



TOSHA INSTRUCTION

TENNESSEE DEPARTMENT OF LABOR & WORKFORCE DEVELOPMENT
DIVISION OF OCCUPATIONAL SAFETY & HEALTH

DIRECTIVE NUMBER: CPL-TN 04-00-006

EFFECTIVE DATE: October 1, 2013

SUBJECT: Local Emphasis Program - Noise

TO: TOSHA Personnel
FROM: Larry Hunt, Manager, Standards & Procedures
THRU: Steve Hawkins, Administrator
SUBJECT: Local Emphasis Program - Noise
DATE: September 30, 2013

A. **PURPOSE:** This instruction establishes a Local Emphasis Program (LEP) for Noise. This LEP is established to reduce exposures to noise and prevent occupational hearing loss in employees throughout the State of Tennessee.

B. **DOCUMENTS REFERENCED:**

1. TOSHA Field Operations Manual (FOM), Tennessee Occupational Safety and Health Plan – Part V, (January 1, 2010).
2. TOSHA Instruction CPL 2.25; January 31, 1995; Subject: Scheduling System for Programmed Inspections.
3. TOSHA Instruction CPL 2-0.51J; March 8, 1999; Subject: Enforcement Exemptions and Limitations Under the Federal Appropriations Act.
4. OSHA Instruction TED 1.15A; January 20, 1999; OSHA Technical Manual, Section III – Chapter 5, Noise Measurement.
5. OSHA Instruction CPL 2-2.35A; December 19, 1983; Subject: 29 CFR 1910.95(b)(1), Guidelines for Noise Enforcement; Appendix A
6. OSHA Instruction ADM 1-1.31; September 20, 1993; Chapter XXIV, OSHA-92, Noise Survey Report.
7. OSHA Instruction ADM 1-1.29; November, 1996; Chapter XXIII, Noise Survey Report, Consultation-92.

C. BACKGROUND:

1. Occupational exposure to noise levels in excess of the current Tennessee OSHA standards places hundreds of thousands of workers at risk of developing hearing impairment, hypertension, and elevated blood pressure levels. Noise induced hearing loss continues to be one of the leading occupational illnesses in Tennessee. The National Institute for Occupational Safety and Health's (NIOSH) National Occupational Exposure Survey (NOES) estimates that 15 percent of workers exposed to noise levels of 85 dBA or higher will develop hearing impairment.
2. Elevated noise levels pose an additional threat of injury or death to workers by reducing communication between employees and between supervisors and workers and by reducing the effectiveness of audible warning devices. Several recent studies have documented an apparent association (synergistic effect) between worker exposures to solvents and occupationally related hearing loss.
3. There are a variety of administrative and engineering control techniques documented in the literature to reduce the overall worker exposure to noise.
 - a. The proper use of hearing protection is the first line of defense.
 - b. Annual audiometric testing provides an ongoing evaluation of the effectiveness of a Hearing Conservation Program (HCP).
 - c. Engineering controls reduce the amount of sound energy released by the noise source, or divert the flow of sound energy away from the receiver, or protect the receiver from the found energy reaching them. For example, types of noise controls include proper maintenance of equipment, revised operating procedures, equipment replacements, acoustical shields and barriers, equipment redesign, enclosures, and administrative controls.

D. CANCELATION: CPL-TN 04-00-002 Local Emphasis Program - Noise

E. POLICY:

1. All health and safety compliance personnel shall be instructed to be diligent in their efforts to identify worksites where high noise levels are possible. Every observation of such operations shall be handled as follows.

- a. Referrals: Regardless of whether or not a violation is observed, whenever a CSHO measures, observes or receives any other notice of an operation where high noise levels are possible (including nonformal complaints, other government agency referrals, and reports from members of the public) the CSHO shall:
 - (1) Make note of the equipment used and work operation, including any apparent violations or hazards (not wearing hearing protection, or not performing audiometric testing).
 - (2) Note the location of the work area, worksite and the company name and address, if known.
 - (3) Contact the Area Office Supervisor for a decision as to whether an intervention or inspection is required.

