



OSHA Proposes Change in Enforcement For Noise Standard

December 27, 2010 / Kevin M. Chaplin

Enforcement Policy Change

The Occupational Safety and Health Administration (OSHA) has published news of a proposed new interpretation of certain provisions of the Occupational Noise Standard for General Industry (29 CFR 1910.95) and the Noise Standard for the Construction Industry (29 CFR 1926.52). *Refer to the Federal Register dated October 19, 2010 (Volume 75, Number 201).* This proposal is likely to cost some employers a lot of money.

In summary, OSHA proposes to change its interpretation of the word “feasible” in the following sentence of the noise standards. “When employees are subjected to sound exceeding those listed in Table G-16, feasible administrative or engineering controls shall be utilized. If such controls fail to reduce sound levels within the levels of Table G-16, personal protective equipment (PPE) shall be provided and used to reduce sound levels within the levels of the table.” Since 1983, OSHA has allowed employers to rely on a hearing conservation program based on PPE (e.g. earplugs, ear muffs) if the program reduces noise exposures to acceptable levels and is less costly than administrative and engineering controls.

OSHA now plans to interpret the word feasible to mean “capable of being done” or “achievable”. If it can be done, it must be done. It will assume the cost of administrative or engineering controls is economically feasible unless the cost threatens the employer’s ability to remain in business.

Employers with facilities where occupational noise levels exceed the 90 decibel exposure limit for an 8-hour shift who are currently utilizing a hearing conservation program with PPE to reduce sound levels below the limit could now be cited and fined. Under the proposed interpretation these businesses will now be required to reduce occupational noise exposures through development of administrative and engineering controls.

On December 14, 2010, OSHA extended the comment period to March 21, 2011 and has committed to holding a public hearing to allow those affected by the new interpretation to voice their views.

For questions or help filing comments, call Smith Management Group at 859-231-8936 or 502-587-6482.

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