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ceptionally heavy on the part of constituents, asking that some assistance be rendered in allowing these small mines to continue operating.

At my request, Mr. Henry Wheeler of the Bureau of Mines has visited Montana on several occasions. His most recent visit took place on November 12, 1970, at which time he visited with coal mine operators at Roundup, Mont., and met firsthand with the Janskovitch brothers, who operate a small mine near Red Lodge, Mont. The Janskovitch mine has, by provisions of the Federal Coal Mine Health and Safety Act of 1969, been closed to further operation. What we are faced with in this instance is the depriving of a family of their sole source of income, as well as those numerous households in the area dependent upon coal for heat. At this time, I would ask unanimous consent for the insertion of portions of Henry Wheeler's report to the Director of the Bureau of Mines.

There being no objection, the excerpts from the report were ordered to be printed in the RECORD, as follows:

MEMORANDUM

NOVEMBER 18, 1970.

To: Director.

From: Deputy Director—Health and Safety.
Subject: Meeting with coal mine operators in vicinity of Roundup, Montana, November 12, 1970.

In response to a request made by Senator Mansfield to Secretary Hickel, I went to Montana on November 12 and met first with the Janskovitch brothers who have a small mine near Red Lodge, Montana, and then with the operators of several small mines in the vicinity of Roundup. Jim Westfield, Assistant Director—Coal Mine Health and Safety, and Tony Moschetti, District Manager, Coal Mine Health and Safety District E, accompanied me. Mr. Floyd Brower, a lawyer who represents the operators at Roundup, attended our meeting with them.

The Janskovitch brothers have operated their small mine for many years (they said about 35 years) to produce coal for sale at the mine to people who come there to buy it in trucks and other small conveyances. Most, if not all, of the coal is burned for space-heating in local homes and stores. Some of it may find its way across the State line into Wyoming. The output of the mine has been about 400 tons a year. At \$10.00 a ton, this would provide a gross income from sales amounting to about \$4,000 a year. Except for a garden and an occasional deer and other game hunted by the brothers, they say, the mine is their only source of income and subsistence.

The brothers Janskovitch cannot understand why they cannot work in their own mine on their own property where *only they* are exposed to the hazards of operating the mine. They do not believe that the 400 tons of coal a year that they produce should be of concern, one way or the other, to the Federal Government. They do not believe that the mine is unsafe, but even if it is, they believe that they should be free to choose between operating the mine or, as they say, going on the welfare roles. In their view, the Federal Government has taken their only source of income without providing any off-setting compensation—and although they want to fight the Government, they cannot afford it.

I am sympathetic with the plight of the brothers Janskovitch. I believe there is a difference between a mine that is really important to the national defense and economy and one that is clearly of only local significance. Further, there is a difference between a mine in which the operator is

also a miner and one in which the operator employs others to work in the mine.

There would appear to be at least two possible legislative alternatives: (1) provide Federal compensation to small operators who are unable to continue to operate under the new law, or (2) allow small operators to elect to continue operating outside the law or some portions of it. The first alternative would provide relief to the small operator, but it would not help homeowners and small businessmen who need the coal from the small local mines. Consequently, the second alternative would appear to be preferable.

Consequently, if anything is to be done, I would suggest something like the following. Amend the law to provide that, at least until the matter can be studied more thoroughly (possibly until December 30, 1971), certain small operators be afforded an opportunity to elect to operate without complying with the provisions of the law but only under conditions that do not constitute an imminent danger. Under such an amendment, the Bureau would continue to inspect the mines and point out conditions that would otherwise be violations of the law, but the Bureau could only order the workers to be withdrawn from the mines when conditions of imminent danger were found to exist. In effect, we would allow the workers to take calculated risks but not to take suicidal risks.

Although the criteria for small mines that might be afforded such an option should be given more thought, they might be about as follows:

1. The mine must have been in operation prior to December 30, 1969, the date of enactment of the Federal Coal Mine Health and Safety Act of 1969.

2. The mine shall have no more than five men working underground at any time.

3. The operator of the mine must work in the mine, and if there are other workers, they all must voluntarily and without intimidation elect along with the operator to operate under the exception.

4. The mine must be "above the water table" and have no history of methane accumulations in excess of 0.25 percent by volume anywhere in the mine.

5. All of the coal (or some high percentage of it) must be used locally for space-heating.

If it should be determined that the amendment should also provide a measure of protection against pneumoconiosis in the accepted mines, the amendment might exempt the mines from taking dust samples but require the mines to comply with the applicable dust standard as measured in surveys made by the Bureau of Mines.

I realize that any proposal for amending the law is subject to criticism, but I believe it is something that should be considered.

The operators at Roundup are doing quite well. They are buying equipment to get into compliance (how much I do not know, for they have not sent me a promised estimate of expenditures to date). They say, however, that they cannot afford to spend much more, and if this is true, they will likely have difficulty in continuing operations compliance with the law through the winter. In this regard, the aforementioned exception would also help them.

Mr. MANSFIELD. Mr. President, based on the recommendations provided in this report, I introduce a bill which would amend the Federal Coal Mine Health and Safety Act of 1969.

I think it important that all concerned understand that it is in no way my intention to weaken or undermine the intent of the Federal Coal Mine Health and Safety Act of 1969, but rather to

provide an equitable adjustment for those mines which, for one reason or another, find compliance with the present act impossible. As a further demonstration of the needs of this situation, I ask unanimous consent that two letters bearing on this subject be inserted in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NOVEMBER 4, 1970. Laurel, Mont.

