

NHCA Greet New Director of OSHA: Suggests Strengthening OSHA Noise Policy

March 2, 1994

Mr. Joseph Dear
Assistant Secretary of Labor for
Occupational Safety and Health
U.S. Department of Labor
Washington, DC 20210

Dear Mr. Dear:

Please accept our congratulations on your appointment as Assistant Secretary of Labor for Occupational Safety and Health. The members of our organization, the National Hearing Conservation Association (NHCA), are well aware that yours is a vitally important and difficult job, and we wish you much success in your endeavors.

The NHCA is a national organization consisting of over 550 members, who serve millions of noise-exposed workers. NHCA's mission is to facilitate the prevention of noise-induced hearing loss by encouraging education, information exchange, and the development of standards in noise and hearing conservation, and also by advancing the quality of services and practices among hearing conservation professionals.

About a decade ago OSHA promulgated an amendment to its noise standard for hearing conservation programs. We believe that the noise standard, as amended, has helped to conserve the hearing of a great many American workers. Time and experience, however, have taught us that the noise standard can and should be improved in numerous ways. Some of

these improvements can be accomplished with minimal effort, while others may take longer and require more background work.

For more than a decade, European, Canadian, and other foreign governments have continued to update and improve their noise standards, whereas OSHA has maintained the status quo. The result is that the U.S. is no longer leading the way in this area, and that OSHA's noise standard would benefit from an update.

It is our opinion that there are three approaches to improving the noise standard:

POLICIES

The first step could be accomplished quickly, with a minimum of effort on the part of the agency, and with some very tangible benefits. This approach would be to rescind/revise certain directives regarding OSHA policies.

First, OSHA should re-emphasize its commitment to engineering noise control. Engineering control has been the preferred method of controlling the hazard in most OSHA standards, and the noise standard is no exception. A compliance memorandum, issued in 1983, however, reversed that commitment, without benefit of public notice and comment.

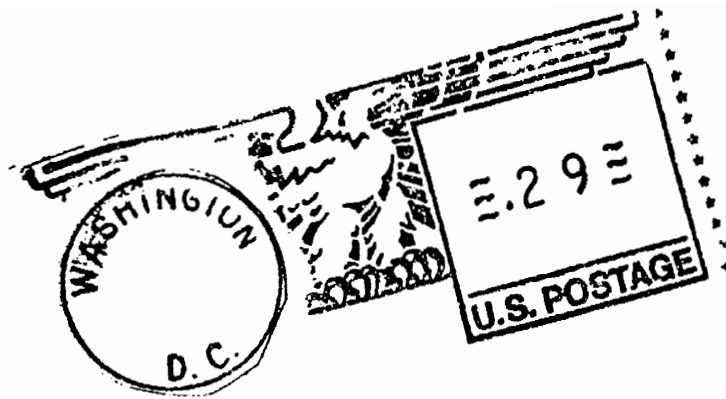
CPL 2-2.35 directs OSHA compliance officers not to cite for lack of feasible engineering controls until workers' time-weighted average exposure levels (TWA) exceed 100

dB(A), so long as the company has an "effective hearing conservation program." Even in TWAs over 100 dB(A), compliance officers are to use their discretion. Adding to the problem is the fact that OSHA has never formally defined an "effective hearing conservation program."

CPL 2-2.35 should be withdrawn immediately. Most hearing protectors, as they are worn in the field, do not provide sufficient attenuation to bring workers' exposures from 100 dB(A) to safe noise levels. This means that many thousands of workers are being exposed to hazardous levels of noise, with a greatly increased likelihood of developing noise-induced hearing loss.

We realize that compliance officers may lack sufficient information on feasible engineering control because noise control has not been an agency priority for many years. There are resources available nowadays, however, through a variety of professional organizations, universities, and individual consultants, and we would be happy to assist you in locating these resources.

Another improvement that could be accomplished simply by a change in compliance policy would be to withdraw the current directive on the recordability of occupational hearing loss on the OSHA 200 log, and to replace it with one that is more scientifically justifiable and more protective. The current policy is to require employers to record work-related threshold shifts in hearing only after



they have reached an average level of 25 dB or more at 2000, 3000, and 4000 Hz. NHCA, as part of a coalition of professional organizations, has written to OSHA in the past, stating that this policy is dangerously underprotective and not technically well-founded. The existing policy should be substituted by a requirement to record a **confirmed** standard threshold shift (STS). Several state-run OSHA programs currently follow this practice.

HEARING CONSERVATION AMENDMENT

The second approach could also be accomplished fairly easily, and that would be to strengthen and improve the hearing conservation amendment through the rule-making process. By confining its proposals to specific provisions of the hearing conservation amendment, OSHA could keep the rule-making relatively simple. Certain changes were made to the amendment between 1981 and 1983 which have not been beneficial. Other provisions have become outmoded and need to be updated. Still other changes need to be made on the basis of more than a decade of experience in complying with the amendment. Most of these changes are not particularly controversial and would greatly improve the effectiveness with which hearing conservation programs are conducted. We would be happy to provide you with a list of the changes that we would recommend.

NOISE STANDARD

A third important area includes the standard's permissible exposure limit (PEL) and exchange rate, the relationship in decibels between the allowable exposure level and duration. Research on the effects of noise on hearing, as well as precedent throughout the world, supports the adoption of a PEL and exchange rate that are more protective than the ones OSHA promulgated in 1969. We would encourage OSHA to reexamine these issues.

In order to discuss these issues with you and to provide you with further information, I would like to request a meeting with you at your earliest convenience. Please be kind enough to ask your secretary to schedule an appointment by contacting our Executive Director, Michele Johnson at (515) 243-1558 (voice) or (515) 243-2049 (fax).

Again, you have our support and best wishes in your endeavors to make the workplace safe and healthy for American workers.

Sincerely yours,

Susan Cooper Megerson
President

cc: Richard H. Lyon, President
Acoustical Society of America

Mansfield Smith, President
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