



PRESS RELEASE – For Immediate Release

National Hearing Conservation Association (NHCA) Defends OSHA’s Decision to Change Interpretation of Noise Control Enforcement, Seeks to Address Misperceptions

Westminster, Colo. – December 14, 2010 The National Hearing Conservation Association (NHCA) is reiterating its support for the change in workplace noise control enforcement announced on October 19, 2010 by the Occupational Safety and Health Administration (OSHA). A number of concerns about this announced change have been raised by employers and industry groups. Unfortunately, it appears that many of these concerns may be based on misunderstandings regarding the proposed change. NHCA seeks to underscore the importance of OSHA’s proposed interpretation for American workers, and to address a number of misperceptions related to this interpretation.

NHCA endorses OSHA’s decision to revise the current lenient enforcement policy concerning noise controls. This policy – established over 25 years ago in the absence of rulemaking or public input – does not require employers to implement feasible engineering and administrative noise controls until workers’ eight-hour average exposures reach 100 dBA or greater, which is *ten times more intense* than the current Permissible Exposure Limit of 90 dBA. The current policy has made noise the only regulated health hazard in which OSHA has failed to acknowledge the primacy of engineering controls, and has resulted in a substantial increase in risk of hearing loss for some American workers. The alternative exposure reduction method currently allowed by OSHA for eight hour average exposures between 90 and 100 dBA is the use of earplugs or earmuffs, which have been demonstrated to provide insufficient protection for many workers, if they are used at all.

We see OSHA’s proposed change as a policy *correction*. That is, it does not represent the creation of a new regulation or a new policy. Rather, it represents a return to the original intent of OSHA’s noise regulation, which is to institute engineering or administrative controls for employees with eight-hour average exposures over 90 dBA. OSHA’s proposed definition of the word feasible (i.e., “capable of being done”) will make requirements for controls consistent with OSHA’s other health regulations.

Opponents of this policy correction have raised a number of objections. In the paragraphs below, NHCA seeks to address the misperceptions on which four of these objections are based:

The change proposed by OSHA is an attempt to alter an exposure limit outside of the rulemaking process. This proposed change will simply allow OSHA to enforce the original language and intent of the noise regulation. "It's unfortunate that there's such an outcry about this proposed change now." said Rick Neitzel, PhD, CIH, Immediate Past President of NHCA. "The real outcry should have happened 26 years ago when OSHA first established a noise control enforcement policy that was legally questionable and that effectively gutted what would otherwise have been an important occupational health protection for American workers."

*All employers whose facilities have any areas with noise **levels** over 90 dBA will have to implement noise controls.* The need for noise controls is determined by *eight-hour average* exposures over 90 dBA, not noise *levels* over 90 dBA. This means that far fewer workers will be subject to the control requirements than if only noise *levels* were measured. Workplaces can have areas with noise levels over 90 dBA – even levels up to 115 dBA, depending on the length of workers' exposures – and still be in compliance with OSHA's proposed policy correction. The noise control requirement is only triggered when workers have eight-hour average exposures over 90 dBA.

The change proposed by OSHA will have a broad and substantial economic impact that will eliminate jobs and reduce competitiveness. OSHA estimated that in 1981 about 19% of US manufacturing workers had eight hour average exposures above 90 dBA. This percentage is undoubtedly lower today because of outsourcing, automation, and other factors. Professionals in industrial hygiene and noise control engineering now estimate that about 10% of workers enrolled in hearing conservation programs are exposed to eight-hour average exposures greater than 90 dBA. These are the workers to which the new policy applies. The vast majority of US workplaces will not be affected by the proposed policy correction, though there are some industries with a higher percentage of over-exposed workers. "Those companies that are affected by the proposed change are probably experiencing ongoing problems with noise-induced hearing loss, and will benefit in the long run from exposure reduction through noise controls" said Neitzel. In addition, noise controls, which are often thought to be difficult to develop and complex to implement, can also be an inexpensive and expedient means of achieving compliance.

The change in policy isn't needed because hearing conservation programs are working and hearing protectors are effective. Studies have shown that workers continue to lose their hearing in spite of the presence of hearing conservation programs. This is because many of these programs rely on workers' use of hearing protectors rather than noise controls. Hearing protectors are often resisted by workers, are commonly worn for insufficient durations, and fail to provide the expected noise reduction.

About the National Hearing Conservation Association (NHCA)

The mission of the NHCA is to prevent hearing loss due to noise and other environmental factors in all sectors of society. NHCA's membership includes audiologists, researchers, industrial hygienists, physicians and occupational health nurses, educators, professional service organizations, safety professionals, engineers, audio professionals, students, and others who have dedicated their work to the advancement of hearing loss prevention.

For more information about the National Hearing Conservation Association, visit the NHCA online at <http://www.hearingconservation.org> or call 1-303-224-9022. Follow the NHCA on Twitter at www.twitter.com/nhcaorg, on Facebook at <http://bit.ly/vLRg5>, and on LinkedIn at <http://bit.ly/3X2DFT>.

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