



OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: 04-00-024

EFFECTIVE DATE: July 29, 2013

SUBJECT: Local Emphasis Program for Noise in the Workplace

REGIONAL IDENTIFIER: Region I

ABSTRACT

Purpose: This notice establishes a region-wide local emphasis program (LEP) for inspections in workplaces with noise hazards.

- References:**
1. OSHA Instruction CPL 2.25I, Scheduling System for Programmed Inspections, January 4, 1995.
 2. OSHA Instruction CPL 04-00-0001, Procedures for Approval of Local Emphasis Programs (LEPs), November 10, 1999.
 3. OSHA Instruction CPL 02-00-150, Field Operations Manual (FOM), April 22, 2011.
 4. OSHA Instruction CPL 02-00-051, May 28, 1998, Enforcement Exemptions and Limitations under the Appropriations Act, revised Appendix A effective December 23, 2011.
 5. U.S. Department of Labor Strategic Plan, FY 2011-2016.

Cancellations: None

State Impact: None

Action Office: All Region 1 Area Offices

Originating Office: Boston Regional Office

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By and Under Authority of:

Marthe B. Kent
Regional Administrator

Executive Summary

The Boston Regional Office has recognized that workers are exposed to high noise levels in certain industries and are at risk for developing occupational noise-induced hearing loss. The intent of this region-wide local emphasis program (LEP) is to identify workplaces with high noise levels; to provide outreach to subject employers; and to target, schedule and inspect workplaces where high noise levels exist. This LEP fulfills OSHA's FY13 Operating Plan outcome measure on the number of hazards abated associated with hearing loss and the Department of Labor Strategic Plan 2011-2016 Outcome Goal 2.1 "to secure safe and health workplaces, particularly in high risk industry."

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<u>B.On-site Consultation Visits and Enforcement: In an employer requests an on-site consultation visit from the 21(d) State Consultation Program (for either full or limited service) and that visit is in progress, OSHA will withdraw from the premises until the consultation visit has been completed. Consultation visits are considered “in progress” from the beginning of the opening conference to the end of the correction due dates (including extensions) (Chapter 7, CSP 02-00-002).</u>	<u>8</u>
<u>C.Inspection Scheduling: The Regional Office will obtain a list of establishments in the targeted SIC/NAICS codes within Region 1 from the Directorate of Evaluation and Analysis (DEA). Each establishment on the list will be assigned a sequential number, starting at the top of the list with number one, and a random numbers table referenced in OSHA Instruction CPL 02-00-025 will then be applied. The Regional Office will then distribute the list to the Area Offices, and inspection cycles for the inspection lists will be generated, as needed.</u>	<u>8</u>

D. Programmed Inspections: Some establishments may be selected for inspection under one or more other OSHA enforcement initiatives (National Emphasis Program (NEP) or LEP). This LEP shall be run concurrently with other NEPs and/or LEPs. CSHOs shall use all IMIS codes applicable for the inspection.8

E. Unprogrammed Inspections: This LEP will not affect the selection of inspections of employers subject to this LEP under existing OSHA unprogrammed activities. Imminent danger, fatality/catastrophe, and formal complaints will be scheduled in accordance with current OSHA policy. Health inspections initiated as a result of a referral, complaint, accident, fatality, or a catastrophe in an establishment within the targeted SIC/NAICS codes will be expanded to include an evaluation of employee exposure to noise.....8

F. Referrals: All guidelines in the current FOM regarding CSHO referrals shall be followed. Based upon information obtained during the health inspection, if a safety inspection is warranted, a referral will be made to the Area Director for appropriate action.8

IX. Inspection Procedures.9

A. Scope: The scope of the inspections conducted under this LEP shall generally be health inspections focusing on evaluating noise hazards. In accordance with the FOM, other health and safety hazards may be addressed based on information gathered during the inspection and walkaround. See Section VII.C. on addressing safety hazards in establishments with 10 or fewer employees in a SIC/NAICS code listed in Appendix A of CPL 02-00-051.....9