- b. All worksites where high noise levels are possible that are brought to the attention of the Area Supervisors shall be inspected as follows:
 - (1) If the worksite has had a comprehensive inspection or has been inspected for hearing conservation within the preceding three (3) years, the results of the inspection shall be considered along with the current observations of the CSHO.
 - (2) If the worksite has not been inspected within the three (3) years, the Area Office Supervisor will schedule an inspection. The Area Office Supervisor has the option to not schedule an inspection when circumstances indicate that an one should not be conducted.
 - (3) Programmed inspections will be scheduled using Standard Industrial Classification (SIC) Codes where TOSHA's historical data indicates that Compliance actions have been necessary to correct violations of 29 CFR 1910.95. Establishments will be identified through the Workman's Compensation Database, BLS Data, Tennessee Manufacturer's Guide, and the TOSHA Compliance Database. Those Primary and Secondary SIC Codes will include:
 - (a) 2421 – Saw Mills & Planning Mills, General
 - (b) 2426 – Hardwood Dimension & Flooring Mills
 - (c) 2431 – Millwork
 - (d) 2448 – Wood Pallets & Skids

- (e) 2499 – Wood Products, NEC
- (f) 2511 – Wood Household Furniture, except Upholstered
- (g) 2512 – Wood Household Furniture, Upholstered
- (h) 3069 – Fabricated Rubber Products, NEC
- (i) 3089 – Plastic Products, NE
- (j) 3272 – Concrete Products, Except Block & Brick
- (k) 3321 – Gray & Ductile Iron Factories
- (l) 3441 – Fabricated Structural Metal
- (m) 3443 – Fabricated Plate Work (Boiler Shops)
- (n) 3444 – Sheet Metal Work
- (o) 3446 – Architectural & Ornamental Metal Work
- (p) 3465 – Automotive Stampings
- (q) 3469 – Metal Stampings, NEC
- (r) 3471 – Electroplating, Plating, Polishing, Anodizing and Coloring
- (s) 3479 – Coating, Engraving and Allied Services, NEC
- (t) 3714 – Motor Vehicle Parts & Accessories
- (u) 3732 – Boat Building and Repairing
- (v) 5093 – Scrap & Waste Materials

Additional SIC Codes may be added where information indicates there is a potential for high noise levels and the potential for hearing loss.

- c. Formal complaints, safety and health agency referrals and media reports shall be scheduled as unprogrammed inspections, conducted as described in the relevant chapters of the Field Operations Manual (FOM). Where information of previous interventions indicates no need to inspect, this should be documented in the case file.
 - d. Nonformal complaints and other referrals involving operations where high noise levels are suspected shall be scheduled as unprogrammed inspections. Where information of previous interventions indicated no need to inspect, this should be documented in the case file.
2. All health and safety consultants shall be instructed to be diligent in their efforts to identify worksites where high noise levels are possible. Every identification of such operations shall be handled as follows:
- a. Referrals: Regardless of whether or not a violation is observed, whenever a consultant measures, observes or receives any other

notice of an operation where high noise levels are possible the consultant shall:

- (1) Make note of the equipment used and work operation, including any apparent violations or hazards (not wearing hearing protection, or not performing audiometric testing).
 - (2) Note the location of the work area, worksite and the company name and address, if known.
- b. All worksites where high noise levels are possible shall be inspected as follows:
- (1) If the worksite has requested a full service safety and health visit, the noise levels will be noted in narrative and the inspection will be handled in the usual manner.
 - (2) If the worksite has not requested a health visit the consultant shall advise the customer of:
 - (a) The Local Emphasis Program and;
 - (b) The seriousness of the hazard and recommend that the customer request a health survey. If the customer does not agree to a health survey the consultant will remind the customer of our obligation to report on all serious hazards and refer the matter to their Supervisor. The Supervisor in consultation with the Project Manager will determine the necessity to refer the matter to compliance.
3. The discovery of worksites where high noise levels exist may be the result of a specific search to find this type of operation, at the discretion of the Area Supervisor. Identification will normally occur during the course of inspections and possibly during the course of routine travel.
 4. Documentation of the events leading up to the observation or the reporting of the worksite shall be maintained by the Area Office in case of denial of entry.
 5. When an inspection is not conducted because consent has not been obtained, a warrant normally shall be sought in accordance with the current procedure for handling such cases.

