

For Immediate Release:

Contact:
E-mail:

Erin Erickson
nhcaoffice@hearingconservation.org

The National Hearing Conservation Association (NHCA) is pleased to announce that the Occupational Safety and Health Administration (OSHA) has declared its intention to change its current policy on compliance with the noise standard, 29 CFR 1910.95.

The NHCA is a national non-profit professional association whose mission is to prevent hearing loss due to noise and other environmental factors in all sectors of society. Its members include audiologists, industrial hygienists, nurses, physicians, and engineers.

OSHA published a notice in the Federal Register on Tuesday October 19th, 2010 stating its purpose to clarify the definition of the word *feasible* to reflect its plain meaning, *capable of being done*, making the enforcement of the noise standard consistent with the Agency's approach to all other health and safety standards. Section (b)(1) of the noise standard requires employers to use feasible engineering or administrative controls for workers exposed to time-weighted average noise levels above 90 dBA. For many years, however, *feasible* has been interpreted by the Agency in an economic, cost-benefit sense rather than its plain meaning. The result has been that OSHA has not enforced the requirement for engineering or administrative controls.

Since 1983 OSHA has held noise exposed workers to a double standard in that this is the only health or safety standard where OSHA used this methodology. Simply by issuing a policy statement, OSHA has allowed employers to expose workers to time-weighted average levels of 100 dBA before requiring engineering or administrative controls, and even at that excessive noise level the requirements have rarely been enforced.

NHCA has communicated its position to OSHA over several years: that the existing policy is harmful to noise exposed workers and is of questionable legality since it was issued without benefit of rule making.

The popular assumption has been that the other components of hearing conservation programs, such as hearing protection devices, audiometric testing, and training requirements would be sufficient to prevent hearing loss. Although these elements are helpful, they are not as effective as engineering noise control and they are not enough. They are often inadequate and poorly administered, with the result that thousands of workers are losing their hearing every year. In addition, the other adverse effects of noise, including safety hazards and interference with communication and warning signals need to be addressed through engineering controls.

In this notice, OSHA gives the legal justification for its intention to enforce the noise standard's requirements for engineering and administrative controls above the 90 dBA permissible exposure level when technologically feasible and in economic circumstances that do not threaten an employer's ability to stay in business.

American workers exposed to hazardous levels of noise have been treated unfairly for more than 25 years. NHCA is gratified that the current OSHA administration has chosen to rectify this problem, and we look forward to continuing our work with OSHA to protect the hearing health of American workers.