B. Safety and Health Considerations for CSHOs: Inspections under this LEP are to be conducted by CSHOs who have received the Safety and Health Management System (ADM 04-00-001) training on noise, training on the LEP, and training and/or experience with recognizing and evaluating noise hazards in the workplace. The Area Director will ensure that appropriate training is provided to the Area Office staff. CSHOs shall be provided with and use hearing protectors when conducting inspections under this LEP. Other personal protective equipment such as respirators, gloves, eye-protection, steel-toed shoes, etc., will be selected based on the hazards known in the targeted industries and will be worn during the course of the inspection.9

XI. The SHMS manual states that self-monitoring for noise is not required and that CSHOs should perform noise screening measurements where noise levels potentially exceeds the protection factor afforded by hearing protection in order to determine if additional measures need to be taken to reduce exposure to below the permissible exposure limit (Section V.A., Chapter 27 ADM 04-00-001). However, CSHOs are encouraged to perform self-monitoring for noise when noise levels are expected to exceed the action level or permissible exposure limit.9

A. Procedures:9

1. Upon entering, the CSHO shall verify the SIC/NAICS code of the establishment. If the SIC/NAICS code is not one of those targeted in this LEP, the CSHO shall exit the facility and code the OIS form "No Inspection." 9

2. During the opening conference, the CSHO shall determine the presence of noise hazards in the facility by reviewing the OSHA 300 injury and illness logs for any standard threshold shifts in hearing; if one has been established, the employer's hearing conservation program, including the use of hearing protectors, training, and audiometric testing; and noise monitoring conducted by the employer. If the review of information indicates the presence of high noise levels in the facility, the CSHO shall continue with the inspection. If the review of information indicates that high noise levels do not exist, the CSHO shall conduct a brief walk-around of the facility and obtain sound level meter readings to verify that noise levels are below OSHA's exposure limits. If the sound level meter readings are below OSHA's permissible exposure limits, the CSHO may terminate the inspection.9

3. CSHOs shall conduct noise monitoring, which include sound level meter readings and full shift noise dosimetry. Noise measurements will be conducted in accordance with Section III, Chapter 5 of the OSHA Technical Manual TED 01-00-015 (TED 1-0.15A). The case file will contain documentation of noise surveys, screening, and sampling results.....9

4. When made available, CSHOs are encouraged to use the Occupational Noise Exposure Reduction: Engineering Controls guidance document, which is currently under review. The guidance document summarizes engineering control options to reduce worker exposure to noise exposure from various equipment used in general industry and construction.9

5.Citations for violations of 29 CFR 1910.95 will be issued in accordance with current OSHA policy and with Section XI.B, Chapter 4 and other applicable chapters of the FOM.9

XII.OIS Coding Instructions. Inspections conducted under this LEP will be identified in the OIS as follows:.....10

A.The OSHA-1 for any programmed inspection under this LEP shall be marked as “Programmed Planned” in the Inspections Types, initiating and secondary type’s drop-down menu. In the Inspection Emphasis Programs section, select “R1Noise” from the local emphasis program drop-down menu. CSHO referrals are to be recorded as program-related inspections.10

B.The OSHA-1 for any unprogrammed inspection conducted under this LEP shall be appropriately marked “Unprogrammed” in the Inspections Types, initiating and secondary type’s drop-down menu. In addition, it shall be marked as “LEP” in the Inspection Emphasis Programs section. Complaints and referrals from outside federal OSHA are to be recorded as unprogrammed inspections.10

XIII.Program Evaluation.10

- I. Purpose. This notice establishes and implements a region-wide local emphasis program (LEP) for the purpose of scheduling and conducting inspections in workplaces with high noise levels.**

This LEP consists primarily of two elements. The first element is the outreach that will be conducted to raise employer and employee awareness of the hazards associated with exposure to high levels of noise. The second element is an inspection targeting initiative whose goal is to reduce employee exposure to noise through enforcement. Inspections conducted under this LEP will focus on evaluating noise hazards.