F. INSPECTION PROCEDURES: The following procedures shall be followed during all inspections where potential employee noise exists:

1. Inspections shall be conducted in accordance with the FOM and OSHA Instruction CPL 2-2.35A; December 19, 1983: Subject: 29 CFR 1910.95(b)(1), Guidelines for Noise Enforcement; Appendix A.
2. Noise measurements shall be taken in accordance with OSHA Technical Manual.
3. All hearing conservation program improvements initiated by TOSHA inspection will be documented. The improvements must be reported by memo to Standards & Procedures Manager. The memo will identify each hearing conservation program deficiency and the method used to minimize, or eliminate, the deficiency. These improvements can include:
 - a. Noise reductions through engineering and administrative controls
 - b. Noise reductions through proper use of hearing protection
 - c. Implementation of an effective audiometric test program
 - d. Implementation of an effective information and training program
 - d. Implementation of an effective noise monitoring program
 - e. Handouts which describe an effective Hearing Conservation Program and the LEP will be provided all employers on each health inspection. .
4. Abatement of violations, informal conference settlement agreements and review commission settlement agreements will include a requirement that the company attend a training class on methods of reducing noise exposure through the use of hearing protection, an effective hearing conservation program and simple controls.

G. RECORDING IN THE IMIS: Safety inspections which result in a referral to the Health section and Health inspections where hearing conservation program improvements are documented must be identified so they can be tracked. The following guidelines shall be applied when recording inspections conducted under this LEP or other inspections of worksites where high levels of noise are found:

1. Current instructions for completing the appropriate inspection classification boxes (Items 25(c)) on the Inspection Report, OSHA-1Form.)

- a. The OSHA-1 for any inspection under this LEP shall be recorded under "Local Emphasis Program" (Item 25c.). Record "NOISE" in the field in Item 25(c). (NOTE: The entry is made with ALL CAPS.)
 - b. The OSHA-1 for any programmed inspection scheduled under this Local Emphasis Program shall be marked "Planned" (Item 24h.) and "Local Emphasis Program" (Item 25c.) Record "NOISE" in the field in item 25c.
 - c. The OSHA-1 for any unprogrammed inspection where high noise levels are found shall be marked as unprogrammed (Item 24 a. through g. as appropriate). In addition it shall be marked "Local Emphasis Program" (Item 25c.). Record "NOISE" in the field in item 25c.
2. Current instructions for Compliance Officers completing the Noise Monitoring form, OSHA-92.
- a. The CSHO will complete the Noise Monitoring Form (92) in accordance with the IMIS Manual.
 - b. The Area Office Secretary will make copies of the OSHA-92's and send them to Nashville.
 - c. The Health Secretary will enter the Noise Monitoring Sheet OSHA-92 into the NCR Database.
 - e. The CSHO will send a memorandum to the Central office which indicates hearing conservation program improvements. The memo will identify each hearing conservation program deficiency and the method used to minimize, or eliminate, the deficiency. A copy of a sample memo is included in Appendix A. The memo will contain at least the following information:
 - CSHO-ID
 - Reporting-ID
 - Inspection Number
 - List of hearing conservation program improvements
 - f. The information will be recorded by the Standards & Procedures Manager in a tracking database.
3. Current instructions for Consultants completing the Noise Monitoring form, Consultation-92:

