

SUBJECT: Noise – Hearing Conservation Programs in the Construction Industry.

Purpose: To clarify the requirement for a "continuing effective hearing conservation program" for employers in the construction industry.

Scope: This instruction applies MNOSHA-wide.

Cancellation: This instruction supersedes STD 3-2.1, January 21, 2005.

Background:

Construction employers are made responsible by 1926.52(b) for ensuring that their employees do not have 8 hour time weighted average (TWA) noise exposures in excess of 90 dBA without the use of proper hearing protection. These hearing protection devices shall be provided and used as required by 1926.101(a) and .28(a).

Training on the hazard of excessive noise exposure is also required to be provided by Minn. Rules 5206.0700, subp. 1 and 3 (Right-to-Know) regardless of the length of employment.

Although the general industry standards are not adopted directly for construction industry use, they do provide a useful basis for the MNOSHA Division policy for the enforcement of 1926.52(d)(1). General Industry standard 1910.95(c) through (o) outlines the contents of an effective hearing conservation program and allows up to six months to obtain employee audiograms.

ACTION:

A. HEARING CONSERVATION PROGRAM

1. Requirements

Where the OSHI measures an 8 hour TWA exposure of 92 dBA or greater, the following requirements for a hearing conservation program will apply for employees who are employed with a contractor for at least six months in a calendar year. The OSHI shall document through interviews or other records, the length of employment of affected workers. Deficiencies will be cited under 1926.52 (d)(1). The hearing conservation program shall include:

- a. Monitoring of employee noise exposures.
- b. The institution of engineering controls, work practices, or administrative controls for excessive noise. Isolation, proper tool maintenance, and proper location of loud noise sources are some of the controls that the OSHI should evaluate.
- c. A baseline audiometric examination offered at no cost to the employees and no later than thirty days after the six-month employment period.
- d. Continuously employed construction workers with excessive noise exposures shall receive annual audiometric examinations. If seasonal employees return to work for the same contractor the following years and continue to have excessive noise exposure, an annual audiometric examination and comparison to the baseline exam shall be offered.
- e. Analysis of audiogram results with retesting and/or referral to an otolaryngologist or qualified physician when a standard threshold shift (STS) occurs. An employee is considered to have a STS if there is a change in the hearing threshold relative to the baseline audiogram of an average of 10 decibels (dB) or

more at 2,000, 3,000, 4,000 hertz in either ear. The occurrence of a STS requires written employee notification of the STS and triggers a follow-up medical evaluation and training. A baseline audiogram may be revised, only by an audiologist, otolaryngologist or physician, if a STS of 10 dB or more is persistent or if an annual audiogram indicates an improvement in the hearing threshold.

- f. Employers shall record any STS which also has a hearing loss of an average of 25 dB or more at 2,000, 3,000, or 4,000 Hertz in either ear when compared to audiometric zero on the OSHA 300 log under column M(5) .
- g. Where custom-molded insert ear plugs are utilized, a competent person shall conduct individual employee fitting, and employees shall be instructed in the care and use of the devices. This is not required for self fitted or malleable plugs.

2. Hearing Protection

Regardless of the length of their employment, where employees are exposed to noise in excess of the permissible exposure levels or durations listed in Table D-2 of 1926.52, ear protective devices shall be provided and used. Failure to provide and make mandatory the use of hearing protectors for any employee exposed above the 92 dBA TWA will be cited under 1926.101(a) and .28(a).

3. Employee Training

- a. Regardless of the length of their employment, the following minimum training must be provided prior to any assignment involving exposure to noise of an 8 hour TWA of 90-92 dBA. Cite 5206.0700, Subp. 1 and 3 when training has not been done. Training shall include:
 - The name of the physical agent (noise).
 - The level at which exposure to noise has been restricted according to standards adopted by MNOSHA (90 dBA for construction).
 - The known acute and chronic effects of exposure at hazardous levels.
 - The known symptoms of the effects.
 - Appropriate emergency treatment.
 - The known proper conditions for equipment use and/or exposure to noise. This shall include an explanation of the purpose of hearing protectors; the advantages, disadvantages, and attenuation of various types; and instructions on selection, fitting, use, and care.
 - A written copy of all of the above information shall be readily available to the employees exposed to noise.
- b. When employees are employed for greater than 6 months and are exposed to noise levels exceeding 92 dBA as an 8-hour TWA the employee shall be trained as part of a continuing, effective hearing conservation program. If training has not been conducted cite 1926.52(d)(1). Training shall include the following:
 - The effects of noise on hearing;
 - The purpose of hearing protectors, the advantages, disadvantages, and attenuation of various types, and instructions

- on selection, fitting, use, and care; and
- The purpose of audiometric testing, and an explanation of the test procedures.

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For the MNOSHA Management Team

Distribution: OSHA Compliance and WSC Director

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