- II. Scope. This notice applies to establishments engaged in activity under the applicable North American Industry Classification System (NAICS)/Standard Industrial Classification (SIC) codes located in Region 1 area offices.**

III. References.

- A. OSHA Instruction CPL 2.25I, Scheduling System for Programmed Inspections, January 4, 1995.**
- B. OSHA Instruction CPL 04-00-0001, Procedures for Approval of Local Emphasis Programs (LEPs), November 10, 1999.**
- C. OSHA Instruction CPL 02-00-150, Field Operations Manual (FOM), April 22, 2011.**
- D. OSHA Instruction CPL 02-00-051, May 28, 1998, Enforcement Exemptions and Limitations under the Appropriations Act, revised Appendix A effective February 22, 2013.**
- E. U.S. Department of Labor Strategic Plan, FY 2011-2016.**
- F. OSHA FY 2013 Operating Plan.**
- G. OSHA Instruction TED 01-00-015 (TED 1-0.15A), OSHA Technical Manual, January 20, 1999.**
- H. OSHA Instruction ADM 04-00-001, OSHA Safety and Health Management System, May 23, 2011.**
- I. U.S. Department of Labor. Bureau of Labor Statistics. Industry Injury and Illness Data 2011.**
- J. U.S. Department of Labor. Bureau of Labor Statistics. *Can you hear me now? Occupational hearing loss, 2004 – 2010.* Monthly Labor Review. July 2012.**

IV.

A. OSHA Instruction CSP 02-00-002, Consultation Policies and Procedures Manual, January 18, 2008.

V. Effective Date. The enforcement element of this LEP will commence on July 29, 2013.

VI. Expiration. Unless extended by the Regional Administrator, the LEP will expire on September 30, 2013.

VII. Background. In accordance with the Department of Labor Strategic Plan 2011-2016, Outcome Goal 2.1 to “secure safe and healthy workplaces, particularly in high-risk industry” and OSHA’s FY 2013 Operating Plan outcome measure on the number of hearing loss hazards abated, this LEP targets workplaces with excessive noise levels, which meet the definition of high risk industries that can result in permanent hearing loss.

Approximately twenty-two million workers are exposed to potentially damaging noise each year, and thousands of workers every year suffer from preventable hearing loss due to high workplace noise levels. In 2011, the Bureau of Labor Statistics (BLS) reported more than 20,000 cases of work-related hearing loss (BLS, 2011).

Exposure to high noise levels can cause permanent hearing loss that cannot be corrected through surgery. High noise levels also cause temporary loss in hearing sensitivity, tinnitus, and acoustical trauma. Tinnitus is a condition in which people complain of a sound in the ear such as a hum, buzz, ring, or whistle. Tinnitus is predominantly caused by long-term exposure to high sound levels, though it can be caused by short-term exposure to very high sound levels. Acoustical trauma is temporary or permanent hearing loss due to acute exposure to excessive noise such as an explosion. Noise-induced hearing loss can impair a person’s ability to communicate and understand speech. Exposure to excessive noise can also have other health effects such as increased physiological stress, muscle tension, loss of sleep, and fatigue. Besides health effects, excessive noise levels can interfere with communication and concentration, the audibility and clarity of emergency warning devices, and a person’s ability to perform tasks.

BLS summarized occupational hearing loss data collected from 2004 – 2010, which showed that the manufacturing and utilities industries have the highest hearing loss rate among private sector industries (excluding construction, agriculture, and oil and gas drilling and servicing industries). Among selected industries at the three-digit NAICS level, the primary metals industry had the highest hearing loss rate from 2004 – 2010. Other industries consistently had high rates such as the air transportation industry, food manufacturers, paper manufacturers, and fabricated metals manufacturers. OSHA IMIS data from 2006 – 2011 showed that the manufacturing industry had the most violations of OSHA’s occupational noise exposure standard, 29 CFR 1910.95, when looking at the two-digit SIC code. In particular, stone and concrete product manufacturers, wood product manufacturers, plastic product manufacturers, fabricated metals manufacturers, and food manufacturers had the most violations of OSHA’s noise standard.

Based on the BLS and OSHA data, the following industries are included in the LEP:

SI	NAICS	Description
C		
344	3323	Architectural and Structural Metals Manufacturing
346	3321	Forging and Stamping
347	3328	Coating, Engraving, Heat Treating, and Allied Activities
349	3329	Other Fabricated Metal Product Manufacturing
308	3261	Miscellaneous Plastics Products
242	3211	Sawmills and Planing Mills
243	3212	Millwork, Veneer, Plywood, and Structural Wood
244	3219	Wood Containers
249	3219	Miscellaneous Wood Products
327	3273	Concrete, Gypsum, and Plaster Products
328	3279	Cut, Stone and Stone Products
201	3116	Meat Products
202	3115	Dairy Products
205	3118	Bakery Products

