Long-Range Plan to be Developed for CAOHC

As mentioned in this April 1995 issue of the Update (Volume 6, Issue 1), CAOHC is finalizing plans for a long-range planning meeting on October 21 and 22 to help manage, educate, and organize CAOHC into the next century. In the last issue, CAOHC’s Council asked for input from Course Directors and Occupational Hearing Conservationists alike. What direction should CAOHC take? What issues should be addressed?

Here is a sampling of how some readers responded:

“I would like to see a referral service for qualified ENTs and otalaryngologists.”

“I want to stay informed of legislative changes pertaining to OSHA and hearing conservation.”

“One of the most important issues facing us today should also be ‘non-work related’ noise exposure.”

A Look Ahead

Fall 1995 Council Meeting & CD Workshop:
October 23-24, 1995
Crown Sterling Suites
Bloomington, Minnesota

CAOHC Long-Range Planning Meeting
October 21-22, 1995
Crown Sterling Suites
Bloomington, Minnesota

Spring 1996 Council Meeting & CD Workshop
February 1996
Grand Hyatt on Union Square
San Francisco, California

“I would like to see maintenance of industrial hearing programs that meet Federal OSHA guidelines and which don’t threaten the company or the employees. At present employees resent being singled out for custom HP, tests, and follow-up paperwork.”

“Encourage education—preventive measures to encourage people to take care of their hearing.”

“Certification of OHCs should be required regardless of automatic audiometer use. We need materials to convince employers to train their staff in spite of OSHA regulations. Professional supervisor criteria is a good direction.”

CAOHC would like to thank all of you who took the time to respond. Please know that the CAOHC office will continue accepting input from interested readers until the October long-range planning meeting. Please take the time to respond. Thank you!

Applications Being Accepted for Fall
Course Director Workshop

The October 1995 Course Director Workshop will be held October 23 at the Crown Sterling Suites in Bloomington, Minnesota.

You should attend this workshop if you are planning to recently by the workshop method and at a CD who certified/recertified in 1990 or later. If you plan to attend the workshop for initial certification, you must complete an application, pay a $100 non-refundable certification fee, and be approved by CAOHC’s Screening Committee prior to the Workshop. Applications are currently being accepted and reviewed by CAOHC’s Screening Committee. The Screening Process takes a number of days to complete, so don’t delay getting the application submitted. Applications will be accepted until September 22, 1995.

Registration for the workshop is $225 and includes the new CAOHC manual. Recertification is an additional $25. Please see page 7 for the course agenda.

A brochure on the workshop will be available in early August. This is an ASHA- approved program offered for 8CEUs of continuing education credit. If you need a Course Director application, please contact Rebecca Ketrell at the CAOHC Office.

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Help—I Have Expired!
Not literally, of course but we do get calls from Occupational Hearing Conservationists (OHCs) who have allowed their CAOHC certification to expire. This presents a dilemma because many employers expect their OHCs to be CAOHC certified. And rightfully so. CAOHC produces a brochure entitled “We can’t give you one good reason to be CAOHC certified … we can give you ten.” This publication addresses the rationale of why CAOHC certification is essential to a quality occupational hearing conservation program. Among the principles addressed are: promote cost savings through appropriate audiometric testing and follow-up; provide credentialing important to Workers’ Compensation actions; gain knowledge of regulatory changes through CAOHC publications; clearly establish compliance with OSHA training requirements; availability of full-time national office and staff to monitor issues of interest to the OHC and, five more equally important items. It is obvious why many want their certification to expire.

The CAOHC Executive Staff has developed a computer program to help OHCs remember when recertification is due. Six months and three months before the expiration date, a card is mailed to the OHC which serves as a reminder to schedule a recertification course within the time frame. A call to the CAOHC office can help you locate a course in your part of the country. In some circumstances, a course may not be offered within that time period. The staff will help you find the next available course and you will not be penalized. You must, however, make this call prior to the expiration of your certification. Ultimately, the OHC is responsible for remembering and scheduling recertification.

We need your assistance. CAOHC has certified over 15,000 OHCs. There are many names and addresses to maintain. If you change your name and/or address, the CAOHC office must be notified if you wish to continue receiving publications and renewal notices. If you use your business address as your preferred address, please notify us of any changes.

In 1992, we selected a new management firm and the CAOHC Executive Offices were moved to Milwaukee, Wisconsin. Sandra Kuehler became our Executive Director. Through her distinguished leadership, CAOHC has achieved a notable new appearance, vitality, and presence. Unfortunately, Sandra resigned on July 1 to pursue her career. We will miss her and thank her for the renaissance she gave our organization. Kay Whalen of EDI, Inc. will serve as our interim Executive Director.