HONORABLE MIKE MANSFIELD,
United States Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: This letter is written in concern over the closing of the Roadside Coal Mine in Bearcreek, Montana by the Federal Mine Officials. I contacted Mr. Jim Murry, Executive Secretary of the Montana State AFL-CIO, about this matter and he said this letter to you would be the most effective way to handle it. Mr. Murry and I are both members of OCAW Local 2-443 here in Laurel, Montana.

The Roadside Mine is owned and operated by Frank and Leopold Janskovitch and Louis Yerman. This is a partnership and they employ no one. Leopold Janskovitch is my stepfather. I am not against the Mine Safety Act. My Father, Grandfather and Uncle were killed in the Smith mine disaster in Bearcreek in 1943. We need the Mine Safety Act. But I think it was meant to make safe, large mines with large numbers of employees and not to close down small operators. This is infringement on individual rights of people already operating at the poverty level. With all the unemployment we have, I can't see taking the livelihood away from these rugged individuals who are trying to stand on their own two feet.

The distinction between gaseous and non-gaseous mines was eliminated in the recent Mine Safety Act and this is probably the source of most of this trouble. It is economically impossible for these small non-gaseous mine operators to meet the elaborate safety regulations being forced upon them. Other mines in Montana besides Roadside Coal face this same situation and need help very soon to avoid their economic disaster. Any help Mr. Mansfield, that you can give to get these miners back to work will be very much appreciated. Would it be possible to correct the Mine Safety Act to exclude these small operators?

Congratulations on your resounding victory over Mr. Wallace in yesterday's election. You have my continued support and thank you in advance for help given Roadside Coal.

Sincerely,

SAMUEL J. MOURICH.

ROUNDUP, MONT., June 10, 1970.

MIKE MANSFIELD,
United States Senate,
Office of the Majority Leader,
Washington, D.C.

DEAR CONGRESSMAN: We have been told many times, "If we have a subject we are especially concerned about, write our Congressmen".

We here in Roundup, Montana have a serious thing confronting our people, town, county, and state. It is the Mine Safety Act of 1969, that has been enforced against our mines in this area, causing them to close. If it just concerned a few, it might be able to be overlooked, but this is a far reaching problem.

People from all parts of the state, as well as we in this area, depend upon the Roundup Mines for our source of energy. If the mines are not able to operate in this County, I'm sure our town will vanish. Many retired people who make their home here, cannot afford to convert to other means of heat and

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will be forced to leave. Most all the business places in Roundup are also dependent upon our coal industries, for business as well as means of energy.

I have worked twenty six years in the local mines, and for the last few years have been employed at the Nies Coal Company. Therefore, I realize some of the regulations are impossible for small mines, with such low veins of coal, to follow. The safety equipment is not made for machines as small as those used in this type of mine. This mine closing will leave me, as well as many others, without employment next fall.

Since you are familiar with the area in Central Montana, I'm sure you must know how much we need our small mines to operate. Please do all you can to have this Safety Act revised in making it possible for the mining industry to continue.

Thank you for your effort in helping to keep Roundup on the map.

Yours truly,

ALBERT BRAIN.

NOVEMBER 9, 1970.

HON. MIKE MANSFIELD,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MANSFIELD: I cut this article from the Bearcreek Banner, edited and published by their up-and-coming Mayor Fay Kuhlman.

This item expresses just what I want to say about the very fine folks—the Janskovitch of Bearcreek and their Roadside Mine.

Hope you give this matter your personal attention and do all you can for us.

Respectfully,

MRS. MARIE HUNTER.

"ROADSIDE" IS CLOSED

Action prompted by new mine-safety laws brought orders to close down all mining at Bearcreek's last remaining active source of coal.

The telephoned order came from Washington, D.C. on threat of \$10,000. fine for failing to comply.

The law, designed to force mine owners to install safety equipment for protection of their hired workers, was invoked to close the small, privately-owned mines also. Men working on their own property, where they, themselves, had properly handled all safety precautions, were forced to leave their only source of income. This law was used to say, in effect, "You might get hurt if you work, so quit right now—or pay the government \$10,000." So today, they cannot go into their own mine and bring out coal for the many who depended on their product to warm their homes. The law is as senseless and unfair in the case of the Roadside Mine as if a housewife were told, "You might get burned if you cook in your kitchen, so quit right now—or pay the government a fine!"

Frank and Poly Janskovitch have personally mined their tunnels for 38 years, making their living from their own property, bothering no one, remaining independent and proud of being so—in the fine, true, old-American tradition. It was this spirit of pride in one's work, of dependence on self, and belief in the integrity of the individual's right to live as he chose, that caused America to be born in the first place, remember? It was this spirit also that made it thrive.

Frank and Poly are no longer young, nor is their mine a large one. Their vein of coal has required them to work on their knees, a fact that would, in itself, have put them out of business many years ago, had the mine's air supply and other factors been less than safe.

Returns from the small mine are not sufficient to pay for the expensive equipment required under the new law, nor do the Janskovitches feel it is necessary since they have worked their mine safely for nearly

four decades. They have been alert always to the possibility of danger and provided safeguards promptly where the need appeared. Any tunnel appearing unsafe was promptly abandoned and closed off. Their ventilating shaft kept the air in the mine fresh and clean, fully adequate for two working men.

