

From the Ministries

EU DENIED POWER TO OVERRULE AIRPORT NOISE LIMITS

Member states and MEPs have rejected a European Commission plan to give the EU the power to overrule airport noise restrictions put in place by local authorities. Jörg Leichtfried, an Austrian centre-left MEP who is leading negotiations on behalf of MEPs, reached a deal with the Greek presidency of the Council of Ministers on 27 January to reject the proposal. Airlines had been complaining that noise limits were being set arbitrarily and in defiance of national transport needs. But campaigners argued that air travellers were being given priority over local residents. Most of the restrictions involve the times during which planes can take off – flights are often banned at night. Under the proposal, local authorities would have had to justify

these bans based on a specific list of concerns. The Commission says that some local noise restrictions compromise safety and could cause capacity problems, as well as increasing carbon dioxide emissions by forcing planes to maintain long holding patterns. But Leichtfried said that the proposal was an unacceptable interference by the EU into local affairs. The altered version of the regulation would implement a minimum set of guidelines devised by the International Civil Aviation Organization (ICAO). Local authorities will in principle have to ensure that operating restrictions are cost-effective. But neither the Commission nor the ICAO would have any power to overrule a local authority decision. The deal must still be backed by the full Parliament and the member states.

MEPS BACK LAW TO CURB TRAFFIC NOISE

Noise limits for cars will be tightened to protect public health, under new rules informally agreed with EU ministers and endorsed by the EU Parliament. The new law requires the introduction of labels to inform buyers of the noise levels of new cars, as well as the addition of sound to hybrid and electric vehicles to alert pedestrians. Persistent exposure to high levels of traffic noise can prove physically draining, disrupt organ functions and contribute to cardiovascular and other diseases, according to research by the European Environment Agency, which also shows that traffic exposes half the EU's urban population to noise levels above 55 decibels (db). "I consider the final text adopted under the trialogue negotiations as an optimal compromise that will contribute to the protection of health of our European citizens. On the

other hand, it should not cause any loss of competitiveness for the European automotive industry. I am happy that the proposal found broad support across the political groups in the European Parliament," said the rapporteur, Miroslav Ouzk (ECR, CZ), after Parliament endorsed the agreement he negotiated with EU ministers without a vote. Once in force, the new rules will phase in new limits by 1 July 2016, 2020 and 2024. The first phase will only apply new engine noise limits to new vehicle types. The second and the third phases will bring in lower decibel values and also include all new vehicles produced, two years after they start (i.e. 2022 and 2026). The limit for standard cars will be reduced to 68 db in 12 years, from the current level of 74 db. More powerful vehicles will be allowed a margin of 1 to 9 extra decibels. The rules bring down the limit for the most powerful heavy lorries (over 12 tonnes) to 79 db from 81

db. MEPs point out that vehicle noise is also affected by the road surface and tyre noise. Following pressure from MEPs, the legislation also recommends that new cars be labelled to provide consumers with information on their noise levels. Similar labelling schemes already exist for fuel efficiency, tyre noise and CO2 emissions. MEPs are

concerned about quiet electric and hybrid cars becoming a threat to pedestrians and cyclists, and say that manufacturers must install Acoustic Vehicle Alerting System (AVAS) in new types of hybrid electric vehicles by 1 July 2019. The Commission should draw up the requirements on the future system by July 2017, they say.

NOISE POLLUTION RULING IN DENMARK

Residents of Copenhagen have won a significant victory in a battle to prove that freedom from noise pollution is a

human right. Denmark's highest environmental tribunal has declared that the physical and psychological suffering caused by the sound of building work is unacceptable.

NEW YORK PORT AUTHORITY TO ADDRESS AIRCRAFT NOISE

In an effort to reduce disruptive airplane noise in areas of New York City and Nassau County, Gov. Andrew Cuomo has ordered the Port Authority to conduct a comprehensive review of the impacts on communities neighboring LaGuardia and JFK airports. The Port Authority will hold community roundtables to discuss the adverse effects stemming from frequent airplane noise. The agency will hold community aviation roundtables beginning this month, which will include input from Federal Aviation Administration officials, local representatives and community members. "Airport noise is rightly an important concern for residents of Queens, the Bronx and Nassau County and that is why I am directing the Port Authority to open a full and thorough dialogue with the impacted communities while also pursuing a noise study to better address the issue," Cuomo said. "We will listen to local residents and ensure their input is used to make both JFK and LaGuardia better neighbors." The Port Authority plans to double the