- a. The Consultant will complete the Noise Monitoring Form Consultation-92 in accordance with the IMIS Manual.
 - b. The Consultant will enter the Noise Monitoring Sheet Consultation-92 into the NCR Database.
 - c. The Consultant will send a memorandum to the IH Consultation Supervisor in the Central office which indicates hearing conservation program improvements. The memo will identify each hearing conservation program deficiency and the method used to minimize, or eliminate, the deficiency. A copy of a sample memo is included in Appendix A. The memo will contain at least the following information:
 - CSHO-ID
 - Reporting-ID
 - Inspection Number
 - List of hearing conservation program improvements
 - d. The Direct reading Form (93) will be entered into the NCR Database.
4. Nonformal complaints, other government agency referrals and reports from the public reporting potential hazards related to noise shall be recorded on an OSHA-7, Notice of Alleged Safety or Health Hazards, or an OSHA-90, Referral Report, if appropriate, in accordance with current IMIS instructions. They shall be recorded as unprogrammed inspections under the LEP.

H. FULL-SERVICE PROGRAM SUPPORT:

1. The Training Section will develop outreach programs which will support the enforcement effort:
 - a. To increase the coverage of the LEP, Compliance Officers and Consultants will be trained in the identification of potential high noise areas and work operations. This training will include:
 - (1) The evaluation of hearing protection usage.
 - (2) The use of Sound level meters (SLM).
 - (3) How to perform 8-hour Time-Weighted-Average estimates when making a referral.

- b. All Tennessee OSHA staff will be instructed on the LEP and changes in the compliance directives (CPLs).
 - c. Information which describes the Local Emphasis Program on Noise will be included in each training session that is taught by Tennessee OSHA's Training Staff.
 - d. The Compliance web-page will have a special section devoted to Local Emphasis programs. This should provide the public access to assistance in identifying high noise exposures or detecting potential problems through e-mail or information.
2. The Consultation Section will develop outreach programs which will supplement the enforcement effort:
- a. Consultation Resources will conduct Correction Assistance Cited visits where the employer has been cited for violations of the Tennessee OSHA standards, the citations are a final order and the employer has requested in writing help to correct those citations.
 - b. All Consultation customers will be advised of the special emphasis program and will be encouraged to reduce their employees' noise exposures to the lowest level feasible.
 - c. Each IH Consultant's report will document an evaluation of workplace noise levels where comprehensive visits are conducted. The Consultant's report will document an evaluation of workplace noise where a partial visit is conducted and where the customer's request includes an evaluation of noise.
 - d. The Consultation web-page provides the public access to assistance in correcting hazards or detecting potential problems through e-mail or requesting on-site assistance.

I. EVALUATION:

- 1. Compliance and Consultation data will be evaluated monthly.
- 2. An evaluation report will be completed monthly by the Standards & Procedures Manager. This report will be provided to the Administrator and Managers.

3. An annual evaluation will be performed in August 2014 to evaluate the LEP for its effectiveness, impact upon the workplace, and its continuation in FY2015.

- J. ACTION: Managers and Supervisors will insure that the procedures listed in this LEP are followed during interventions where noise exposures are suspected to be at or above 85 dBA.

- K. EFFECTIVE/EXPIRATION DATES: This instruction is effective October 1, 2013 and shall remain in effect until cancelled or superseded.

APPENDIX A

SAMPLE NOISE INTERVENTION REPORT

STATE OF TENNESSEE
DEPARTMENT OF LABOR & WORKFORCE DEVELOPMENT
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
220 FRENCH LANDING DRIVE
NASHVILLE, TENNESSEE 37243

MEMORANDUM

TO: Larry Hunt, Manager, Standards & Procedures
FROM:
SUBJECT: Hearing Conservation Program Improvements
DATE:
CC: Jeffrey Campbell, Manager Health Compliance

REPORTING ID:	
CSHO NO:	
INSPECTION/VISIT NO:	
SIC CODE:	
# OF PROGRAM IMPROVEMENTS	
# OF EMPLOYEES AFFECTED	

PROGRAM IMPROVEMENT 1	
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PROGRAM IMPROVEMENT 2	
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PROGRAM IMPROVEMENT 2	
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