

# 2009-10: TIPPING POINT FOR NOISE & PRIVACY

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*Noise & speech privacy have sprung back to life--thirty years after Washington stopped enforcing the "Noise Control Act." The tipping point is 2009/10 as new codes & guidelines are released. Demand for solutions is growing now thanks to six converging government initiatives that became law over the past decade. Solutions are needed by building owners, architects, planners, engineers, construction companies & real estate facilities managers. Demand is growing in government, financial services, healthcare & corporate real estate.*



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## FEDERAL, STATE & LOCAL LAWS ARE CHANGING THE GAME

- 1 **Privacy:** HIPAA, GLBA, Canada's PIPEDA, & other state, provincial & local consumer-privacy laws
- 2 **Security/Anti-Terrorism:** USAPatriot Act & other federal & state statutes including border security
- 3 **Financial Accountability:** Sarbanes Oxley (SOX) & other federal & state financial transparency statutes
- 4 **Healthcare Reform:** federal & state statutes focused on "EPR" & quality issues in the "Environment of Care"
- 5 **Energy Independence & Economic Security:** EISA, EPAAct, & USGBC/LEED all include "Indoor Environmental Quality" (EQ now includes noise, privacy & sound as well as air quality & thermal comfort)
- 6 **Advanced Technology:** 21st Century Nanotechnology R&D Act created a stream of new & often "green" materials & technologies that impact acoustics & challenge solution providers & professional services to think "out of the box"

## WHAT ARE THE NEW GUIDELINES & CODES?

- 1 **AIA/ASHE/Facility Guidelines Institute:** Accepted as code by most of the United States and many federal agencies, the 2006 edition of "Guidelines for the Design & Construction of Healthcare Facilities" address HIPAA; the 2010 edition includes explicit, performance-based minimum requirements for speech privacy, noise & other acoustical considerations. The 2010 acoustical guidelines have been publicly available since 2006
- 2 **USGBC LEED Rating System:** In November 2007, two "Environmental Quality" credits (Acoustic Credit 9) were approved for acoustics & privacy (see the 2009 edition of LEED HC); these credits can be applied to other LEED projects such as CI. They cite the AIA Guideline as the "Reference Standard"
- 3 **Green Guide for Healthcare:** In January 2007, two "Environmental Quality" credits (Credits 9.1-9.2) became available, citing the AIA/FGI Guideline as the "Reference Standard"
- 4 **UFC (US Department of Defense):** Between 2003 & 2005, all U.S. military branches consolidated facilities design & construction criteria into one document, the "UFC" or Unified Facilities Criteria. "Section 23 – Acoustics" contains technical criteria for speech privacy & sound masking.

## FIVE QUESTIONS TO ASK CLIENTS BEFORE YOU START ADVISING

Because of the complexity and variety of these laws, guidelines & codes it is essential to ask your clients "diagnostic" questions before you attempt to talk about solutions. Their answers will help you explain how you will address the problem and solve it. Do not attempt to explain or interpret laws, codes or guidelines. Simply listen to your customer's description and write it down. Quote their statements in your proposal.

- 1 What is the problem they want to solve? (ex: "I can hear confidential conversations through the wall")
- 2 Is their leadership concerned about a new law, regulation, or code? (which? HIPAA, SOX, UFC?)
- 3 Who interpreted this requirement—can you have a copy of the language and their interpretation?
- 4 Do they want a "green" solution, i.e., do they want to earn credits toward a LEED or EnergyStar rating?
- 5 What code requirements do they need to comply with? Do any recent code changes concern them?

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