

ILLINOIS POLLUTION CONTROL BOARD
October 31, 1972

IN MATTER OF)
PROPOSED NOISE REGULATIONS) #R72-16
FOR TOYS)

OPINION AND ORDER OF THE BOARD (BY SAMUEL T. LAWTON, JR.)

Petition bearing in excess of 200 signatures was received from C. A. N. Citizens Against Noise, proposing adoption of a regulation, providing as follows:

"No toy may produce noise on a continuous basis exceeding 85 decibels on the A scale, slow mode of operation, as measured one foot from said toy; no form of toy gun, rifle or other such device produce noise on an impulse or explosive basis exceeding 100 decibels as measured on the A scale, fast mode of operation as measured one foot distance from said toy or other explosive device."

The relevant sections of the Environmental Protection Act relating to the Board's jurisdiction with respect to the adoption of Noise Regulations, provide as follows:

Section 23

The General Assembly finds that excessive noise endangers physical and emotional health and well-being, interferes with legitimate business and recreational activities, increases construction costs, depresses property values, offends the senses, creates public nuisances, and in other respects reduces the quality of our environment.

It is the purpose of this Title to prevent noise which creates a public nuisance.

Section 24

No person shall emit beyond the boundaries of his property any noise that unreasonably interferes with the enjoyment of life or with any lawful business or activity, so as to violate any regulation or standard adopted by the Board under this Act.

Section 25

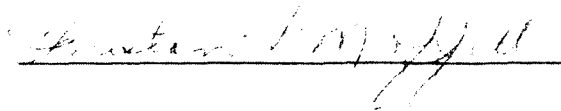
The Board, pursuant to the procedures prescribed in Title VII of this Act, may adopt regulations prescribing limitations on noise emissions beyond the boundaries of the property of any person and prescribing requirements and standards for equipment and procedures for monitoring noise and the collection, reporting and retention of data resulting from such monitoring."

It will be seen from the above-quoted statutory provisions that the Board's jurisdiction for the adoption of regulations in this field relates to noise emitted beyond the boundaries of the property on which the noise has been generated and is concerned with the environmental impact inherent in such noise generation. The proposed regulation is essentially one in the category of consumer protection and does not fall within the area of control envisioned by the Legislature for which the Board is authorized to enact regulations.

We make no determination as to the need or value of such regulation but hold that it is not within our legal province to consider it. Accordingly, the petition proposing adoption of the above regulation is hereby dismissed.

IT IS SO ORDERED.

I, Christan Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted on the 3rd day of October, 1972, by a vote of 2 to 0.



Christan Moffett