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HB 122 and HB 415 RELATING TO NOISE POLLUTION

Statement for
House Committee on Ecology and Environmental Protection
Public Hearing - 16 February 1979

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HB 122 would add new sections pertaining to noise control to HRS 46, the chapter on county organization and administration, to HRS 235, the chapter on taxation, and to HRS 342, the chapter on pollution control. HB 45 would amend HRS 342-17 relating to pollution control enforcement. This statement on the bills does not reflect an institutional position of the University. In it, we comment on certain provisions in the proposed new provisions but, because of limitations of time, we can only raise questions with respect to other provisions.

HB 122

The reasons for noise control expressed in section 1 of HB 122 are valid. It should be recognized that the act proposed approaches the problem of controlling noise only through the reduction of interior noise in residences, and only by technique such as insulation. Reduction in ambient noise through controls on noise emission, the use of appropriate, zoning, set backs and landscape buffers, and the application of insulation technique to other types of buildings should be considered, although not necessarily in this bill.

The effects of the provisions on sections 2 and 3 of the bill depend in part on the provision of sections 4 and 5 hence we address those first.

Sections 4 and 5

Section 4 of the bill would amend HRS 342 so as to require the Department of Health (DOH) to establish a program to identify and designate excessive noise areas. Through rules, the DOH would have to establish standards or procedures for monitoring noise and allowable noise; excessive noise level areas; and procedures for informing the public, land owners, and residents about excessive noise areas and means for noise abatement. Section 5 would make an appropriation to support the efforts required in section 4.

The types of standards and procedures required in section 4 are appropriate. It is, however, not merely the general public, land owners and residents that should be informed about noise. Agency personnel responsible for the planning and construction of such public facilities as schools and libraries should also be informed about noise problems and means for their abatement.

The Environmental Protection Agency and the Housing and Urban Development Department have adopted noise standards on guidelines, but these are not necessarily pertinent in areas where single wall construction and the use of large openings are so common as in Hawaii. Unless the DOH has more technical competence than we are aware of, it will have to utilize contractual services in developing standards and procedures appropriate in Hawaii. Could the appropriation provided by section 5 be used to pay for such services?

Section 2

Section 2 would add to HRS 46 a requirement that each county adopt a noise building code in conformity to the standards to be established by the DOH. These noise codes would apply to residential dwellings to be constructed or renovated in areas of excessive noise designated by the DOH.

No similar requirement in HB 122 would apply to the construction of such facilities as schools, libraries, and hospitals. Act 146 (1970) requires the Department of Education (DOE) provide for noise control in public schools, but we suggest consideration of adding, to HB 122, provisions to apply the standards of either the DOE or the DOH to private schools.

The extent of renovation of a residence that would result in the imposition of the noise standards may be a problem. Would renovation of a single room require compliance with the noise standards throughout a residence? If not, would there be much point to requiring compliance in just that room?

Section 3

Section 3 would provide for relief to those required to install noise insulation materials or noise abatement devices under the codes to be established in Section 2. We note that it may be very difficult to establish just what cost will be associated with meeting the standards in the case of a design selected in part to reduce internal noise but for other purposes as well, even than such a design might well be considered a noise abatement device.

HB 415

HB 415 would amend HRS 342-17 to add a provision for penalties to the present pollution enforcement provisions. It should be noted that this section relates to all pollution control enforcement, not merely noise, and that HRS 342-11 already provides for penalties for violation of the vehicular noise regulations with a minimum of \$25 rather than \$10 as proposed in HB 415.

The present HRS 342-17 allows enforcement by all state and county health authorities, whereas only the police officers would be allowed to enforce noise control regulations under the amendment. Police officers are not well qualified to enforce water pollution and air pollution control regulation.

HB 415 is thus redundant and undesirable. If the present penalty for violation of the vehicular noise control regulation is unduly stringent, it should be reduced by other means.