number of existing portable noise monitors to increase the amount of data collected for flight paths from both airports. The additional monitors are also expected to allow use in more varying areas around the community. "Catalyzed by Governor Cuomo's directive to the Port Authority on this issue, the Port Authority has taken big steps in addressing noise surrounding our airports," said Pat Foye, executive director of the Port Authority. "We are committed to working with all communities we operate in to address their concerns, while bringing JFK and LaGuardia airports into the 21st Century and maintaining the viability of our airports as major economic engines for the metropolitan region." In addition, a new Aviation Noise Office will be created in the agency. The office will be responsible for collecting and reviewing noise data and will handle all complaints stemming from aircraft noise.

The state is also considering reforming flight paths, encouraging the use of quieter aircrafts flying over residential areas and may consider paying to retrofit homes with soundproofing materials.

FAA ISSUES FINAL STAGE 3 HELICOPTER NOISE RULE

On March 4 the FAA issued its final rule on Stage 3 helicopter noise certification standards for new helicopter type design and the upgrade of Stage 1 and Stage 2

helicopters when upgrading to Stage 3 via supplemental type certificate (STC). The rule standardizes FAA regulations with those adopted by the International Civil Aviation Organization (ICAO) in 2002. Under the new rule, helicopters

with an mtow of 3,125 pounds or less cannot produce noise in excess of 82 dB SEL at the maximum normal operating rpm during takeoff, flyover or approach. For heavier helicopters the noise limit is calculated using the formula of 3.0 db SEL per doubling the weight after 3,125 pounds. The rule amends Part 36 of the FARs to allow new helicopter type designs to be designated Stage 3 compliant under the ICAO standards. The FAA notes that the final rule does not impose incremental costs and carries the benefit of quieter helicopters manufactured and certified under the new standard, with the assumed benefit that they will then be easier to market

outside the U.S. The final rule does not require existing, noisier Stage 1 and Stage 2 helicopters to meet Stage 3 standards. The Helicopter Association International (HAI) and other trade groups had fought for this position. At the time of the release of the NPRM in 2012, HAI president Matt Zuccaro said, "Helicopters are major capital investments, so we also believe any FAA action should include a grandfather clause for existing helicopters to allow them to continue to fly for the remainder of their operational lives, and that the new noise certification standards should not affect access to airspace for legacy aircraft."

NOAA ACCEPTING COMMENTS ON NEW NOISE GUIDELINES FOR MARINE MAMMALS

As part of a new set of guidelines from the National Oceanic and Atmospheric Administration, a request for public comment is being issued on the effects of human-made sounds on marine mammals in Alaska. NOAA aims to discover more about how man-made sounds affect marine mammals in Alaska's coastal regions. The research will be used to implement the new set of guidelines that inform and educate those working in the oil, gas and construction industries about the effects that loud machinery can have on several endangered marine mammals. "We only have data from a few species," said Amy Scholik-Schlomer, who is a fisheries biologist and an acoustic specialist for NOAA. "From within those mammals that are included in the guidelines, there is only specific data we have about some of them and less about others, especially larger whales. One of the real obstacles in writing these guidelines is that we

don't really know how some of these whales actually hear, so we don't know a lot about their hearing or how it can be affected. We have some data about the anatomy of their inner ear, as well as data that show how these whales behaviorally react to sound and their vocal ranges, but there are a lot of unanswered questions. There are a lot of different human-made noise sources that play a part in these guidelines, especially in Alaska," said Scholik-Schlomer. "There are multiple sites of oil, gas and seismic exploration that cause quite a bit of noise, especially at lower frequencies. There is also Navy sonar, which is something that we saw a lot of when looking at the data, especially for bottlenose dolphins. There are also smaller noise sources, like drilling and sheet piling that comes with construction that results in temporary hearing loss, but when these noise levels reach that point of being at the permanent threshold shift, we then consider the animal to be physically injured by the sounds."

