

ignore the prerogative of foreign governments to regulate noise, or it would risk the loss of U.S. markets abroad for both our aircraft manufacturers and air transport services.

For example, suppose the United States were to certify an aircraft at 120 decibels and then some foreign government imposed a 100-decibel limit. You couldn't operate the U.S. aircraft into that country and the foreign buyers wouldn't buy the U.S. aircraft.

Finally, certification authority is essentially a tool for future application. Whatever benefits it will provide are down the road, as the FAA witnesses themselves in the 1966 hearings before this committee testified. They said that any regulation which FAA might put out under the bill would be prospective and of no effect on aircraft "on the drawing boards now." So since it appears that certification authority under H.R. 3400 is not actually in terms limited to future aircraft, however, a basic question is presented whether this function of certifying aircraft for noise does not raise economic issues which properly belong within the cognizance of the Civil Aeronautics Board rather than the Department of Transportation of the FAA Administrator. This economic implication is a very crucial issue in anything that is done under certification.

In all events, it would be reasonable to expect that noise certification would be utilized at the outset at least only for newly designed aircraft. Considering the well-known timelag between design and production, this means that we are looking down the road for any real results from noise certification, so that no one should think that noise certification is a panacea for noise reduction.

Nevertheless, it is a desirable tool to promote noise abatement and the airlines industry do support such authority, provided, first of all, that it is made mandatory, not just permissive or discretionary; secondly, that it is limited to type certification of the integral aircraft as an operating entity, not a laboratory thing worked out on the test stands; and lastly, that the Federal Government make use of its existing authority to complement this process with appropriate flight rules, so as to preclude any conflicting State and local attempts to regulate aircraft noise. Again we particularly stress the importance of land use control around airports.

I would just like to examine briefly some of the specific provisions of H.R. 3400.

First of all, the bill substitutes the Secretary of Transportation for the Administrator in the former bill. Presumably this is to reflect the passage of the Department of Transportation Act. However, in the first place, it is a more rational legislative scheme to keep certification for noise where certification for safety is. You don't want the issuance of two separate certificates, one for safety, one for noise, which is what H.R. 3400 apparently contemplates.

It should be a single certificate and it should be kept where it belongs, in the one person where it more logically fits. The Administrator ought to be the one to administer the certification provision. You already have some ambiguity in the bill by reason of the fact that it purports to amend title VI but it does not amend the heading of title VI, which is "Safety Regulation of Civil Aeronautics." The bill does not amend it, for instance, to say "Safety and Noise Certification." It leaves