A law that may well fit the big mines, has indeed been nothing but a cruel crushing blow to the small, and if America is to exhibit any measure of justice in this case, small, privately owned and operated mines must be given exemption from this law!

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the text of the bill I am introducing today be printed in the RECORD.

The ACTING PRESIDENT pro tempore (Mr. EAGLETON). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4537) to amend the Federal Coal Mine Health and Safety Act of 1969, introduced by Mr. MANSFIELD, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 4537

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That in the administration of the provisions of the Federal Coal Mine Health and Safety Act of 1969, such provisions, other than the provisions relating to imminent danger (as defined in such Act), shall not be applicable to any coal mine with respect to which a waiver is granted in accordance with the provisions of section 2 of this Act.

SEC. 2. Upon receipt by him, within one year following the date of the enactment of this Act, of any application made by an operator (as defined in the Federal Coal Mine Health and Safety Act of 1969) for a waiver pursuant to the first section of this Act, the Secretary of the Interior shall approve such application and grant such waiver if he determines that—

(1) the coal mine with respect to which such application is made shall have no more than five miners, one of whom shall be the applicant, working underground at any one time;

(2) the coal mine with respect to which such application is made was in operation prior to December 30, 1969;

(3) the applicant, together with all other miners working underground in such mine, have elected, pursuant to such means as the Director of the Bureau of Mines has prescribed, to work in such mine with respect to which such application is made with full knowledge of such waiver;

(4) the coal mine with respect to which such application is made is above the water table and has no history of methane accumulations in excess of 0.25 per centum by volume anywhere in such mine; and

(5) a substantial portion of the coal mined from the coal mine with respect to which such application is made is consumed locally for space heating.

SEC. 3. If at any time the Secretary of the Interior determines that any individual or individuals receiving a waiver pursuant to this Act is not in compliance with the provisions of section 2 of this Act, the Secretary shall so notify such individual or individuals to that effect and that he or they have thirty days within which to comply. Such notice shall set forth full details with respect to such noncompliance. If, after the expiration of such thirty day period, the Secretary determines that such individual or individuals have not satisfactorily complied in accordance with such notice, the

Secretary is authorized to revoke such waiver. Immediately upon the revocation of such waiver or the expiration of the five-year period following the date such waiver was granted, whichever first occurs, the provisions of the Federal Coal Mine Health and Safety Act of 1969 shall be applicable to such coal mine with respect to which such waiver was granted.

S. 4538—INTRODUCTION OF THE NOISE ABATEMENT ACT OF 1970

Mr. HATFIELD. Mr. President, as the country has become increasingly aware of the growing threat to our environment, attention has been primarily focused on air and water pollution. But there is another form of pollution which has been shown to be very harmful yet has received little public attention: noise.

Recently the Environmental Protection Agency was formed in which the various problems of our environment could be focused and possible solutions recommended. However, there was no provision made to deal with noise abatement with this agency. Today, consequently, I am introducing legislation which would create an Office of Noise Abatement within the Environmental Protection Agency. This office would help coordinate research on Federal, State, and local levels, provide grants for such research, help provide information regarding noise abatement to interested parties, and make recommendations regarding the promulgation of standards.

Mr. President, I am confident that the legislation I am introducing today will receive close scrutiny by the various Federal agencies which are already directing their attention to the problems of noise as well as the Environmental Protection Agency. And I am assured that we will be able to make an Office of Noise Abatement a reality through our mutual effort.

There is a bumper sticker now circulating which says:

Eliminate Pollution Before Pollution Eliminates You.

Immediately we will think of studies which threaten a lack of water by 1980 and conjure up the words of California scientists stating that within 50 years their State will be uninhabitable for any form of life. Or we hold our breath for a moment remembering that 142 million tons of smoke and noxious fumes are dumped into the atmosphere each year. Momentarily we feel brief panic and then for one reason or another, we forget the threatening words of the bumper sticker and go about our daily duties in a comfortable shield of self-deception and false security. Unfortunately such an attitude has now brought us to a situation in which the rapidly deteriorating quality of our environment is the most hazardous challenge to not only our health and well-being but to our very lives and those of our children and grandchildren.

Environmental pollution may not pose the immediate destruction that nuclear war does, but I might remind you that the effects are the same and just as lasting. And I might remind you that destruction at the hands of our environment is as immediate as your and my lifetime. And finally, I might remind

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you that lack of inhabitable land, lack of food, lack of good water to drink and good air to breathe are the very conditions under which men become desperate and resort to any and all means to preserve their survival. It is with these thoughts in mind that I state my firm conviction that pollution—all forms of pollution: air, water, and noise pollution, overpopulation, land and soil pollution—is the most challenging and the most crucial problem facing the man of the 20th century. And it is with these thoughts in mind that I firmly believe that if we do not meet this problem with all the creativity and ingenuity of our age, then within a very short time nothing else will matter, for there will be nothing else to worry about.

Your concern with environmental pollution has brought you here today in order to form an effective citizen's group to combat this onslaught on our planet before it is indeed too late. Your special concern is with the assault of noise pollution on our society and in your recognition of noise as a pollutant you have established yourselves as somewhat pioneers in combating the effects of noise on our society. It was, therefore, an honor to be invited to speak at this organizational meeting of the Noise Abatement Council of America. Had such groups been instrumental in educating the public to appreciate the inevitable results of uncontrolled air and water pollution and in affecting remedial action to combat these problems even 10 years ago then we would not be faced with the present national crisis in these areas. Today let us pledge ourselves to the task of preventing noise becoming another uncontrolled threat to our existence.