PHILIPPINES LEGISLATORS SEEK DECREASE IN AIRPORT NOISE

Alarmed by the significant disturbance to human activities that aircraft noise brings, two parliamentarians have filed a

bill that would prescribe a uniform system for determining noise impact at airports. Under the bill to be known as the "Aviation Noise Limit Act," the Air Transportation Office (ATO) of the

Department of Transportation and Communications is also directed to develop a medium-term plan to reduce by at least 75 percent the number of individuals residing in residential areas in the vicinity of an airport who are exposed to a yearly day-night average sound level of 60 decibels or above. "The ATO shall consider various methods for aviation noise reduction, including soundproofing, relocation incentives, the use of a quieter aircraft, as well as operations restrictions and revision of air routes," it said. The bill also provides that the ATO may make an airspace traffic change only if the change will not result in an increase in aviation noise in violation of the requirements stipulated in the act. The measure added that the Secretary of Transportation and Communications shall assume responsibility for all non-military aviation activity, within and outside controlled airspace, and shall regulate such activity to ensure

compliance with the requirements of the act. According to legislators, there is no existing law that fixes a uniform system for determining noise impact at airports taking into account the characteristics of an area, including its proximity to an airport and its non-aircraft background noise. "This is important to protect the public against significant disturbances in human activities such as sleep and rest," legislators said. They cited the declared policy of the state to protect public health by determining noise impact at residential areas near airports and by establishing programs for the management of noise levels. "The state shall ensure the constitutionally protected right of quiet enjoyment of private property," the lawmakers added. "To be able to achieve this, the proposed bill provides for a staged plan which involves zoning, land use planning and relocation," they said.

NOISE SUPPRESSOR BILL PASSES OHIO HOUSE

The Ohio House has passed, by a 73-14 vote, a bill that would allow the use of silencers for hunting some game species. Rep. Cheryl Grossman (R-Grove City), introduced the legislation that would permit the use of registered suppressors while hunting white-tailed deer, rabbits,

squirrels and other game. While some critics maintain that the suppressors present a safety hazard and potentially a law enforcement problem because they muffle the discharge report of a firearm, Grossman told House members that suppressors help protect hearing and might prove less annoying for nearby humans.

IS TAMPA'S NOISE LAW LEGAL?

An attorney is challenging the way Tampa officials decide whether sounds from cars and buildings are too loud, saying the rules conflict with other city, county and state standards. Attorney Mark Bentley wants a judge to overturn the city's noise ordinance. In June 2013, city council members declared noise from passing cars to be against city code if it was "plainly audible" from 50 feet away. For buildings, the "plainly audible" limit is 100 feet. Council members took action after hearing months of complaints from city

residents frustrated with the music emanating from vehicles and bars in their neighborhoods. Bentley, who specializes in noise regulations, says the city's action conflicts with noise limits set by the Hillsborough County Environmental Protection Commission. "This conflict leads to a result whereby a citizen of the City of Tampa could be generating sound that would be in compliance with the EPC Noise Rule but in violation of the City's Noise Regulations," Bentley says in this suit. Bentley argues the "plainly audible" standard is vague and could lead to arbitrary decisions by police and code

enforcement officers. He also says the ordinance violates state law by trying to control the noise emanating from moving cars. State law says only the Department of Transportation can regulate vehicles traveling on state roads, he said. Part of a state law limiting noise from moving vehicles

was struck down by the Florida Supreme Court in 2012 because the legislation exempted political and business speech. The court said that violated the First Amendment. The court did, however, uphold using “plainly audible” as the standard for deciding whether a car is too noisy.

REFRIGERATION UNITS COST SHOPKEEPER £5000

A Lichfield shop is facing a penalty of more than £5,000 for noisy refrigeration units. On April 2, Dave’s Discount (Stores) Ltd in Wheel Lane, pleaded guilty to failing to comply with an abatement notice at Stafford Magistrates’ Court. Following a complaint about the noise made by two refrigeration units, Lichfield District Council issued an abatement notice in June 2013, which required the store to “abate the nuisance” by September 9 2013. However, the noise continued after this date and Lichfield District

Council started court proceedings. Dave’s Discount (stores) Ltd has now been fined £4,000 and ordered to pay a victim surcharge of £120. Lichfield District Council was awarded costs of £1,080. Councillor Colin Greatorex, cabinet member for community, housing and health, said: “Having visited the area, and heard the noise the refrigeration units made, our environmental protection officers decided it was unreasonable and was causing a nuisance. “When no effort was made to remedy the situation, we started court proceedings