VIII. Program Procedures.

- A. Outreach and Compliance Assistance Activities:** The Regional Office will coordinate with the Office of Public Affairs (OPA) to issue a press release to explain this LEP and the hazards associated with exposure to high noise levels. Additionally, each Area Director may provide other outreach activities, such as presentations to the affected industries or other methods, to appropriate stakeholders. Outreach activities will continue throughout the duration of the LEP.
- B. On-site Consultation Visits and Enforcement:** In an employer requests an on-site consultation visit from the 21(d) State Consultation Program (for either full or limited service) and that visit is in progress, OSHA will withdraw from the premises until the consultation visit has been completed. Consultation visits are considered "in progress" from the beginning of the opening conference to the end of the correction due dates (including extensions) (Chapter 7, CSP 02-00-002).
- C. Inspection Scheduling:** The Regional Office will obtain a list of establishments in the targeted SIC/NAICS codes within Region 1 from the Directorate of Evaluation and Analysis (DEA). Each establishment on the list will be assigned a sequential number, starting at the top of the list with number one, and a random numbers table referenced in OSHA Instruction CPL 02-00-025 will then be applied. The Regional Office will then distribute the list to the Area Offices, and inspection cycles for the inspection lists will be generated, as needed.

Sites that have had a comprehensive health inspection within the past 24 months will be removed from the list prior to making the selections for a given year, unless the Area Director, using his/her discretion, has a compelling reason to believe that another inspection is justified.

If, throughout the duration of this LEP, an establishment falling within the targeted SIC/NAICS codes becomes known, it will be numbered and added at the end of the primary establishment list and will be eligible to be inspected if randomly selected for inclusion in a subsequent inspection cycle.

Within a cycle, the establishments may be scheduled and inspected in any order that makes efficient use of available resources. When a cycle is completed, the Area Office may generate a new cycle. All of the establishments in a cycle must be inspected before any establishments in a new cycle may be inspected. Carryovers will be allowed, as provided in OSHA Instruction CPL 2.25I, at paragraph B.1.b.(1)(e).

A minimum of one inspection cycle per year will be conducted by each Area Office. All selected companies, regardless of size, will be inspected, including establishments which employ fewer than ten employees, as these employers are not currently exempt from health inspection activity under the Appropriations Act per CPL 02-00-051 (Appendix A dated February 22, 2013). Follow CPL 02-00-051 when addressing safety hazards in establishments with 10 or fewer employees in a NAICS code listed in Appendix A of that instruction.

- D. Programmed Inspections: Some establishments may be selected for inspection under one or more other OSHA enforcement initiatives (National Emphasis Program (NEP) or LEP). This LEP shall be run concurrently with other NEPs and/or LEPs. CSHOs shall use all IMIS codes applicable for the inspection.**
- E. Unprogrammed Inspections: This LEP will not affect the selection of inspections of employers subject to this LEP under existing OSHA unprogrammed activities. Imminent danger, fatality/catastrophe, and formal complaints will be scheduled in accordance with current OSHA policy. Health inspections initiated as a result of a referral, complaint, accident, fatality, or a catastrophe in an establishment within the targeted SIC/NAICS codes will be expanded to include an evaluation of employee exposure to noise.**
- F. Referrals: All guidelines in the current FOM regarding CSHO referrals shall be followed. Based upon information obtained during the health inspection, if a safety inspection is warranted, a referral will be made to the Area Director for appropriate action.**

For any programmed or unprogrammed safety inspection, such as a complaint, referral, fatality or catastrophe, in an establishment within the targeted

SIC/NAICS codes, the CSHO can make a health referral if information gathered during the inspection indicates the facility contains high noise levels.

