



NATIONAL HEARING CONSERVATION ASSOCIATION

TO: The Honorable Jordan Barab, Acting Assistant Secretary of Labor
Occupational Safety and Health Administration, U.S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

FROM: Rick Neitzel, PhD, CIH, President
National Hearing Conservation Association
3030 West 81st Ave
Westminster CO 80031

DATE: August 28, 2009

SUBJECT: Request for updated hearing conservation regulations in the United States

ISSUE

Exposure to high levels of noise is one of the most prevalent occupational hazards faced by American workers, with an estimated 22 million noise exposed workers in the U.S. Consequently, noise-induced hearing loss (NIHL) resulting from excessive noise exposure is one of the most common occupational diseases in the U.S. Unfortunately, OSHA's hearing conservation regulation is not consistent with current scientific knowledge, is not uniformly applied across all industries, and has not proven effective in preventing NIHL. This is an untenable situation for American workers. The National Hearing Conservation Association (NHCA) is a multidisciplinary organization committed to the *prevention* of hearing loss, and as such is uniquely positioned to advocate for contemporary U.S. noise exposure regulations.

ACTIONS REQUESTED

OSHA should take the following actions immediately:

- 1) Lower the Permissible Exposure Limit (PEL) for noise to an 8-hour time-weighted average level of 85 A-weighted decibels (dBA) using a 3 dB time/intensity exchange rate.
- 2) Apply the revised PEL to all U.S. industrial sectors, including construction, agriculture, oil and gas drilling and servicing, and shipbuilding, which are not now effectively covered.
- 3) Rescind the policy in the OSHA Field Operations Manual (3/2009) which permits exposures of up to 100 dBA without employer efforts to implement noise controls.

NHCA encourages OSHA to work with other agencies which regulate occupational noise exposure, including the Mine Safety and Health Administration, the Federal Railroad Administration, the Department of Defense, the U.S. Coast Guard, the Department of Transportation, and the National Institute of Occupational Safety and Health (NIOSH) to develop a unified exposure regulation for all American workers.

BACKGROUND

Noise and NIHL

Research suggests that up to 20% of American workers are exposed to potentially hazardous levels of noise. As a result, NIHL – a completely, 100% preventable occupational disease – affects millions of U.S. workers, and is the most important preventable cause of hearing loss in America. NIHL has a tremendous financial impact, costing billions of dollars annually in hearing health care and workers' compensation payments. In addition to the large impact of this occupational disease at the societal level, NIHL also has a significant impact on affected individuals, limiting their ability to communicate and work effectively, and dramatically reducing their quality of life and those of their spouses/family members.

The current Permissible Exposure Limit (PEL) for noise

The OSHA PEL for noise was promulgated three decades ago, and in the intervening period scientific knowledge on noise exposure and NIHL has increased substantially. Research by NIOSH and other agencies has identified a considerable risk of NIHL associated with long-term work at the current PEL of 90 dBA and a 5 dB time/intensity exchange rate. This risk of NIHL to workers exposed at the OSHA PEL is unacceptable and inadequate in terms of preventing NIHL.

Effect of the revisions to the PEL requested by NHCA

Lowering the PEL from 90 to 85 dBA and the time/intensity exchange rate from 5 to 3 dB will halve the risk of NIHL in American workers, according to NIOSH estimates. This risk will be further reduced by extending the PEL to the various U.S. industries (including construction, agriculture, oil and gas drilling and servicing, and shipbuilding) not covered by the existing regulation, and by rescinding the policy (OSHA Field Operations Manual, 3/2009) which permits exposures up to 100 dBA without requiring implementation of noise controls.

Additional support for the request revisions to the PEL

Many U.S. agencies have already adopted the regulation we propose here. Both NIOSH and the American Conference of Governmental Industrial Hygienists (ACGIH) have recommended an 85 dBA exposure limit and 3 dB exchange rate for more than a decade. The Department of Defense (DOD) currently uses an 85 dBA exposure limit, and strongly recommends use of a 3 dB exchange rate. Outside of the U.S., nearly all nations and standards-setting organizations have more protective regulations relating to occupational noise exposure than does the U.S. *As a result, U.S. workers have greater exposure to noise – and, subsequently, greater potential to develop permanent and irreversible NIHL – than do the workers of almost every other nation.* Technical details supporting our position may be found in a recent position paper by Dr. Alice Suter which was submitted to OSHA in 2007 by the International Safety Equipment Association (ISEA). NHCA can provide OSHA with a copy of this position paper upon request.

The changes NHCA has requested here will prevent or reduce the substantial burden that NIHL places on our society and on the American worker. We will anxiously await OSHA's response to this request. Please contact me should you have any questions regarding this issue, or require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Neitzel", with a stylized flourish at the end.

Rick Neitzel, PhD, CIH
President, NHCA

cc: The Honorable Hilda L. Solis, Secretary of Labor
National Institute for Occupational Safety and Health, Work Related Hearing Loss Group
Alice Suter, Alice Suter and Associates
International Safety Equipment Association, Hearing Protection Group