New Applications for Recertifying CDs
In 1993, CAOHC’s Council finalized the Adverse Action Policy for Course Directors. The policy was formulated to ensure that OHCs are trained by professionals who meet CAOHC standards and are following CAOHC guidelines.

Effective November 1, 1994, current Course Directors applying for recertification must continuously possess one of the following qualifications:

a) current licensure by a state or territory of the United States for the practice of medicine or nursing,
b) current licensure or registration by a state or territory of the United States for the practice of audiology, or

Please note each CD must be accompanied by a completed certificate of clinical competence in audiology by the American Speech-Language-Hearing Association, or
d) current board certification by the American Board of Industrial Hygiene or Board of Certified Safety Professionals, or

Please note each CD must be accompanied by a current certificate of training in a profession or profession-related field.

If you are a CDA and are planning to recertify, please contact Rebecca Kuehler at the CAOHC Office to obtain the new 4-page recertification application.
In-Depth Audiogram Interpretation: Whose Responsibility is it?

One of the CAOHC Council members recently received the following inquiry.

Question:
I am an audiometric tech at a local hospital. My supervisor wants me to start interpreting the hearing tests. What and how do I go about doing this?

Council Response:
This presents a major concern for occupational hearing conservationists (OHCs), CAOHC Course Directors, and hearing conservation program supervisors. In discussions with hearing conservation professionals around the country, it appears that in an effort to cut costs, some organizations are asking OHCs to interpret audiograms and make decisions that are clearly the responsibility of the professional program supervisor, i.e., the audiologist, otolaryngologist or other physician. OSHA allows audiometric technicians to compare current audiograms to baseline audiograms, but any “problem” audiograms must be reviewed by an audiologist or physician. Audiometric technicians must have an audiologist or physician acting as a professional program supervisor and determination of how to evaluate audiograms should be decided in conjunction with the supervisor.

There are commercially available hearing conservation software programs which review audiograms and make recommendations for referral, etc. But a professional program supervisor still needs to deal with any significant charges or abnormal-type audiograms.

The 20-hour audiometric technician course does not prepare the technician for this type of work and as I mentioned in the previous paragraph, OSHA does not allow the technician to make determinations on “problem” audiograms. OSHA does not define the term “problem” but leaves this definition up to the professional reviewer.

Sincerely,
An OHC in Illinois

Response:
Many companies have policies regarding recording occupational hearing losses on the Form 200, defined as “an average shift in hearing of 25 dB or more at 2000, 3000, and 4000 Hz” in either ear, if an exposure in the work environment either caused, aggravated, or contributed to the case.” My company’s policy has been to record 10 dB, rather than 25 dB, shifts in hearing. Although we’ve had this policy for several years, should we change now?

As long as your company’s policy meets or exceeds the OSHA “minimum”, you have the flexibility to decide which criterion works best for you and your workers. For more guidance in this area, be sure to consult with your professional hearing conservation program supervisor (audiologist, otolaryngologist, or other physician).

Sincerely,
Susan Cooper-Megerson, MA, CCC-A

Letters to the Editor

Dear Editor:

I read the article “Noise in Washington over Hearing Loss Recordability” with great interest (CAOHC Update, Vol. 6, Issue 1, April 1995). In the article, author Susan Megerson wrote that federal OSHA has instructed regional compliance officers to cite employers for failure to record occupational hearing losses on the Form 200, defined as “an average shift in hearing of 25 dB or more at 2000, 3000, and 4000 Hz” in either ear, if an exposure in the work environment either caused, aggravated, or contributed to the case.” My company’s policy has been to record 10 dB, rather than 25 dB, shifts in hearing.

Although we’ve had this policy for several years, should we change now?

Sincerely,
An OHC in Illinois

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As long as your company’s policy meets or exceeds the OSHA “minimum”, you have the flexibility to decide which criterion works best for you and your workers. For more guidance in this area, be sure to consult with your professional hearing conservation program supervisor (audiologist, otolaryngologist, or other physician).

Sincerely,
Susan Cooper-Megerson, MA, CCC-A

Dear Editor:

When you list upcoming OHC courses each month on page 7, it would be helpful to list not just the OHC Director’s name, but the name of the sponsoring organization as well. It isn’t uncommon for Course Directors to change organizations, so when OHCs recertify every five years, it is often difficult to find the organization if the Course Director has moved on.
Part III: A Functional Process Improvement Story

By Doug Olds, Ph.D., Bio-Acoustics Division, U.S. Army Center for Health Promotion and Preventive Medicine

Part II of this article was published in the April 1995 issue of the Update: Volume 6, Issue 1.

