



AMERICAN  
SPEECH-LANGUAGE-  
HEARING  
ASSOCIATION

March 30, 2010

The Honorable Jordan Barab, Acting Assistant Secretary of Labor  
U.S. Department of Labor  
Occupational Safety and Health Administration  
200 Constitution Avenue, NW  
Washington, DC 20210

Re: Request for updated hearing conservation regulations in the United States  
Docket Number OSHA-2010-0004

Dear Mr. Barab:

The American Speech-Language-Hearing Association (ASHA) appreciates the opportunity to provide comments to OSHA on ways to improve the safety and health of American workers. We applaud you for initiating this public input process. ASHA is the professional, scientific, and credentialing association for more than 140,000 members and affiliates who are audiologists, speech-language pathologists and speech, language, and hearing scientists. We represent occupational audiologists within our membership who provide their skill and expertise in the area of occupational hearing conservation services.

Noise-induced hearing loss (NIHL) is the most common occupational disease and the second most self-reported occupational illness or injury, according to the National Institute for Occupational Safety and Health. Approximately 22 million American workers are sometimes exposed to high levels of noise on the job, making NIHL one of the most common occupational diseases in the United States. An additional 9 million are at risk for hearing loss from exposure to other agents such as solvents and heavy metals, which may act either independently of noise to cause hearing damage or synergistically with simultaneous noise exposures. According to the National Institute on Deafness and Other Communication Disorders (NIDCD), 20 million workers have regular workplace noise exposures to daily equivalent sound levels of 75 dB or more, which is the lower limit of exposure considered capable of causing any measurable noise-induced hearing damage over a lifetime. It is unfortunate that OSHA's current hearing conservation regulation is not consistent with current scientific knowledge, is not uniformly applied across all industries, and has not proven effective in preventing NIHL. This situation will only serve to place American workers at continued risk.

The Healthy People 2010 Health Objectives for the Nation target noise as a health hazard. The chapter on occupational safety and health has two relevant objectives:

- 20-2: Reduce work-related injuries resulting in medical treatment, lost time from work, or restricted work activity; and
- 20-11: Reduce new cases of work-related, noise-induced hearing loss.

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

**1. Revise the Permissible Exposure Limit (PEL) to 85 dBA and the Exchange Rate (ER) to 3 dB.** The existing OSHA noise exposure regulation (29 CFR 1910.95) does not align 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.

**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. Withdraw the 1983 administrative policy allowing hearing protectors in lieu of engineering controls for full-shift exposures <100 dBA.** OSHA should begin enforcing the requirements of 1910.95(b)(1) on the use of feasible administrative and engineering controls to reduce noise exposures when full-shift exposures exceed the PEL. The 1983 policy is baseless, and it represents a major change instituted outside of public notice and comment rules. The legality of this administrative policy is highly questionable. Furthermore, the current enforcement policy has resulted in the overreliance on hearing protectors to reduce noise exposure despite overwhelming evidence showing that the effectiveness of hearing protectors in the workplace is highly variable.

**4. Require CAOHC certification for all persons performing audiometric tests who are not audiologists, otolaryngologists, or other physicians.** The qualifications of persons who perform audiometric tests contained in 1910.95(g)(3) should be changed to eliminate the exceptions for technicians who have "satisfactorily demonstrated competence" and technicians who "operate microprocessor audiometers." Certification by the Council for Accreditation in Occupational Hearing Conservation (CAOHC) is the only recognized credential for audiometric technicians in occupational hearing conservation. Technicians who are CAOHC certified have demonstrated their competence in pure-tone audiometry and knowledge of the critical factors that influence the accuracy of audiometric testing programs.

**5. Make changes to 1910.95 appendices.** OSHA should immediately make changes to the nonmandatory 1910.95 appendices. Specifically, OSHA should add a new nonmandatory Appendix J recommending an 85 dBA/3 dB exposure limit until the PEL is revised. Additionally, OSHA should update the age-correction tables in nonmandatory 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 U.S. Environmental Protection Agency (EPA).

**6. 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 Web site, and, in particular, use the Web site 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.

**7. 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.

We believe that consideration of these suggested actions will help to protect the hearing of American workers and curtail the incidence of NIHL. If you have any questions regarding these comments, please send them to Dr. Vic Gladstone at [VGladstone@asha.org](mailto:VGladstone@asha.org).

Thank you for the opportunity to comment.

Sincerely,



Tommie L. Robinson Jr., PhD  
President, American Speech-Language-Hearing Association