

The NHCA WRITES

The NCHA recently wrote to Dr. Donald Millar of NIOSH and Mr. John Pendergrass of OSHA encouraging the development of hearing conservation standards for agriculture and construction. Here we reprint our letter and OSHA's response.

NHCA

THE NATIONAL HEARING CONSERVATION ASSOCIATION
900 Des Moines Street, Suite 200, Des Moines, Iowa 50309 (515) 266-2189

March 20, 1989

Dr. J. Donald Millar
Director, National Institute for
Occupational Safety and Health
Dept. of Health and Human Services
Centers for Disease Control
Atlanta GA 30333

Dear Dr. Millar:

As professionals actively engaged in the prevention of occupational hearing loss, we are writing to request that NIOSH initiate research efforts in two areas that have been historically neglected. They are the conservation of hearing in the construction industry and in agriculture.

Construction

According to an EPA report (550/9-81-101), there were some 4.6 million Americans employed in the construction industry in 1979, of whom approximately 500,000 were exposed to daily average noise levels exceeding 85 dB(A). This figure can be expected to be somewhat larger today. Construction equipment can produce noise levels well above 100 dB(A), and workers' daily average exposures in excess of 90 dB(A) are common. These conditions are sure to lead to noise-induced hearing impairment unless interventions are performed.

We are aware that OSHA's construction noise standard, 29 CFR 1926.52, contains a requirement for employers to control noise, to issue hearing protective devices, and to institute "continuing, effective, hearing conservation programs". It is our understanding, however, that these provisions are not enforced. In fact, our members report that the majority of construction workers we encounter do not use and have not even been offered hearing protective devices. These workers deserve the same protection afforded to their counterparts in the manufacturing industries, who are covered by OSHA's amendment to 29 CFR 1910.35 for hearing conservation programs.

We are also aware that the construction industry is characterized by special problems, such as intermittent exposures and a highly mobile workforce. But we believe that ingenuity, common sense, and the experience of other nations, such as Canada and Sweden, can be brought to bear on these problems.

We believe that the exposure situation needs to be assessed, that model hearing conservation programs need to be developed, and that educational programs should be made available to construction workers and employers. This would also assist OSHA in any regulatory efforts in this regard.

Agriculture

According to the same EPA report (550/9-81-101), approximately 3.5 million workers were employed in agriculture in 1979. Of these, about 323,000 were exposed to daily average noise levels of 85 dB(A) or greater, and an estimated 108,000 were exposed above 90 dB(A). We believe these figures present a reasonable approximation of today's situation. There is evidence many agricultural workers have developed noise-induced hearing losses, and that these losses begin to accrue at a relatively early age.

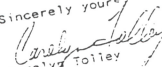
Not only are these workers denied the benefits of the hearing conservation amendment, they lack coverage by any noise standard. At present, there are no regulatory or educational programs that would protect farm workers against noise hazards, or help them protect themselves.

Once again, the nature and extent of the problem needs to be thoroughly assessed, model hearing conservation programs need to be developed, and an educational initiative undertaken.

The National Hearing Conservation Association is the only U.S. professional organization whose sole purpose is to promote the conservation of hearing in American workers. This purpose is accomplished through the increase of knowledge and dissemination of information about occupational hearing conservation, and through efforts to improve hearing conservation practices.

We urge you to consider this petition seriously and promptly, and we will be happy to assist you in any way we can.

Sincerely yours,


Carolyn Tolley
President

CT/bb

U.S. Department of Labor

APR 18 1989

Assistant Secretary for
Occupational Safety and Health
Washington, D.C. 20210

Ms. Carolyn Tolley
President
National Hearing Conservation Association
900 Des Moines Street, Suite 200
Des Moines, Iowa 50309

Dear Ms. Tolley:

This letter is in response to your March 20 petition on behalf of the National Hearing Conservation Association which requested that rulemaking be initiated on hearing conservation for the construction industry and for agriculture.

As you know, the OSHA occupational noise exposure standard for the construction industry (29 CFR 1926.52) requires that hearing protection be provided and used when employee overexposure to effective hearing conservation program. As part of its continuing program elements including monitoring of noise levels, training for employees on noise hazards, the use of hearing protection initial and followup tests would track the effectiveness of the hearing conservation program on individual employees.


Since the OSHA agriculture standard (29 CFR 1928) does not contain a noise exposure standard and does not reference the hearing conservation program (29 CFR 1910.95), a mandatory operations. However, where agricultural noise exposures exceed the general industry permissible noise exposure levels, OSHA compliance officers have been instructed to advise the employer that it is good practice to provide and require the use of hearing protection and to train employees in the hazards of noise exposure and in proper fit of hearing protection. Where practical audiometric testing is also encouraged.

As you stated in your letter, there are special problems associated with hearing conservation programs for construction and particularly for agriculture. Problem areas such as high employee turnover and the intermittent nature of noise exposures, especially in the latter case, would make developing a hearing conservation standard for agriculture difficult.

At this time no rulemaking related to hearing conservation for construction and agriculture is being considered for inclusion in the Regulatory Agenda for this Agency. Future priorities and resources available to OSHA will depend upon the regulatory action on rulemaking in this area will depend upon the regulatory rulemaking actions are completed.

Thank you for your interest in this matter.

Sincerely,


Alan C. McMillan,
Acting Assistant Secretary