We also proposed allowable background sound levels for audiomeric test environments. The allowable levels were based on a Navy study that indicated that the OSHA criteria were grossly inadequate and the ANSI standard for clinical application was overkill for hearing conservation purposes. An Army post with standard test instructions to the examinee was modified and recommended for DoD use. Follow-up procedures for STS were streamlined and standardized as well. Both follow-up tests for positive STS could be administered on the same day and only one follow-up test would be required for negative STS. An audiologist or physician will review all confirmed positive STS audiograms to determine whether further referral is required. Procedures to include three options for retesting of the reference audiogram after confirmed STS to be determined by a physician or audiologist were recommended. Defaulted features were proposed for the DoDHEARS that included the pulsed-tone mode and standard STS notification letters for the employee and the supervisor. Users would have the option to modify these defaults. In the same vein, users would have the option of maintaining either an historical or active data base.

Specific requirements dictated by the Department of Labor’s Office of Worker’s Compensation Programs (OWCP) for audiological evaluations and the physician’s ENT examination were recommended. The HCGW supplemented these basic OWCP reports with additional requirements for the certified/licensed audiologist to provide recommendations for hearing aids, hearing protection, further referral, noise exposure history and interpretation of test results (i.e., site of lesion).

Although details are still being worked out, the documentation of patient disposition scenarios was approved for inclusion into the DoDHEARS. Pending final edits and review, 68 help lines and windows were also proposed for the DoD HEARS software.

All of these aforementioned DoD HEARS requirements have been incorporated into an Operational Concepts Document (OCD) that will serve as the template for future design and development. In its fourth draft, the OCD continues to grow as a living document.

The current Army HEARS Manager’s Module includes 73 standard reports that provide measures of program participation, quality assurance, and program effectiveness. The HCGW has recommended the addition of ANSI S12.13 (draft) and a report that age-corrections mean hearing thresholds of personnel by unit, building number, installation, etc. With some trepidation, the OSHA reportable hearing loss criterion of 25 dB (without age corrections) was recommended in lieu of reporting OSHA STS, as one service had implemented.

The significance of all these recommendations is that every one of them represents previous differences among the services in program requirements and procedures. The ability to reach consensus is testimony to the professionalism of the participants who let reasoned debate succeed over provincialism and parochial interest. Professional investments in a particular procedure were not easily set aside, but from the outset there was an acknowledgment of the creative synergy in a team that could achieve something better. We also did our homework. Extensive preparation went into strawman, reference materials, and data runs that were distributed prior to scheduled meetings. We were advised that the Army’s Occupational Health Management Information System (OHMIS) Office for providing funding for participant’s travel and the support and facilitation of our efforts from the Office of the Assistant Secretary of Defense for Environmental Policy were essential to this process. Finally, nothing of this magnitude can succeed unless the leadership at all levels lets you do your job... and they did.

1995-1996 Course Director Listing Available Soon

In early June, CAOHC sent Directory questionnaires to all certified Course Directors in order to obtain the most current and updated information for the 1995-1996 Course Director Listing. The office will be accepting questionnaires until July 15th. If you haven’t completed the questionnaire, please do so now and mail or FAX it to the Executive Office: 661 E. Wells Street, Milwaukee, WI 53202. FAX: (414) 276-3349. If you didn’t receive a questionnaire, please contact the office.

We are soliciting help from all Course Directors to ensure that this directory is as accurate and up-to-date as possible. If you need to make any changes to your own address or if you know of any CD who has recently moved, please contact the office with the revised information.

The Course Director Listing is printed and distributed to Course Directors free of charge. In addition, this year due to numerous requests the Council will make the CD Directory available to OSHAs, individuals, corporations, safety consultants, and medical and nursing directors for a charge of $7.50.

If you are not a director and would like to order a copy of the listing, please send your request with a $7.50 check or money order to the CAOHC Office. Orders will be accepted on a prepayment basis only.
OHC Tips

Audiometer Calibration: For the sake of consistency in the audiometric testing program, it is always best to adjust the audiometer’s calibration as little as possible. Whenever the calibration is changed there is the possibility of spurious threshold shifts occurring in individuals or even in large groups of employees that are not caused by noise. A stable audiometer that is properly cared for is always the best answer.