The effects of noise, although long a problem, have only begun to receive the well-founded concerns of government, health, industrial, and community organizations. We are already far behind the rest of the world in appreciating the scope of the problem. For our backwardness in the field of noise abatement the United States is now the noisiest country on this planet, and frankly, I hate to think that we are now carrying this lack of respect for civilized standards to other planetary bodies. Basically, noise pollution is reaching crisis proportions in the United States and I think that it is time that all of us wake up to this fact.

We should be concerned with noise as a problem because for over a century noise exposure of sufficient intensity and duration has been recognized to produce sensorineural hearing loss. But in spite of this knowledge, an overexposure to excessive noise is the major cause of hearing loss in the United States today. In fact it is estimated that 10 to 20 million people in the United States have some degree of hearing impairment.

Everyone realizes that if he is exposed to a very loud noise such as an explosion he may very likely wind up deaf—at least temporarily. What is not so apparent is that the effect of noise is cumulative; it produces as Dr. Leo Beranek, whose work is acoustics is international in scope, an "acoustic fatigue." Repeated moderate noise builds up to produce the same effect as would a single

loud noise. And even more important is the fact that repeated noise is the only type, short of a shattering explosion, that produces permanent hearing loss. The importance of this is readily seen when one is considering the harmful effects of exposure to daily occupational noise.

Another matter of some concern is that the noise level of the United States is increasing at an astonishing rate. Over the past 25 years the average increase in noise level has been at one decibel per year. When one considers that damage to the ears can occur at sustained exposure to the ranges around 85 decibels and over, and given our present noise levels, it will not be too many years before noise levels in the United States become lethal. To quote Dr. Vern O. Knudsen, physicist and former chancellor of the University of California:

If the noise we make keeps increasing at the present rate, it will be as deadly in thirty years in some of our downtown cities as were the ancient Chinese tortures for executing condemned prisoners.

We know, of course, that the most pronounced physical effect of noise is damage to the ear. Exposure to intense noise over varying durations causes partial and in some cases permanent hearing loss due to actual cell damage in the organ of the Corti located within the cochlea of the inner ear.

But noise has much farther reaching effects than just hearing damage. As Paul E. Sabine stated even back as far as the March 1944 issue of the American Journal of Public Health:

There is a wealth of reliable data from medical sources in support of the Statement that sustained exposure to noise is a contributing factor in impaired hearing, chronic fatigue that lowers bodily resistance, neurasthenia, increased blood pressure, and decreased working and mental efficiency and that noise should rightfully be classified as an occupational hazard along with gases, fumes, dust, toxic liquids, and bacteria.

To put this into, if nothing else, economic perspective, the total cost to industry in compensation payments, lost production and decreased efficiency due to noise is estimated at well over \$4 billion per year. In relation to business a World Health Organization report states that before 1939 office noise was costing U.S. business \$2 million per day through inefficient work. Today that figure is \$4 million. The psychological and physiological effects of noise are difficult to assess but the correlation between noise and such things as sleep disturbances, hypertension due to the constant response of hormonal and neurological mechanisms to noise stress, interference with basic communication, the loss in efficient performance and even damage to property must be counted as a very real and a very enormous threat to our wellbeing, not to mention the economic repercussions.

The effects of noise cannot be fully appreciated until we have more thorough studies in the field. One effect which needs to be especially explored by sociologists and criminologists is referred to in a recent Fortune magazine article. As related by Fortune:

In the Bronx borough of New York City one evening last spring, four boys were at

play, shouting and racing in and out of an apartment building. Suddenly from a second-floor window came the crack of a pistol. One of boys sprawled dead on the pavement. The victim happened to be Roy Innis, Jr., 13, son of a prominent Negro leader, but there was no political implication in the tragedy. The killer, also a Negro, confessed to police that he was a nightworker who had lost control of himself because the noise from the boys prevented him from sleeping.

This incident is extreme but worthy of our careful attention due to the implications it has on the worsening human problems which we are now experiencing in our cities.

Until recently the most authoritative voices about noise have come from within the industrial occupations due to the mere fact that noise has been a problem much longer in this area than in any other. Industrial management has become increasingly concerned with the adverse effects of noise on those persons who work under constant exposure to intense levels of noise—and, I might add, with due reason.

According to Dr. Glorig, director of the Callier Hearing & Speech Center in Dallas, Tex.:

Industrial noise is now the most important single cause of hearing loss.

Despite numerous research, training, and regulatory programs now underway in some industries and in various Federal agencies, and despite the great strides accomplished in responsible noise abatement efforts in the occupational fields, there is still need for a vast amount of education in the field of occupational noise. For instance, B. F. Goodrich estimated that the total market for acoustical goods and products would reach \$875 million by 1970, which if one takes into account all that this comprises is a very paltry sum.

Another example of the need for increased emphasis placed on occupational noise is the fact that permanent hearing loss caused by excessive exposure to noise is now a recognized occupation hazard and is compensable in only 35 States. I am always reminded of the basic lack of awareness in this field by an unfortunately true story which occurred when one of my aides was touring a textile factory in the South. When he commented on the high level of noise to which the workers were subjected, the manager hastened to assure him that immediate efforts were being made to correct the unpleasant conditions.

"Next week the factory is playing country-western music over the loudspeakers at a level which will block out the noise of the factory."

