



OSHA REGIONAL INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 2020-11

EFFECTIVE DATE: October 1, 2019

SUBJECT: Regional Emphasis Program- Noise Hazards

REGIONAL IDENTIFIER: Region II

ABSTRACT

Purpose: This instruction implements a Regional Emphasis Program (REP) for inspections of workplaces with high levels of noise exposure.

References: CPL 02-00-163, *Field Operations Manual (FOM)*, September 13, 2019

CPL 04-00-002, *Procedures for Approval of Local Emphasis Programs*, November 13, 2018

CPL 02-00-025, *Scheduling System for Programmed Inspections*, January 4, 1995

CPL 02-00-051 *Enforcement Exemptions and Limitations under the Appropriations Act*, May 28, 1998

TED 01-00-015 *OSHA Technical Manual (OTM)*, January 20, 1999

NIOSH/NORA Publication 2010-136, *Occupationally Induced Hearing Loss*, 2010

Cancellations: None

State Impact: None

Action Offices: All Region II Area Offices in New York, New Jersey, and Puerto Rico

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By and Under the Authority of

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EXECUTIVE SUMMARY

Every year thousands of workers suffer from preventable hearing loss due to high workplace noise levels. In 2017, approximately eighteen million workers were exposed to potentially damaging noise, and the incident rate for hearing loss for all industries nationwide was 1.4 per 10,000 full-time workers.

The intent of this REP is to encourage employers to take steps to identify, reduce, and eliminate hazards associated with exposure to high levels of noise.

OSHA in Region II proposes to accomplish this through outreach and enforcement activities. Outreach activities will include letters to employers, training sessions with stakeholders, electronic information sharing activities, and news release broadcasts. Enforcement activities will begin not earlier than three months after outreach is initiated and will include, but not be limited to, the inspection and review of operations and working conditions, injury and illness records, and safety and health programs to identify and obtain corrections of workplace hazards at all applicable inspection sites.

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- I. Purpose.** This Instruction establishes and implements a REP for the purpose of scheduling and conducting inspections in workplaces where exposures to high levels of noise are expected.

This REP consists primarily of two elements. The first element is an outreach component that will be conducted to raise employer and employee awareness of the hazards associated with exposure to high levels of noise. The second element is an inspection targeting initiative to reduce employee exposure to noise through enforcement. Inspections conducted under this REP will focus on evaluating noise hazards.

- II. Scope.** This Instruction applies to all Area Offices in Region II.

III. References.

- A. CPL 02-00-163, *Field Operations Manual (FOM)*, September 13, 2019.
- B. CPL 04-00-002, *Procedures for Approval of Local Emphasis Programs*, November 13, 2018.
- C. CPL 02-00-025, *Scheduling System for Programmed Inspections*, January 4, 1995.
- D. CPL 02-00-051, *Enforcement Exemptions and Limitations under the Appropriations Act*, May 28, 1998.
- E. TED 01-00-015, *OSHA Technical Manual (OTM)*, January 20, 1999.
- F. NIOSH/NORA Publication 2010-136, *Occupationally Induced Hearing Loss*, 2010.

- IV. Cancellation.** None.

- V. Expiration.** This Instruction will expire on September 30, 2024.

EXCEPTION: Any inspection begun prior to September 30, 2024, may continue until its conclusion.

- VI. Action Offices.** The Regional Administrator and Area Directors shall ensure Area Offices adhere to the procedures established in this Instruction when scheduling programmed inspections.

- VII. Background.** In accordance with the Department of Labor Strategic Plan 2018-2022, Strategic Goal 2.1 to “secure safe and healthful working conditions for America’s workers,” and OSHA’s FY2019 Operating Plan outcome measure to “target the most hazardous worksites for inspection,” this REP targets workplaces where exposures to excessive levels of noise are expected.

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Every year thousands of workers suffer from preventable hearing loss due to high workplace noise levels. In 2017, approximately eighteen million workers were exposed to potentially damaging noise, and the incident rate for hearing loss for all industries nationwide was 1.4 per 10,000 full time workers.

