



OSHA Hearing Conservation Violations

What parts of OSHA's Hearing Conservation regulations are cited most frequently in compliance inspections?

With the assistance of OSHA's Office of Information and Technology, we analyzed OSHA compliance actions for the five-year period from 2000-2004. During this period, more than 10,000 violations were cited in reference to OSHA's Hearing Conservation standard (§1910.95), with accompanying initial penalties over \$7.5 million.

For our analysis, each paragraph of the OSHA Hearing Conservation regulation was grouped into one of six subject areas: general hearing conservation, noise monitoring, audiometric testing, hearing protection, employee training and record-keeping. The violations under each area were totaled, and the most commonly cited sections are described below:

Table 1. **OSHA Hearing Conservation Violations¹**

Violation	Explanation	Bacou-Dalloz Recommended Solution
General Lack of A Hearing Conservation Program <i>(3,143 violations)</i>	<ul style="list-style-type: none"> Nearly one-fourth (2,358) of all OSHA citations for §1910.95 were for lack of a continuing, effective hearing conservation program when warranted by noise levels over 85 dBA time-weighted average (TWA). This single comprehensive paragraph was cited nearly twice as often as any other component of the standard, and resulted in initial penalties over \$3.6 million. 	<ul style="list-style-type: none"> An employer with hazardous noise levels (≥ 85 dBA TWA) must be aware of responsibilities for noise exposure. Hearing Conservation Program must be implemented which must include noise monitoring, annual audiometric testing, provision and fitting of hearing protectors, training in effects of noise and hearing protection, and recordkeeping.
Audiometric Testing <i>(2,071 violations)</i>	<ul style="list-style-type: none"> Annual audiometric testing is required for workers exposed to 8-hour TWA noise exposures at or above 85 dBA. Each annual audiogram is compared to a worker's baseline audiogram to determine if a significant shift in hearing has occurred. Over half (56%) of OSHA's citations for lack of an audiometric testing program were considered serious violations. 	<ul style="list-style-type: none"> Audiometric testing by qualified personnel is available at nearby industrial clinics or from mobile testing services. One source list of competent mobile testing services is maintained by the National Hearing Conservation Association (303-224-9022, www.hearingconservation.org). Noise damage can only be determined when audiograms are compared serially. Make certain your testing service provides the required comparison to baseline, with understandable follow-up reports.
Noise Monitoring <i>(1,622 violations)</i>	<ul style="list-style-type: none"> When a worker's exposure is suspected to equal or exceed 85 dBA TWA, the employer is obligated to monitor noise exposures with an appropriate sampling strategy. 	<ul style="list-style-type: none"> For continuous, steady noise levels, a sound level meter may be used for area sampling of noise. But in areas of high worker mobility, fluctuating noise levels, or significant impulse noise, the employer should use personal sampling (noise dosimeters) to obtain representative samples.

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Table 1. OSHA Hearing Conservation Violations¹ (Continued)

Violation	Explanation	Bacou-Dalloz Recommended Solution
<p>Employee Training (1,351 violations)</p>	<ul style="list-style-type: none"> OSHA's requirement for an annual training program in hearing conservation is described in only three paragraphs, yet it was cited 60% of the time as a serious violation. 	<ul style="list-style-type: none"> Workers exposed to 85 dBA TWA must receive annual training in the effects of noise, the proper use and care of hearing protectors, and the purpose and procedures of audiometric testing. The employer can choose the method of training: classroom, one-on-one, brochure, video, etc.
<p>Hearing Protectors (1,168 violations)</p>	<ul style="list-style-type: none"> Although cited less frequently than other paragraphs, the lack of appropriate hearing protection was deemed to be a serious violation more often (72%) than any other provision in the regulation. The specific subsections most frequently cited by OSHA were requirements for the employer to provide "a variety of suitable hearing protectors" (231), provision of hearing protectors to newly-hired employees who have not yet obtained their baseline audiogram (159), and the requirement for the employer to "ensure proper initial fitting and supervise the correct use of all hearing protectors" (114). 	<ul style="list-style-type: none"> OSHA cites employers who do not select hearing protectors that provide adequate noise reduction for exposed workers. OSHA advises subtracting a 7 dBA correction from the published Noise Reduction Rating (NRR) of a hearing protector, and then subtracting that difference from the measured A-weighted noise levels to estimate the protected noise exposure level (must be 90 dBA or below for OSHA compliance). Provide at least two types of earplugs and at least one type of earmuff to your noise-exposed workforce. Ensure proper usage by individually checking the fit of each wearer. Take advantage of fitting posters available from Howard Leight/Bilsom.
<p>Recordkeeping (870 violations)</p>	<ul style="list-style-type: none"> Employers who don't believe the rumors of OSHA citations for bulletin board deficiencies should take note: nearly three-fourths (622) of the recordkeeping violations were for simply not having a copy of the hearing conservation standard posted in the workplace. Other common citations included lack of employee noise exposure and audiometric records. 	<ul style="list-style-type: none"> Maintain records of all noise monitoring and employee exposure measurements, as well as audiometric test results. Copies of OSHA's Hearing Conservation Amendment, suitable for posting, are available from Howard Leight/Bilsom.

Based upon this analysis of OSHA citations for hearing conservation from 2000-2004, the simple message to employers appears quite evident: Do the basics! OSHA compliance actions are not focused on technicalities or peculiarities of the hearing conservation regulations. Instead, the best hearing protection for a noise-exposed worker (and the best defense against OSHA citations) is simply in implementing the basic components of a Hearing Conservation Program: noise monitoring, audiometric testing, suitable hearing protection, employee training, and recordkeeping.

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Footnote:

¹ Report: OSHA Federal/State Standards Cited by Standard (1910.095), July 2005, OSHA Office of Management Data Systems, Washington D.C.

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