Test Yourself

Refresh your memory by taking the following quiz. To find the correct responses, check the answer box in the lower right-hand corner of this page.

1) An OHC who has a computerized audiometer does not need to know how to conduct a manual audiometric test. (True or False)

2) What are the three types of audiometer calibration required by OSHA? In which types is the audiometer actually adjusted?


Employment Opportunities

Looking for a job? The CAOHC Update can help. If you’re searching for an employee to fill a position, the Update can assist in the search.

The Update publishes job opportunities in the field of hearing conservation, from both employers and employees. If you are an OHC looking for employment, please send a cover letter and your most recent resume. There is no charge to post your CV/Resume with the CAOHC Update.

If you are an employer and would like to advertise an available position, please send your classified ad in writing, with a $15 payment (check or money order) to CAOHC at 611 E. Wells Street, Milwaukee, WI 53202.

CAOHC will not investigate the merits, credentials, or reliability concerning them. Classifieds are limited to employment opportunities. CAOHC reserves the right to decline or modify the advertisements at discretion.

CAOHC Videos Available

CAOHC has many videos available for use by OHCs in the workplace. The videos are available for a one-time fee. Shipping and handling is $10 per tape or $20 for three tapes.

List of tapes available:

- "Understanding Noise: A Primer" by Industrial Hearing Services, 1985
- "Effective Hearing Protection: A Practical Approach" by Industrial Hearing Services, 1985
- "The Impact of Noise on Health" by Impact Health Services, 1983
- "It's Up to You" by Cabot Safety, 1976
- "Listen Up with Norm Crosby" by Cabot Safety, 1983
- "The National Hearing Quiz" by Cabot Safety, 1983
- "S.O.S." by Bilsom, 1980
- "The Sound of Sound" by AQ Cabot Safety, 1970
- "Sound Thinking" by TWA, 1984

Answers

1. False
2. Functional check, acoustic, and listening test.
3. Yes, if the hearing threshold levels are stable.
4. "Make sure the signal is not leaking into the non-test earphone.
   - Check the earplug for air leak.
   - Check the earplug for possible interferences in the signal.

NHCA Seminar

The National Hearing Conservation Association is holding its sixth annual Hearing Conservation Seminar on Thursday, September 21 at the Radisson Plaza Hotel Charlotte in Charlotte, North Carolina.

Topics to be discussed in the day-long seminar include hearing protection, HPDs, OSHA’s role in HPDs, noise measurement, employee education programs, audiometric testing programs, and workers’ compensation issues. The fee which includes lunch and breaks is $130 for NHCA members or $170 for non-members and students are $44. To receive a brochure call the NHCA office at (414) 276-6045 or FAX: (414) 276-3349.

The esteemed seminar faculty includes: Mary McDaniel, Pacific Hearing Conservation, Seattle, WA; Elliott Berger, Cabot Safety Corporation, Indianapolis, IN; Dennis Driscoll, Associates in Acoustics, Inc., Evergreen, CO; George Cook, Jr., Health & Hygiene, Greensboro, N.C.; Julia Dowswell Royster, Ph.D., Environmental Noise Consultants, Raleigh, N.C.; and Larry Royster, Ph.D., Environmental Noise Consultants, Raleigh, N.C. Also speaking on North Carolina’s Perspective on HCPs is Andrew Walker from the North Carolina Department of Labor, Occupational Health & Safety.
The One Thousand Dollar Handout

by Michael H. Faischild, M.S., J.D., a certified CAOHIC Course Director

Many Course Directors augment their classes by distributing copies of relevant and interesting articles from professional journals, newsletters, and manufacturer's literature. Some OHC's then routinely recycle the articles for the benefit of clients and patients. Recent court decisions suggest that this practice violates the fair use portion of the federal copyright statute which places violators at risk of fines if up to $1,000 per handout as well as substantial civil damages. 1

Fair use was first defined in 1841 when a court held that an abridgment of a biography of George Washington prejudiced the sale of the original and therefore constituted an infringement of the author's copyright. 2 It was generally understood, following this case, that copying and republishing information from a work constituted protected fair use, but that republishing the work in essentially its original form did not.

The invention of the copy machine complicated the question of fair use. Courts struggled with the issues of trying to balance the property rights of authors and publishers against the benefits of the information revolution promised by the new technology. 3 Congress overhauled the copyright act in 1977, and in so doing, defined fair use.