The noise of our industries is put into further perspective when one considers them in light of "safe" noise levels. There are differences of opinion about permissible occupational noise levels. The American Academy of Ophthalmology and Otolaryngology states that our present knowledge of the relation of noise exposure and hearing loss is much too limited to propose safe amounts of exposure. However, the academy recommends noise-exposure control and tests of hearing if there is habitual exposure to continuous noise at 85 decibels at a frequency of 300–1,200 cycles per second.

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Noise is measured in a dimensionless unit called the decibel which is used to describe the levels of acoustical pressure, power, and intensity.

The decibel expresses a logarithmic ratio between two sounds. In other words, the difference between a noise with a decibel rating of 60 and that with a rating of 70 is a relative increase of 10 times the lower level. The frequency of noise expressed in cycles per second is useful for rating noise hazards since some frequencies are more likely to cause hearing damage than others, with high pitched sounds more annoying than low pitched sounds. The British Medical Society recommends hearing conservation measures when noise exceeds 85 decibels in the 250–4,000-cycles-per-second range.

The U.S. Air Force recommends ear defenders when personnel are exposed to 85 decibels in the 300–4,800 frequency range. The American Standards Association has suggested permissible daily quotas of exposure to noise which they suggest should protect the worker from hearing loss. Over an 8 hour working day they suggest a limit of 85 decibels at any frequency range above 700 cycles per second. In the Walsh-Healey Public Contracts Act the Federal Government has adopted 90 decibels at any frequency range as a permissible safe occupational noise level.

Only recently has there been concern about the entire realm of urban and community noise although millions of Americans are affected each day by the repercussions of this type of noise. As Dougherty and Welsh commented in "Community Noise and Hearing Loss":

The savings quality heretofore has been that community noise has been a short-term exposure as compared to an 8 hour day period in industry. As the power use of both home and street increase, steps must be taken to limit the noise output. Otherwise, total timed exposure will exceed industrial standards that actually rely on regular audiograms to prevent severe hearing loss.

Indeed the din in the cities at times far exceeds the noise levels considered safe for an occupational situation. A noise level of 100 decibels was once recorded on the Avenue of the Americas in New York City where the transit authority was building the extension of the Sixth Avenue subway. Construction is perhaps the most irritating source of noise to the urbanite and the problem is intensified when once we realize that there are virtually no legal controls on the amount of noise that can emanate from a construction site. In the absence of any forms of control the consequences are logical—existing knowledge for noise control is not even applied.

Noise control costs money, and it is not reasonable to ask sympathetic construction firms to invest in noise control only to let unsympathetic firms underbid them of jobs by avoiding the noise control costs. Air compressors, pneumatic drills, power saws, concrete mixers and other machines involved in the construction or demolition of buildings are permitted in some urban areas between 7 a.m. and 6 p.m., 6 days a week and at night with special permit. Combined with the poor soundproofing in modern apartments, the sounds of congested traffic

which can reach upwards of 90 decibels, and the multitudinous other sounds of civilized living, the city dweller is caught in the midst of a cacophonous catastrophe.

Europe and such countries as Russia and Japan have for some time had strictly enforced noise abatement laws, including zoning and construction measures and national councils like the Swiss Anti-Noise Commission which deals with the basic medical, acoustic, and technical questions of road, rail, and water traffic; aircraft noise, noise in industry, building construction, homes, et cetera; and legal questions.

The United States by contrast has few laws regarding noise abatement and even those that it has are barely enforced. For example, New York City is one of the cities that has strict noise laws against horn blowing and even has a legal noise limit for the city of 88 decibels at 150 feet. If you have ever been to New York, I am sure that these laws will come as surprising news.

The final assault on the Nation's wellbeing due to noise and the one which brings you here today is that of aircraft noise. Of all the fields of noise abatement that of air transportation has received the most attention by industry and Government due to the obvious severity of the problem. The possible adverse effects of aircraft noise have been recognized for several years. In 1952 the Doolittle report pointed out that:

Positive efforts should be continued by both government and industry to reduce or control aircraft noise nuisance to people on the ground and that substantial reduction of such noise is practicable.

Such firms as Pratt & Whitney, General Electric, and Boeing have been involved for some years in the research and development of a quiet engine. According to sources within the field, we are 5 years away from a prototype which when operational will only reduce the perceived noise level at takeoff and landing by 10 percent. The problem in this area is not so much a matter of money as lack of available technology. The sound of a jet taking off is approximately 130 decibels which is also the estimated maximum noise bearable to human ears. A reduction of 10 percent will barely scratch the surface of the noise problem in this area unless there is a major technological breakthrough.

Therefore, in combating aircraft noise we also need to pursue abatement efforts in the aspects of aircraft operations and apply methods of compatible land use around the airports. In the realm of flight patterns, airport design and placement, guaranteed buffer zones, adequate soundproofing of buildings in and around airports, extension of runways, legal controls, and so on, joint action will have to be taken by the Federal Government, the airlines, and the community. With over 98 percent of our airports owned by some level of State government, it will be primarily up to the local governments and the airport operators of the same to effect noise abatement controls. In addition airport operators should share the responsibility of enforcing the new Federal Aviation Agency noise standards to be announced this month and closely

coordinating local efforts with such programs as the aircraft noise alleviation program established under the FAA in 1961.

For examples of innovative noise control efforts I recommend such programs as that taken in the Los Angeles area in which community efforts and pilot programs have been established to abate noise at the Los Angeles International Airport. The Port of New York Authority has also carried out extensions costing several million dollars to the three runways at New York's Kennedy International Airport solely out of noise abatement considerations. Dulles International Airport near Washington is a good example of how zoning laws and design can be effectively employed to control noise levels emanating from aircraft.