Exposure to high noise levels can cause permanent hearing loss. High noise levels also cause temporary loss of hearing, sensitivity, tinnitus, and acoustical trauma. Tinnitus is a condition in which people experience a sound in the ear such as a hum, buzz, ring, or whistle. Tinnitus is predominantly caused by long-term exposure to high sound levels, though it can be caused by short-term exposure to very high sound levels. Acoustical trauma is temporary or permanent hearing loss due to acute exposure to excessive noise such as an explosion. Noise-induced hearing loss can impair a person's ability to communicate and understand speech. Exposure to excessive noise can also have other health effects such as increased physiological stress, muscle tension, loss of sleep, and fatigue. Besides health effects, excessive noise levels can interfere with communication and concentration, the audibility and clarity of emergency warning devices, and a person's ability to perform tasks. According to the Bureau of Labor Statistics (BLS), occupational hearing loss is the most commonly recorded occupational illness in manufacturing.

This REP will include for inspection those establishments in industries identified by their North American Industrial Classification System (NAICS) codes with hearing loss incidence rates of 15.0 and above. A review of the 2017 BLS incidence rates, NAICS codes and establishments in the Region II area identified a significant number of industries with hearing loss incidence rates at or above 15.0. Therefore, to best utilize the regional resources to target the workplaces with the highest expected exposure to noise, an incident rate of 15.0 and above illnesses per 100,000 full time workers was selected.

See the Appendix for a listing of the included industries by NAICS codes.

VIII. Targeting and Site Selection.

- A. Inspections conducted under this REP will focus on general industry facilities where employees may be exposed to excessive noise.
 1. Using the most recently available Dun and Bradstreet employer list, the Office of Statistical Analysis (OSA) will prepare a list of the establishments within each Area Office's geographical jurisdiction in the NAICS codes identified in the Appendix of this Instruction, which lists industries with potential exposure to excessive levels of noise. Each establishment on the resulting establishment list will be assigned a sequential number, starting at the top of the list with number one.
 2. Based on familiarity with local industries, each Area Office may then make appropriate additions and deletions to its list. See OSHA Instruction CPL 02-00-025 - *Scheduling Systems for Programmed Inspections*.

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3. Other facilities with a known pattern of excessive noise levels may be added, in alphabetical order, to the bottom of the list. The Area Office shall document the basis for any such addition.
4. Area Offices shall delete from the master list any facilities not likely to have exposure to excessive levels of noise, and document the basis for such determinations.
5. Area Offices shall delete from the master list any establishments known to be out of business, and document the basis for such determinations.
6. Area Offices may delete any establishment that has received an inspection addressing noise hazards within the previous five fiscal years, provided that a) no citations were issued for noise hazards, or b) that a citation(s) was/were issued but a follow-up inspection documented tangible and effective efforts to abate the serious hazards cited, or OSHA received abatement verification that the noise hazards have been abated.
7. Area Offices shall delete from the master list any facilities that are active Voluntary Protection Program or Safety and Health Achievement Recognition Program participants.
8. If additions and deletions are made, each establishment on the resulting establishment list will be assigned a sequential number, starting at the top of the list with number one. A random numbers table such as described in CPL 02-00-025 or any other approved randomization method should then be applied.
9. Area Offices will ensure that they schedule and conduct enforcement activities following the guidelines set forth in CPL 02-00-051, *Enforcement Exemptions and Limitations under the Appropriations Act*.
10. The establishment list generated under this REP must be maintained in the Regional/Area Offices for a period of three years. See OSHA Instruction ADM 03-01-005, *OSHA Compliance Records*.
11. The National Office policy on list generation and randomization shall be followed in accordance with the National Office memorandum to Regional Administrators, “Establishment Targeting Lists for Emphasis Programs.” Inspection scheduling and deletions shall be completed in accordance with CPL 02-00-025, *Scheduling System for Programmed Inspections*.

IX. Outreach.

- A. Each Area Office will be responsible for developing and implementing a robust and comprehensive outreach program relating to the hazards of noise and methods

to minimize or eliminate the exposure to employees. Each participating Area Office must conduct outreach activities for at least three months prior to conducting inspections.

