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Preface

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Preface

*Frank P. Grad**

In his book-length article, Professor Wood deals with the most elusive of environmental pollutants and with the almost equally elusive problem of its control. Because noise is a pollutant that leaves no residues, and because its impact on human health has not been easy to demonstrate, it has received less attention—and it has had fewer resources committed to its control—than other environmental insults. To be sure, the physiologic impact of high levels of noise on hearing loss is easily demonstrable, and the impact of noise on the cardiovascular system is becoming increasingly clear. But it seems difficult to some observers to differentiate the psychological impact of noise from the psychological impact of the tensions of urban life generally. Moreover, the reaction to noise is in some measure subjective, with individual differences in background and experience, and in physical makeup, resulting in different responses of toleration or annoyance.

Professor Wood takes a significant aspect of the noise problem, namely traffic noise, and examines its regulation in two western legal systems, those of the United States and the Federal Republic of Germany. In comparing the federal, state, and local regulation of traffic noise in the United States and the Federal Republic of Germany, he not only affords us an enlightening analysis and comparison of differing substantive approaches to the regulation of noise, but he affords us, too, a valuable comparative view of the two systems of government, and the interrelationship of their federal, state, and local legislation. Taking the United States federal noise control efforts, and those of New York State and of New York City as his American examples, he compares them with the regulatory efforts of the Federal Republic of Germany, the State of Bavaria, and the city of Munich. The comparisons are appropriate because both the United States and the Federal Republic of Germany have large populations of motor vehicles and much resulting street noise, and the states and cities chosen all share the problem, though, to be sure, it is probable that the size of the vehicular population in the United States and

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the character and configuration of older cities in Western Europe probably create some significant differences. Moreover, it seems that Germany pays more attention to vehicular noise, while the United States is more concerned with automotive air pollution—a difference of approach that may merit the attention of a social anthropologist.

It is perhaps the greater concern for noise that has placed the Federal Republic of Germany somewhat ahead in its regulatory efforts, particularly with respect to its emphasis on the development of ambient noise standards. While both systems emphasize—as they must—control of noise at its source, federal law and regulations in the United States focus primarily on the preemptive regulation of noise emissions from new sources, while the more pervasive German regulations appear to deal more fully with the vehicle and other noise sources in actual use, a matter that is largely left to the level of state enforcement in the United States. Other measures of control—particularly measures that deal with highway construction and the requirement of changes in the environment to shield human habitation from highway noise—are part of both the American and German federal control effort, with varying state participation, depending on the system of federal-state relations in each. To these regulatory approaches, the Federal Republic of Germany adds incipient ambient controls, a far-reaching move because the reduction of noise emissions is only a means to an end, namely the reduction of ambient noise, the sum total of harmful and annoying noise in the environment.

Professor Wood's account gives us a fine view of the far more highly centralized character of the German federal system. There is concurrent federal-state authority for noise regulation, and in actual operation, the federal law has the decisive regulatory impact on the national, state, and local level. This, perhaps, explains why the matter of ambient standards—which has been a local matter in the United States in the few places that have paid any attention to the subject at all—is a matter for the national government in Germany. A similar comment, too, is appropriate on the application of noise regulations to the vehicle in actual use, which in the United States is a matter for the state government. To deal with noise emission standards for new sources and new vehicles, where national uniformity is desirable for the regulation of industry, both countries regulate at the national level.

This reader can only agree with Professor Wood in not drawing any conclusions as to the advantages or the relative state of

advancement of the American and German regulatory efforts. To be sure, we can all learn lessons from a comparison, and sometimes even the lesson that certain approaches are more appropriate for one system than the other, may be valuable. Another insight that may be valuable on both sides of the Atlantic is that noise control depends not only on sound laws, but on sound and diligent enforcement, soundly supported by adequate appropriations. Enforcement of noise controls can stand much improvement in the United States, and, it seems, in the Federal Republic of Germany, too. Perhaps a comparative account of enforcement might be a good sequel to Professor Wood's fine beginning.