But despite these examples, the fact remains that there is much left to do before we can successfully cope with aircraft noise. Your recognition of this fact has brought you here today. There are many questions which must be answered before actual work can even begin. The most important of these is funding of noise abatement efforts. Who is responsible? Should we ever obtain an operational "quiet" engine, the estimated cost of retrofitting our four engine commercial jets has been upwards of \$300 million. This is perhaps the most touchy issue which will face you in your efforts to combat jet noise for the costs are formidable and the responsibility ill defined.

Another problem of considerable concern is that of the sonic boom. Until recently the shock waves from the sonic boom was confined to occasional military flights scheduled to fly over unpopulated areas of the United States. However, since President Nixon's request for \$96 million for the current fiscal year ending June 30, 1970, in order to finance the start of construction of two SST prototype aircraft it now appears that within the next 10 years we will be subjected to the sound of commercial sonic booms. I am opposed to the development of this aircraft. Aside from the obvious criticism of low cost-benefit considerations, I find it difficult to justify the vast noise disturbance of this aircraft in light of the small domestic value derived. The plane has no defense value, will cost the Government a total of \$1.29 billion, out of a total development cost of \$1.51 billion, and its flights have been estimated to disturb 20 million groundlings every time the SST flies from coast to coast.

The repercussions of the noise problem have just begun to be understood and much has been done to alleviate the noise onslaught on our environment. For instance, New York City has a law requiring walls soundproof enough to reduce any airborne noise passing through by 45 decibels. Some construction companies have proved that buildings can be constructed quietly, by muffling blasting by special mesh blankets, welding instead of using the horrendous racket of riveting or bolting. New machines have been offered on the market which have a vast reduction in decibel rating over their old predecessors such as a new compressor

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which reduces the decibel level from 110 to 85 decibels and a new paving breaker that has had its sound reduced by two-thirds.

New York, California, New Jersey, Minnesota, and other States have voted or have pending various legislation on noise abatement particularly in the realm of vehicular noise. Numerous local ordinances deal with specific noise problems of their area offering such things as prevention of transistor playing in public areas, zoning laws, et cetera. Some States have legislation which prohibits vehicles on its public highways that exceed certain established noise levels for that particular vehicle.

All of these are good beginnings but they cannot be assessed as anything more than just beginnings. What is needed are guaranteed standards for the man on the street, on his job, or in his home. In this category I would like to mention the Walsh-Healey Public Contracts Act which was signed into effect by Secretary of Labor Shultz on May 17, 1969. This act provides for a limit of on-the-job noise levels at 90 decibels at any frequency. This regulation only applies to firms that have a \$10,000 or better contract with the Federal Government during the course of 1 year. The Walsh-Healey Act is a step in the right direction but again it is only a beginning. It only affects certain segments of workers and sets as a standard a noise level which is of debatable safety for an occupational level.

The real question at hand in the consideration of the noise level of our society is whether we are going to preserve the basic amenities of civilized life in the onslaught of technological advance.

As one noted figure in the noise abatement field, William H. Ferry, once said:

We have been neither interested nor successful in controlling noise because we have been neither interested nor successful in coping with technology.

Some 60 years ago Robert Koch, a bacteriologist and Nobel Laureate predicted:

The day will come when man will have to fight merciless noise as the worst enemy to his health.

That day is not so far away. The problem must be faced now before it is beyond our control. So I offer a few suggestions from my meager knowledge of the problem of what may prevent a continuation of the insult of noise on the future sensibilities of our Nation. The problem of our "cacophonous republic" requires education, public awareness, increased research and greater application of economical acoustical materials, and a great deal of cooperation and coalition of effort between industry, business, government, health officials and community groups in order to find and carry out solutions to local, regional, and national noise problems.

We need a uniform noise control standard for all industrial and office workers—a Walsh-Healey Public Contracts Act of more encompassing and more rigorous standards.

We need to educate consumer demand that will call for quieter jobs and prod-

ucts in order to make it desirable for industry to compete to produce both at less cost.

We need the city code level to handle such noise sources as garbage collection, construction, loud speakers, and motor vehicles. We need a regional approach to the research and development of programs directed toward the alleviation of the noises that plague particular areas of the United States. Lastly we need the full cooperation of the Federal Government in assisting, coordinating and financing these efforts to provide a quieter environment.

As Dr. William H. Steward of the Public Health Service once stated:

Those things within man's power to control which impact upon an individual in a negative way, which infringe upon his integrity, and interrupt his pursuit of fulfillment, are the hazards to the public health.

Noise can and must be controlled as a danger to the public health and economy, but above all else we must commit ourselves to the control of the noise in our society on the basis of civilized standards.

Mr. President, I ask unanimous consent that the bill be printed in the Record following my introductory remarks.