Four factors must be considered in deciding if a copying constitutes fair use: 1) The purpose and character of the use; a legal copying should produce something new or the work should be "transformed"; it also helps if the copying is not done for profit. 2) The nature of the work; the more original the work (fiction) the harder it becomes to prove fair use. 3) The amount copied; it is more likely a violation of fair use if the entire work is copied. 4) The effect of the copying on the market for the original work; for example, buying one copy of the CAOHIC notebook and distributing copies would be detrimental to sales of that work and would consequently violate fair use. 4

Copyright holders have begun to aggressively exercise their rights under the Fair Use Doctrine. One court ruled that distributing multiple copies of a article, or even one copy of a newsletter, was a violation of fair use. 5 This case was followed quickly by others in which the courts ruled that multiple copying was unlawful, even when the copies were only distributed internally. 6 Even the common practice of maintaining a personal notebook of copied journal articles has been found to be unlawful. 7

Since only one of the latest Fair Use cases has reached an appeal level, it is difficult to predict the future of the Fair Use Doctrine. If you live within the jurisdiction of the second federal circuit, where the only appeal has been taken to date, virtually all copying is prohibited. 8 The law in the remainder of the nation is not as well defined yet. We can, however, predict, based on the decisions so far, together with a careful reading of the statute, that mass copying for distribution is plainly unlawful. Furthermore, there is no "nonprofit exemption" in the copyright laws so all groups, institutions and individuals can be cited and held accountable. 9

There are relatively simple means of overcoming the prohibitions against, and penalties in the copy right laws so all groups, institutions and individuals can be cited and held accountable. 9

1 There are relatively simple means of overcoming the prohibitions against, and penalties in the copy right laws so all groups, institutions and individuals can be cited and held accountable. 9

Publications in return for a uniform fee which is then shared among the copyright holders. An important benefit of joining CCC is forgiveness of unlawful copying that might have been done in the past. 9

In conclusion, the era of freely copying and distributing printed information to students and clients is effectively over. Continuing the practice could literally lead to devastating fines and civil damages. Since there are means of avoiding violations of the law, no one should be caught in this trap.

17 USC 107


Griswold v. Johnson, 411 U.S. 575 (1973)

Reed v. Reed, 442 U.S. 121 (1979)

The telephone number for the Copyright Clearance Center is (508) 750-8600.
## Tentative October 1995 Course Outline

**Course Director Workshop - October 23, 1995 - Crown Sterling Suites, Bloomington, Minnesota**

### Date and Time
- **7:30 a.m.** Registration
- **7:45 a.m.** Continental Breakfast
- **8:00 a.m.** Welcome: Barbara Pentenray, EdD, COHN
- **8:00 a.m.** Introductions: Jeff Morrell, MS, ACAHIC Chairperson
- **8:00 a.m.** CAOHC Chairperson
- **8:00 a.m.** CAOHC and Course Protocol: Nancy A. Craft, RN, COHN
- **9:45 a.m.** Break
- **10:00 a.m.** Challenges Facing the Course Director: Susan Cooper Meckerson, MA, CCC-A
- **11:00 a.m.** Key Issues in Noise Monitoring and Control: Dennis Driscoll, MS, PE
- **11:45 a.m.** Disposition and Follow-up: Robert A. Dobie, MD
- **12:30 p.m.** Lunch (included)

### Effective Hearing Protection Programs
- **1:15 p.m.** Effective Hearing Protection Programs: Jeff Morrell, MS
- **2:00 p.m.** A Method to Interpret, Analyze, and Communicate OSHA Regulations for the Occupational Hearing Conservationist: Jeff Morrell, MS

### Date and City
- **September 1995**
  - **9/25** San Diego, CA
  - **9/29** Des Moines, IA
  - **9/30** Columbus, OH
  - **10/1** Kansas City, MO
  - **10/2** Portland, OR
  - **10/3** Desmin, FL
  - **10/7** Long Beach, CA
  - **10/8** Desmin, FL
  - **10/9** Little Rock, AR
  - **10/9** Chapel Hill, NC
  - **10/13** Philadelphia, PA
  - **10/14** Salt Lake City, UT
  - **10/15** Washington, DC
  - **10/18** Towson, MD

### Date and City (continued)
- **September 1995**
  - **9/30** Omaha, NE
  - **9/30** Greensboro, NC
  - **9/30** Lexington, KY
  - **9/30** Springfield, MA
  - **9/30** Houston, TX
  - **9/30** Maple Shade, NJ
  - **9/30** Houston, TX
  - **9/30** Cleveland, OH
  - **9/30** Portland, OR
  - **9/30** Syracuse, NY
  - **9/30** Denver, CO
  - **9/30** Piscataway, NJ
  - **9/30** Asbury Park, NJ
  - **9/30** Buffalo, NY
  - **9/30** San Diego, CA

