

Comments from the National Hearing Conservation Association (NHCA) regarding 29 CFR 1910.95, "Occupational noise exposure"

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NATIONAL HEARING CONSERVATION ASSOCIATION

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NHCA appreciates this opportunity to provide input to OSHA on how to improve the safety and health of America's workers, and applauds OSHA for initiating this public input process. The mission of NHCA is to prevent hearing loss due to noise and other environmental factors in all sectors of society. For more information about NHCA, visit www.hearingconservation.org.

Scope of problem

Despite the passage of OSHA's hearing conservation amendment nearly 30 years ago, high noise exposures continue to occur in US workplaces. Noise is one of the most common occupational exposures in the US; in 2009, the US National Institute for Occupational Safety and Health (NIOSH) estimated that approximately 22 million US workers were exposed to hazardous levels of noise. Noise-induced hearing loss (NIHL), a completely, 100% preventable disease, is among the top US occupational illnesses, affecting about 10 million Americans. According to the US Bureau of Labor Statistics (BLS), NIHL had the highest incidence of any occupational illness among manufacturing workers in 2008. Noise exposure also has effects beyond NIHL, including impaired performance and increased risk of accidents, and has also been linked to stress, hypertension, ischemic heart disease, and other diseases. Unfortunately, despite the high prevalence of noise exposures, the high incidence of NIHL, and the potential health and productivity-related effects of workplace noise, little OSHA enforcement activity has taken place in recent years. For example, in 2008, less than 2% of citations issued in high noise industries were for excessive noise exposure.

Actions OSHA should take

Below are six actions that OSHA should take to better protect the hearing health of American workers.

- 1. Withdraw the 1983 administrative policy allowing hearing protectors in lieu of engineering controls for full-shift exposures <100 dBA.** OSHA should start enforcing the original language of the noise exposure regulation; that is, that are engineering controls needed for full-shift exposures >90 dBA. The 1983 policy is baseless, and represents a major change instituted outside of public notice and comment rules. The legality of this administrative policy is highly questionable.
- 2. Issue a proposed hearing conservation regulation for construction workers, who are not effectively covered by the existing construction noise exposure regulation (29 CFR 1926.52).** This rulemaking process was begun in 2004, but progress appears to have ceased. OSHA should restart the process and issue a proposed regulation based on the recently-passed ANSI/ASSE consensus standard, A10.46-2007, "Hearing Loss Prevention in Construction and Demolition Workers."

- 3. Begin the rulemaking process for workers in high noise industries not covered by any noise regulation.** Workers in the agriculture, oil and gas drilling and servicing, shipbuilding, and services industries are currently not covered by any noise exposure regulation, despite the documented potential for high noise exposure in each of these industries.
- 4. Begin the rulemaking process to revise the Permissible Exposure Limit (PEL) to 85 dBA and the Exchange Rate (ER) to 3 dB.** The existing OSHA noise exposure regulation is not in line with current scientific evidence, and needs to be updated to include a lower PEL and a more protective 3 dB ER, which will better account for variable and impulse/impact noise exposures. If a simultaneous update of the PEL and ER is too complicated, OSHA should alter the ER first, as this change will have a larger effect on workers' exposures.
- 5. Continue to support stakeholders via alliances, outreach activities, and enhanced internet resources.** The NHCA-NIOSH-OSHA Alliance has been highly effective, and has already produced a best practices document and a toolbox training program. OSHA should increase the resources available on its website, and, in particular, use the website to broadly disseminate information on noise reduction strategies to both OSHA compliance/consultation officers (who often lack training in this area) and to the public.
- 6. Make changes to 1910.95 appendices.** OSHA should immediately make changes to the non-mandatory 1910.95 appendices. Specifically, OSHA should add a new non-mandatory appendix J recommending an 85 dBA/3 dB exposure limit until the PEL is revised, and should update the age tables in non-mandatory appendix F to use current National Health and Nutrition Examination Survey (NHANES) data and to go beyond age 60. Mandatory appendix B on hearing protector attenuation methods will also need to be updated to reflect impending changes by the US Environmental Protection Agency (EPA). Finally, current ANSI standards should be referenced in the appendices and throughout the regulation.

These suggested actions will help insure that American workers do not needlessly develop NIHL, and may also help reduce workplace accidents and improve productivity.

Thank you for this opportunity to comment.

Sincerely,

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

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President, NHCA