IX. Inspection Procedures.

- A. **Scope:** The scope of the inspections conducted under this LEP shall generally be health inspections focusing on evaluating noise hazards. In accordance with the FOM, other health and safety hazards may be addressed based on information gathered during the inspection and walkaround. See Section VII.C. on addressing safety hazards in establishments with 10 or fewer employees in a SIC/NAICS code listed in Appendix A of CPL 02-00-051.
- B. **Safety and Health Considerations for CSHOs:** Inspections under this LEP are to be conducted by CSHOs who have received the Safety and Health Management System (ADM 04-00-001) training on noise, training on the LEP, and training and/or experience with recognizing and evaluating noise hazards in the workplace. The Area Director will ensure that appropriate training is provided to the Area Office staff. CSHOs shall be provided with and use hearing protectors when conducting inspections under this LEP. Other personal protective equipment such as respirators, gloves, eye-protection, steel-toed shoes, etc., will be selected based on the hazards known in the targeted industries and will be worn during the course of the inspection.

X.

XI. The SHMS manual states that self-monitoring for noise is not required and that CSHOs should perform noise screening measurements where noise levels potentially exceeds the protection factor afforded by hearing protection in order to determine if additional measures need to be taken to reduce exposure to below the permissible exposure limit (Section V.A., Chapter 27 ADM 04-00-001). However, CSHOs are encouraged to perform self-monitoring for noise when noise levels are expected to exceed the action level or permissible exposure limit.

A. Procedures:

1. Upon entering, the CSHO shall verify the SIC/NAICS code of the establishment. If the SIC/NAICS code is not one of those targeted in this LEP, the CSHO shall exit the facility and code the OIS form "No Inspection."

2. During the opening conference, the CSHO shall determine the presence of noise hazards in the facility by reviewing the OSHA 300 injury and illness logs for any standard threshold shifts in hearing; if one has been established, the employer's hearing conservation program, including the use of hearing protectors, training, and audiometric testing; and noise monitoring conducted by the employer. If the review of information indicates the presence of high noise levels in the facility, the CSHO shall continue with the inspection. If the review of information indicates that high noise levels do not exist, the CSHO shall conduct a brief walk-around of the facility and obtain sound level meter readings to verify that noise levels are below OSHA's exposure limits. If the sound level meter readings are below OSHA's permissible exposure limits, the CSHO may terminate the inspection.
3. CSHOs shall conduct noise monitoring, which include sound level meter readings and full shift noise dosimetry. Noise measurements will be conducted in accordance with Section III, Chapter 5 of the OSHA Technical Manual TED 01-00-015 (TED 1-0.15A). The case file will contain documentation of noise surveys, screening, and sampling results.
4. When made available, CSHOs are encouraged to use the *Occupational Noise Exposure Reduction: Engineering Controls* guidance document, which is currently under review. The guidance document summarizes engineering control options to reduce worker exposure to noise exposure from various equipment used in general industry and construction.
5. Citations for violations of 29 CFR 1910.95 will be issued in accordance with current OSHA policy and with Section XI.B, Chapter 4 and other applicable chapters of the FOM.

XII. OIS Coding Instructions. Inspections conducted under this LEP will be identified in the OIS as follows:

- A. The OSHA-1 for any programmed inspection under this LEP shall be marked as "Programmed Planned" in the Inspections Types, initiating and secondary type's drop-down menu. In the Inspection Emphasis Programs section, select "R1Noise" from the local emphasis program drop-down menu. CSHO referrals are to be recorded as program-related inspections.
- B. The OSHA-1 for any unprogrammed inspection conducted under this LEP shall be appropriately marked "Unprogrammed" in the Inspections Types, initiating and secondary type's drop-down menu. In addition, it shall be marked as "LEP" in the Inspection Emphasis Programs section. Complaints and referrals from outside federal OSHA are to be recorded as unprogrammed inspections.

XIII. Program Evaluation.

The Area Director shall submit a report on this LEP to the Regional Administrator, which will include activity and outcome metrics. The report shall be submitted no later than October 15 of the Fiscal Year the LEP is in effect. The Regional Office will then consolidate the Area Office reports for submission to the National Office. The evaluation report will include the criteria in Appendix-A of CPL 2-0.102A, including the following:

- Number of inspections;
- Percent of violations cited that are serious;
- Number of employees covered by inspection;
- Dollar amount of penalties assessed;
- Average violations per inspection; and
- Number of employees removed from exposure.

The report will also include:

- Number of noise violations cited;
- Percent of noise violations cited;
- List of other types of health hazards cited;
- Number of noise dosimetry measurements conducted;
- Number of overexposures documented; and
- Number of employers who implemented a hearing conservation program (i.e., number of violations of 1910.95(c)).