The ACTING PRESIDENT pro tempore (Mr. EAGLETON). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 4538) to promote public health and welfare by expanding, improving and better coordinating the noise abatement and control services of the Federal Government, introduced by Mr. HATFIELD, was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the Record, as follows:

S. 4538

Whereas excessive noise jeopardizes the health and welfare of all Americans and unnecessarily detracts from the quality of American life;

Whereas millions of Americans are now exposed to noise levels that have been shown conclusively to produce hearing damage as well, in specific instances, physical damage to structures, interference with normal communication, performance degradation and disturbance and annoyance to daily living;

Whereas noise levels in the United States have been rising steadily especially in urban concentrations creating a sufficiently serious problem to warrant preventive action;

Whereas local groups seeking to improve their acoustical environment through meaningful political or legislative action are often impeded by the absence of authoritative, comprehensive, and well-balanced information from a readily accessible source;

Whereas the Federal Government should provide leadership in the attainment of a suitable acoustical environment;

Whereas, federal noise abatement and control efforts are currently spread throughout a number of Departments and agencies lacking the mechanisms to coordinate the total Federal noise abatement program, to handle administrative matters and to disseminate information;

Whereas it is the policy of the Congress to assist the Federal Government in fostering the quality of life in the United States: Now, therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DECLARATION OF PURPOSE

SECTION 1. It is the purpose of this Act—

(a) to make available authoritative information relating to noise pollution, its effects and available means for its control upon request;

(b) to undertake an intensive campaign to inform the public, the consumer, state and local governments, educational institutions and industry of the risks and damaging effects incumbent in excessive noise.

(c) to provide a structure through which concerned citizens and administrators in the states, counties, and municipalities can become aware of the noise problems their constituencies have in common, leading to the development of more uniform noise abatement programs.

(d) to provide technical assistance and advice to states, counties, municipalities, and regional governmental bodies, commissions and councils for establishing and implementing noise abatement procedures and programs.

(e) to make small vs. technical assistance on a matching basis to States, counties, municipalities and regional government bodies, commissions and councils in order to assist in establishing noise control and abatement programs (that are not specifically handled through present grant programs in other Federal agencies and Departments charged with noise abatement responsibilities).

(f) to develop in cooperation with other Federal agencies, Departments and instrumentalities quantitative model local noise standards, codes and regulations.

(g) to establish a coordinating mechanism to assure the smooth and consistent operation of all Federal activities in the field of noise abatement and research.

(h) to establish an Office of Noise Abatement in the Environmental Protection Agency to carry out the above mentioned functions and to serve as the primary administrative focus within the Federal government on matters pertaining to the control and prevention and abatement of noise; to act as a liaison with the activities carried on by other agencies, Departments and instrumentalities of the Federal Government relating to noise abatement, prevention and control; to assist in defining the Federal role in noise abatement and to make recommendations with respect to any administrative or legislative action desirable in carrying out the goal of attaining a suitable acoustical environmental for all Americans; and to coordinate its concern and activities in the realm of noise abatement in the larger overall environmental program of the Environmental Protection Agency.

The Office of Noise Abatement would not be given authority for implementing noise abatement actions except at the State, regional and local levels in assisting in the establishment of noise abatement programs, but would carry out staff studies, answer public inquiries; serve as a focal point for disseminating information and educating the public; provide coordinating and reporting functions; and for other purposes.

ESTABLISHMENT OF AN OFFICE OF NOISE ABATEMENT IN THE ENVIRONMENTAL PROTECTION AGENCY

SEC. 2. (a) There is hereby established within the Environmental Protection Agency an Office of Noise Abatement (hereinafter in this Act referred to as the "Office").

(b) The Office for administrative purposes shall be headed by a Director and Deputy Director appointed in accordance with civil service laws.

(c) The Director is authorized to provide the Office with such fulltime professional and clerical staff and with the services of such consultants as may be determined as necessary for the Office to carry out its duties and functions as delineated in this act.

November 24, 1970

FUNCTIONS OF THE OFFICE OF NOISE ABATEMENT

SEC. 3. (a) The Office shall establish identifiable units to carry out at the minimum the four following functions—

(1) PUBLIC INFORMATION.—There should be established in the Office a National Clearinghouse on Noise Abatement to serve as a repository for all information relating to noise pollution its effects and control. The Clearinghouse is charged with collecting and maintaining a library of noise and vibration information, abatement measures, detailed data on noise sources, and standards and regulatory actions throughout the world. The Clearinghouse would be charged with the responsibility of handling all public inquiries made to the Federal Government of a routine nature, directing those inquiries outside of their jurisdiction or expertise to the appropriate Federal agency, Department or instrumentality or to another section of the Office of Noise Abatement. In addition to the responsibility of disseminating authoritative and well-balanced information relating to noise pollution, its effects and available means for control upon request, the Clearinghouse would be charged with initiating as a public service information to concerned segments of the public on the risks and damages incumbent in excessive noise levels and methods available to meet the problem of noise pollution.

(2) COORDINATION OF FEDERAL PROGRAM PLANNING AND DEVELOPMENT IN NOISE ABATEMENT.—There should be established in the Office of Noise Abatement an Interagency Committee on Noise Abatement headed by the Director of the Office and composed of a representative from the following Federal agencies, Departments and instrumentalities who have the authority to act as a spokesman for the agencies' noise abatement policies and programs—

Council on Environmental Quality
Department of Agriculture
Department of Commerce
Department of HEW
Department of HUD
Department of the Interior
Department of Labor
Department of Transportation
Civil Service Commission
General Services Administration
NASA
Veterans Administration
National Science Foundation
(Department of Defense, Post Office Department)

Functions and Duties of the Interagency Committee on Noise Abatement

(1) Serve as a mechanism for coordinating the noise abatement activities of these Federal instrumentalities.

(2) Meet as often as deemed necessary by the Director.

