONTROL

Statement for
House Committee on Water, Land Use Development and Hawaiian Homes
Public Hearing 8 March 1977

by
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The purpose of HB 1092 (SB 577) is to improve noise reduction efforts in Hawaii by controlling the sale of mufflers. This statement on the bill is being submitted for review to the Legislative Subcommittee of the Environmental Center of the University of Hawaii, but does not reflect an institutional position of the University.

At present, Public Health Regulations, Chapter 44A (Vehicular Noise Control for Oahu), Section 9 (Mufflers) and Chapter 44B (Community Noise Control for Oahu), Section 4.2 prohibits the operation of vehicles and other devices without adequate mufflers. The distinction is similar to that made between legal sale and legal use of firearms.

HB 1092 (SB 577) as it is now written would be difficult to enforce. The difficulty lies in the criteria given by which a muffler would be judged in violation of the statute, there being (1) noise emission (at a level greater than the normal level of noise emitted by a factory muffler supplied as part of the original equipment for the motor vehicle" and (2) noise emission "at a level greater than necessary to function properly." It would seem to be difficult to enforce muffler regulations using these criteria. In addition, HB 1092 (SB 577) would weaken Chapter 342 by bypassing the mandate of Section 342-3, that the Director of Health develop appropriate regulations.

The bill might be more effective rewritten as a Resolution requesting the Department of Health (a) to modify its current noise regulations to prohibit the sale, purchase, transfer, use, or installation of mufflers that do not conform to its regulations, and (b) to develop and implement procedures for certifying that exhaust systems conform to its regulations. The details should be left to the Department of Health.