### Course Directors
- **C.F. Jackson**
- **Jan Prince**
- **George Greenberg**
- **Kevan McGar**
- **Natalie Stuck**
- **Tara Wafter**
- **Barbara Wartan**
- **Melodie Meloy**
- **Michael Metc**
- **Jane Prince**
- **Thomas Bimmer**
- **Andrew Stewart**
- **Tim Swisher**
- **Jane Prince**
- **Lloyd Bowling**
- **Rebecca Moreland**

### Phone Numbers
- **619/524-4004**
- **713/869-6664**
- **414/888-5848**
- **918/665-1818**
- **708/241-0990**
- **603/567-0702**
- **713/789-1355**
- **714/786-8884**
- **713/899-6664**
- **501/963-4742**
- **919/967-2228**
- **610/325-7600**
- **715/888-4664**
- **205/998-7166**
- **410/467-1040**

### Effective Hearing Protection Programs
- **713/869-6664**
- **910/665-1818**
- **708/241-0990**
- **603/567-0702**
- **713/789-1355**
- **800/869-6783**
- **600/415-7200**
- **800/869-6783**
- **404/475-2055**
- **503/213-1664**
- **315/965-4056**
- **800/377-5730**
- **908/218-4664**
- **907/278-6409**
- **713/869-6664**
- **619/239-0722**
Council Members & Their Represented Organizations

Chair
American Association of Occupational
Health Nurses
Health & Safety Consultant
220 Whittlin Way
Taylors, S.C. 29687
Office: (803) 292-0201

Vice Chair
National Safety Council
Jill Niland, CHL, CSP (1998)
National Safety Council
1121 Spring Lake Drive
Itasca, IL. 60143-3201
Office: (708) 775-2226

Secretary-Treasurer
American Speech-Language-Hearing
Association
Susan Cooper-Mcgraw, MA, CCC-A (1996)
Impact Health Services, Inc.
920 Main Street, Suite 700
Kansas City, MO 64108-2008
Office: (816) 471-3900

Immediate Past Chair (Ex Officio)
American Speech-Language-Hearing
Association
3M Center Building 220-TW-05
St. Paul, MN 55144-1000
Office: (612) 733-4019

American Academy of Otolaryngology Head
& Neck Surgery
Robert A. Dobie, MD (1995)
University of Texas Health Science Center
Department of Otolaryngology
- Head & Neck Surgery
7703 Floyd Curl Drive
San Antonio, TX 78261-7777
Office: (210) 567-3655

American Academy of Otolaryngology -
Head & Neck Surgery
J. David Ongtohorpe, M.D. (1999)
Medical University of South Carolina
Department of Otolaryngology
171 Ashley Avenue
Charleston, S.C. 29425-0001
Office: (803) 792-3531

American Association of Occupational
Health Nurses
Nancy A. Craft, RN, COHN (1995)
Navy Environmental Health Center
2510 Walter Avenue
Norfolk, VA 23517-2617
Office: (804) 444-7575 x242

American College of Occupational &
Environmental Medicine
G.E. Plastics, Medical Department
One Plastics Avenue
Pittsfield, MA 01201-3697
Office: (413) 448-3929

American College of Occupational &
Environmental Medicine
Alex F. Sanchez, Jr., M.D (1999)
Director of Occupational Medicine
Nahs Clinic, 1910 Randolph Road
Charlotte, NC 28207

American Industrial Hygiene Association
Jeffrey C. Morrill, MS (1998)
Impact Health Services, Inc.
920 Main Street, Suite 700
Kansas City, MO 64105-2008
Office: (816) 471-3900

American Industrial Hygiene Association
Dennis Dracoulis, MS, PE (1998)
Associates in Acoustics, Inc.
718 Aspen Place
Evergreen, CO 80439
Office: (303) 670-9270

Military Audiology Association
Walter Reed Army Medical Center
Army Audiology & Speech Center
Washington, D.C. 20012-3001
Office: (202) 782-7413

Military Audiology Association
OHMIS Management Office #1570
Aberdeen Proving Ground, MD 21010
Office: (410) 671-2926

National Safety Council
Eva Barnard, RN, BA, COHN (1996)
Morovic & Associates HCO 30 Box 200
Grand Marais, MN 56654-0007
Office: (218) 387-9107

Council on Audiology & Speech-Language Pathology
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