

SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING & REGULATION
Office of Occupational Safety and Health
Columbia, SC 29211

OSHA PROGRAM DIRECTIVE NUMBER: 05-1910.95-3 (REVISED)

SUBJECT: Violations for Noise Standards.

STANDARD: Subarticle 6, Section 1910.95, Rules and Regulations, Commissioner of Labor, State of South Carolina.

**CROSS REFERENCE TO
FEDERAL STANDARDS:** 29 CFR 1910.95

BACKGROUND: The purpose of this directive is to provide guidance for citing and penalizing under the noise standard. This Program Directive number 05-1910.95-3 (REVISED) replaces Program Directive number 87-1910.95-3 (REVISED), dated May 26, 1987, number 80-1910.95-3, dated September 23, 1980, number 82-1910.95 (AMENDED), dated February 26, 1982, and number 83-1910.95-3 (REVISED), dated July 1, 1983.

INTERPRETATION: **A.** Applicable sections of the noise standard shall be cited and employers penalized in accordance with the following conditions:

1. A citation for violation of section 1910.95(b)(1) shall be issued when an employee's exposure exceeds the limits specified in Table G-16, whether or not the employee was wearing hearing protection, if feasible engineering and/or administrative controls were not utilized.
2. When employee exposure exceeds the limits of Table G-16 and there is no hearing protection, Section 1910.95(i)(2)(i) shall be cited and classified as serious whether or not the employer instituted a hearing conservation program. Section 1910.95(a) shall no longer be cited, except in industries where section 1910.95(i) does not apply (for example, construction, agriculture, all logging as addressed in 1910.266(b)(1), and oil and gas well drilling and service industry).
3. If an employer has instituted a hearing conservation program and a violation of the hearing conservation amendment (other than 1910.95(i)(2)(i)) is found, a citation shall be issued if employee noise exposures equal or exceed an 8-hour time-weighted average of 85 decibels. Deficiencies shall be grouped into one other-than-serious citation.

4. If the employer has not instituted a hearing conservation program and employee noise exposures equal or exceed an 8-hour time-weighted average of 85 decibels, grouped citations shall be issued to include the following sections:
 - (a) 1910.95(d) – Monitoring and 1910.95(m) – Recordkeeping
 - (b) 1910.95(g) – Audiogram Testing Program and 1910.95 (i) – Hearing Protection
 - (c) 1910.95 (k) – Training ProgramThe citations shall be cited as other-than-serious.

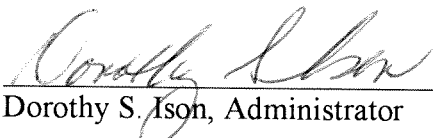
5. Violations of sections 1910.95(i)(2)(i) from the hearing conservation amendment shall be grouped with violations of section 1910.95(b)(1) and classified as serious when an employee is overexposed to the limits of Table G-16 and:
 - (a) Hearing protection is not utilized or is not adequate to prevent overexposure to an employee; or
 - (b) There is evidence of hearing loss which could reasonably be considered:
 - (1) To be work-related, and
 - (2) To have been preventable, at least to some degree, if the employer had been in compliance with the cited provisions.

6. Any violations of section 1910.95 shall be classified as other-than-serious when neither of the conditions given in (5) above exists.

7. When an employee is overexposed but effective hearing protection is being provided and used, an effective hearing conservation program has been implemented and no feasible engineering or administrative controls exist, a citation shall not be issued.

B. Grouping shall be in accordance with the current compliance manual policy.

EFFECTIVE DATE: This directive is effective upon receipt and will remain in effect until cancelled or superseded by amendment to the regulation or program directive.



Dorothy S. Ison, Administrator

Date: August 12, 2005