B. Outreach activities may include, but are not limited to:

- Encouraging employers to utilize OSHA's free on-site consultation programs and providing educational compliance assistance information relevant to the industry, along with other applicable outreach materials to appropriate stakeholders.
- Developing linguistically appropriate materials to ensure a comprehensive approach that reaches all affected and interested parties and ensures maximum participation. OSHA will inform employers that many new resources target vulnerable workers with limited English proficiency, and that training tools exist for use, as well as posters to display at their worksites.
- Providing a letter to inform affected industries, employees, and other stakeholders of hazards associated with overexposure to noise, and informing employers of the outreach and targeting plan prior to commencement of inspection activities. OSHA will include information about educational resource pages that provide information on noise related hazards and how to prevent them.
- Developing worker protection training, information, and materials to specific groups, appropriate to the industry.
- Conducting targeted training sessions and using OSHA's Outreach Training Program to train workers and employers on the recognition, prevention, and abatement of noise related hazards in the workplaces. OSHA will provide information regarding workers' rights, employer responsibilities, and how to file a complaint.
- Conducting stakeholder meetings and disseminating information through speeches, training sessions, and Area Office newsletters.

C. Outreach should be comprehensive and tailored to local considerations of specific industries and the communities to which workers and stakeholders belong. Therefore, outreach programs with employers, professional associations, advocacy groups, local unions, and others, should be implemented in conjunction with local resources, knowledge, and relationships to involve employee and management stakeholders in the identification and elimination of worksite hazards.

X. **Inspection Procedures.** All inspections conducted under this REP will be comprehensive health inspections. As defined in the Field Operations Manual (FOM), a comprehensive inspection is a substantially complete inspection of the potentially high hazard areas of the establishment. An inspection may be deemed comprehensive even though, as a result of the exercise of professional judgement, not all potentially hazardous conditions, operations, and practices within those areas are inspected.

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- A. Programmed Inspections. Some establishments may be selected for inspection under one or more additional OSHA enforcement initiatives. Inspections under this REP shall be run concurrently with other National, Regional, or Local Emphasis Programs, or Site Specific Targeting inspections. Compliance Safety and Health Officers (CSHOs) shall use all OSHA Information System (OIS) codes applicable for the inspection.
- B. Complaint/Referral Inspections. If a formal or non-formal complaint or referral is received from a facility where excessive noise levels may exist, the complaint or referral item(s) shall be investigated in accordance with Chapter 9 of the FOM. An inspection under this REP may be conducted at the Area Director's discretion.
- C. CSHO Referrals. All guidelines in the current FOM regarding CSHO referrals shall be followed. Based on information obtained during the noise inspection, if a safety inspection is warranted, a referral will be made to the Area Director for appropriate action.
- D. For any programmed or un-programmed safety inspection, such as a complaint, referral, fatality, or catastrophe, in an establishment within the targeted NAICS codes, the CSHO can make a health referral if information gathered during the inspection indicates the facility contains high noise levels.

XI. Onsite Procedures.

- A. Upon entering, the CSHO shall verify the NAICS code of the establishment. If the NAICS code is not one of those targeted in this REP, the CSHO shall exit the facility and code the OIS form "No Inspection."
- B. CSHO Protection.
 - 1. Prior to conducting the inspection, the Area Director shall ensure the CSHO has the necessary safety and health expertise to evaluate safety and health hazards to which they may potentially be exposed during the inspection.
 - 2. The Area Director will also ensure the CSHO has the necessary personal protective equipment (PPE) to conduct the inspection, including but not limited to hard hat, safety glasses, hearing protection, safety boots, and respiratory protection.
 - 3. Prior to initiating the walk around, the CSHO will ask the employer about any unusual hazards or special circumstances that would require specific PPE beyond those listed above.
 - 4. The CSHO shall not place himself or herself in potentially hazardous situations, including but not limited to entry into a permit-required confined space or activities which would require the performance of

hazardous energy control (lockout). In such cases, necessary information should be sought in other manners, including private employee interviews, witness statements, engineering drawings, manufacturing specifications/manuals, etc.