(3) Report not less than once each fiscal year to the President on the work of the Office, the work of the Interagency Committee, the work of Federal agencies and departments in the field of noise abatement as well as on the work and activities relating to noise control, prevention and abatement in the States, counties, and municipalities and regional government bodies and the role the assistance provided for under this act has played in such work and activity and make recommendations with respect to any additional legislative or administrative action necessary or desirable in carrying out the goal of attaining a suitable acoustical environment for all Americans.

(4) The Interagency Committee can be broken into groups for the purposes of carrying out their functions.

(5) The Interagency Committee shall meet as deemed necessary to—
assist the Office of Noise Abatement in formulating model noise codes, regulations, and standards;

to discuss the merits and implementations of such recommendations in the realm of the federal role in noise abatement as come to its attention (thinking here of Panel on Noise Abatement recommendations);

review the progress of federal noise programs, how Federal programs in the realm of noise abatement can be assisted and coordinated and what the needs are for the Federal role to be fulfilled in attaining a suitable acoustical environment for all Americans.

to air ways in which the Office can best assist other Federal agencies, Departments and instrumentalities in the discharge of its noise abatement responsibilities;

to review and make recommendations on Federal noise activities for its fiscal year report to the President.

PLANS AND REPORTS

SEC. 4. Not later than six months after the passage of this bill the Director shall make a report to Congress setting forth the estimate of the costs and personnel requirements of the Office of Noise Abatement to meet the objectives of the Office as set forth in this Act and the steps to be taken to achieve a systematic accomplishment of said objectives.

Report of the Interagency Committee
On January 1 following submission of the Director's report and on each January 1 thereafter the Director in conjunction with the Interagency Committee on Noise Abatement shall submit a report to Congress based on the findings of the Interagency Committee which compares the results achieved during the preceding fiscal year for provision of services with the objectives stated under this Act; state the accomplishments of the Office, Interagency Committee, other Federal agencies and instrumentalities in the realm of noise and the interaction of these programs with state and local governments; and make recommendations with respect to any additional legislative or administrative action necessary or desirable in carrying out the goals of attaining a suitable acoustical environment for all Americans.

GRANTS

SEC. 5. The Director is authorized to make through the Office grants on a matching basis to States, counties, municipalities and regional governmental bodies, commissions, or councils for the purpose of establishing effective noise control programs.

Grants made under this section will be made according to regulations promulgated by the Director. Funds shall be allocated after taking into account the number of people to be served by such a proposed program, the extent to which the program is needed, the relative need of the applicant and its capacity to make rapid and effective use of such assistance.

Any grant made under this section shall be payable in such installments and subject to such conditions as the Director may determine to be appropriate to assure that such grants will be effectively utilized for the purpose for which it is made.

Under the direct supervision of the Director with the assistance of Interagency Committee there is to be a unit which reviews project proposals submitted to the Office of Noise Abatement for grant application in order to assist States, counties, municipalities and regional governmental bodies in the development of noise control programs. These grants are to be made on a matching basis and should only be made in those instances which are not covered by programs under other Federal instrumentalities.

For the purpose of making grants under this section there is authorized to be appropriated such funds as are necessary for the fiscal year ending June 30, 1971.

U.S. PARTICIPATION IN CERTAIN INTERNATIONAL FINANCIAL INSTITUTIONS—AMENDMENT

AMENDMENT NO. 1081

Mr. MILLER proposed an amendment to the bill (H.R. 18306) to authorize U.S. participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the Exchange Stabilization Fund by the General Accounting Office, and for other purposes, which was ordered to be printed.

(The remarks of Mr. MILLER when he proposed the amendment appear later in the Record under the appropriate heading.)

ADDITIONAL STATEMENTS OF SENATORS

THE DISASTER IN EAST PAKISTAN

Mr. KENNEDY. After 11 agonizing days of delay, reports from East Pakistan indicate that relief aid is finally making its way to the people who so desperately need it. How many survivors of the cyclone and tidal wave that struck East Pakistan last November 13 have needlessly died during the past 11 days of mismanaged aid remains a terrible, unanswered question.

What is certain, Mr. President, is that reports from East Pakistan continue to tell a horrifying story of massive human suffering made all the more horrifying by the mounting evidence of confusion and inexcusable delay.

The evidence of this mismanagement and lack of coordination is clear. The League of Red Cross Societies was forced to announce in Geneva over the weekend that they have delayed further relief flights to East Pakistan "pending the clearing of the bottleneck in Dacca." The lack of transportation—specifically, helicopters, landing craft, and seaplanes—meant that food and medical supplies piled up in Dacca warehouses while thousands starved in the disaster area.

Mr. President, the response of the U.S. Government is particularly suspect with regard to this lack of transportation. As of yesterday, only six U.S. helicopters were available to fly relief missions in East Pakistan. Four other U.S. helicopters still were being assembled in Dacca. Other than two light helicopters sent from Nepal, the remaining eight U.S. helicopters in East Pakistan were flown in from North Carolina.

I repeat, Mr. President, that these are the sum total of helicopters that the United States of America has thus far made available to East Pakistan. The Defense Department states that we have 4,000 helicopters currently available in Southeast Asia. Although I find it difficult to accept this figure as the true number of helicopters we have in Thailand, Laos, South Vietnam, and aboard our aircraft carriers, the question remains: Why were none of these 4,000 helicopters sent to Dacca? I cannot believe, Mr. President, that it is not possible for helicopters to be transported from our forces in Southeast Asia faster or more expeditiously than from North Carolina.