

Standards and Regulations

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Purpose

To interpret the regulatory requirements associated with hearing conservation programs

Chapter Topics

- Development of Noise Regulations
- Consensus Activities
- Enforcement
- Elements of a Hearing Conservation Program
- Policies of Different Regulatory Agencies

Development of Noise Regulations

Although regulations are not always popular, in the case of occupational safety and health, they are often necessary. There are few marketplace incentives to establish safety and health measures, and employers often don't know about the benefits of such programs. You might think that workers could refuse to take noisy jobs, or quit and look elsewhere, but most workers can't afford the luxury of shopping around for a quiet job.

While some employers' primary motivation for initiating **hearing conservation programs** (HCPs) is to protect workers' hearing, many still require incentives to get them to act. Workers Compensation costs for hearing loss should be an incentive for creating quieter workplaces, and the institution of HCPs can reduce future claims as well as insurance premiums. However, compared with the large number of workers estimated to have **noise-induced hearing loss** (NIHL), relatively few file such claims.

Federal and state agencies regulate workplace exposure to noise. The Occupational Safety and Health Administration (OSHA) (Appendix C) is generally cited as the basis for all, but federal agencies such as the Mine Safety and Health Administration (MSHA) (Appendix F), the U.S. Department of Defense (DoD),¹ and the Federal Railroad Administration (FRA) (Appendix H) have governing mandates. In addition, many states have their own regulations, which must be at least as stringent as the Federal OSHA regulations.

Consensus Activities

Most of these governmental regulations did not exist a few decades ago, even though NIHL had been widely acknowledged by the end of World War II. Consensus standards to estimate the risk of hearing loss for different levels and durations of noise exposure were developed by professional groups. The American National Standards Institute (ANSI), manages and leads the development and update of these standards.

The Air Force published the first governmental noise standard in 1949 but did not issue specified maximum noise levels until 1955. The first civilian noise standard was issued by the U.S. Department of Labor in 1969 under the 1936 authority of the Walsh-Healey Act. By passing Walsh-Healey, Congress gave the U.S. Department of Labor the authority to regulate companies with contracts with the federal government, influencing the wider domestic manufacturing sector. In 1970, Congress enacted the Occupational Safety and Health Act, a monumental piece of legislation. The act created OSHA in the Department of Labor as well as the National Institute for Occupational Safety and Health (NIOSH) in the U.S. Department of Health, Education and Welfare (now the Department of Health and Human Services).²

NIOSH's mission is to conduct research, develop criteria and perform "health hazard evaluations" in all areas of occupational safety and health. OSHA formulates and enforces regulations and conducts related informational and educational programs. Many federal, state and territorial jurisdictions have regulatory structures and resources for occupational hearing conservation. All must meet or exceed the OSHA regulatory requirements, and many adopt the more stringent NIOSH standards. Both NIOSH and OSHA have special programs that provide free consultation to agencies and even employers.

Although the words "**standard**" and "**regulation**" are often used interchangeably, they are not the same thing. Strictly speaking, a standard is a specific requirement or set of requirements, often taking the form of guidelines developed by a consensus group, such as ANSI. In contrast, a regulation is a rule or order prescribed by a government authority that has the force of law. Regulations may incorporate standards to describe or clarify requirements (eg, OSHA's noise regulation incorporates some