5. The CSHO will follow current guidance in the *OSHA Safety and Health Management System Manual* when they are potentially exposed to excessive levels of noise.
- C. At the opening conference the CSHO shall obtain the necessary information regarding the presence and/or use of temporary workers. If temporary workers are present or utilized at the establishment the CSHO shall obtain all necessary documentation and information required to evaluate the safety and health program relating to temporary workers, and determine compliance with OSHA regulations. The CSHO shall refer to the current OSHA guidance found on the Temporary Worker Page to conduct these inspections.
- D. CSHOs shall evaluate and determine employee exposures to noise through methods such as but not limited to sound level meter readings, full shift noise dosimetry, audiometric testing records, a review of any third-party noise sampling done at the establishment, OSHA injury and illness logs, interviews, and other employer information gathered during the inspection.
- E. CSHOs shall conduct noise monitoring, which includes sound level meter reading and full shift noise dosimetry. Noise measurements, evaluation of exposure, and documentation of findings will be conducted in accordance with Chapter 5 of the *OSHA Technical Manual*, TED 01-00-015. The case file will contain documentation of noise surveys, screening, and sampling results.
- F. The CSHO will collect data from the OSHA 300 logs (or Workers' Compensation forms if logs are not available or not maintained) for the previous three calendar years plus the current year from all establishments inspected under this REP. This data will include the totals from all the columns of the 300 log and the total hours worked by all employees for these years. This information will be used to assist in the evaluation of the program.
- G. Citations for violations of 29 CFR 1910.95 will be issued in accordance with current OSHA policy and other applicable chapters of the FOM.

XII. Recording in OIS. CSHOs shall enter the inspection in the OSHA Information System (OIS) using the inspection category "Health" and the identifier code "Noise."

XIII. Program Evaluation.

- A. The Area Director will ensure that a report is submitted to the Assistant Regional Administrator for Enforcement Programs, by October 30th of each year that the REP is active, for a program review and evaluation. Where necessary, minor

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corrections or amendments will be made, to ensure the goals of the REP are being met.

B. The program report must, at a minimum, address the REP's role in meeting OSHA's goals and initiatives, such as:

- The number of employees covered;
- Reduction in the number of injuries and illnesses;
- Abatement measures implemented;
- Number of violations related to noise hazards, and;
- Any indices that relate directly to measures included in the DOL Strategic Plan, the OSHA Operating Plan, and/or additional goals of the REP.

Appendix
Targeted NAICS Codes/Industries

2017 NAICS Code	NAICS Title
3112	Grain and oilseed milling
3113	Sugar and confectionery product manufacturing
311411	Frozen fruit, juice, and vegetable manufacturing
311423	Dried and dehydrated food manufacturing
311513	Cheese manufacturing
3116	Animal slaughtering and processing
3117	Seafood product preparation and packaging
311824	Dry pasta, dough, and flour mixes manufacturing from purchased flour
312120	Breweries
313	Textile mills
321	Wood product manufacturing
3221	Pulp, paper, and paperboard mills
32222	Paper bag and coated and treated paper manufacturing
32223	Stationery product manufacturing
326121	Unlaminated plastics profile shape manufacturing
32621	Tire manufacturing
3271	Clay product and refractory manufacturing
327213	Glass container manufacturing
3274	Lime and gypsum product manufacturing
331	Primary metal manufacturing
3321	Forging and stamping
332431	Metal can manufacturing
33272	Turned product and screw, nut, and bolt manufacturing
33299	All other fabricated metal product manufacturing
33312	Construction machinery manufacturing
333613	Mechanical power transmission equipment manufacturing
336112	Light truck and utility vehicle manufacturing
336213	Motor home manufacturing
33634	Motor vehicle brake system manufacturing
33637	Motor vehicle metal stamping
337212	Custom architectural woodwork and millwork manufacturing
33993	Doll, toy, and game manufacturing
339992	Musical instrument manufacturing
339994	Broom, brush, and mop manufacturing
481	Air transportation

Note: In NAICS code 4811, scheduled air transportation, inspection activity will follow the

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guidelines outlined in the MOU between FAA and OSHA.