

• **Standard Number:** 1910.95

OSHA requirements are set by statute, standards and regulations. Our interpretation letters explain these requirements and how they apply to particular circumstances, but they cannot create additional employer obligations. This letter constitutes OSHA's interpretation of the requirements discussed. Note that our enforcement guidance may be affected by changes to OSHA rules. Also, from time to time we update our guidance in response to new information. To keep apprised of such developments, you can consult OSHA's website at <http://www.osha.gov>.

January 31, 2011

Mr. Jeffrey Baker, COHC
Industrial Service Manager
Central Florida Speech and Hearing Center
710 E. Bella Vista Street
Lakeland, Florida 33805,/p>

Dear Mr. Baker:

Thank you for your June 8, 2010, letter to the Occupational Safety and Health Administration (OSHA). In your letter you requested information on 29 CFR 1910.95 with regards to audiometric testing. This letter constitutes OSHA's interpretation only of the requirements discussed and may not be applicable to any question not delineated within your original correspondence. Your paraphrased scenario and question are presented below, followed by our response.

Scenario: Our Company provides mobile audiometric testing to employers. One of our clients has employees who in the past have worked in an area where a hearing conservation program (HCP) was required and was implemented. However, the employees covered under the HCP were transferred to other areas outside of the HCP required areas of the facility. These employees are now returning to the HCP required areas, and our client plans to resume audiometric testing.

Question: Can the employer establish new baselines for the returning employees?

Response: No. The employer does not have the option to establish new baselines. Establishing new baselines would constitute revising the baselines. An employer is required to maintain audiometric records for the duration of an employee's employment. Therefore, the employer has access to the employees' previous baselines. Any subsequent audiograms taken upon the employees' return to the noisy areas would have to be compared to the original baseline, or the last revised baseline on record if there was a standard threshold shift (STS) in the past.

Please be aware that the noise standard at 29 CFR 1910.95, states that a baseline may only be revised when, "... in the judgment of the audiologist, otolaryngologist or physician who is evaluating the audiogram (i) the standard threshold shift revealed by the audiogram is persistent; or (ii) the hearing threshold shown in the annual audiogram indicates significant improvement over the baseline audiogram." Enclosed for your information is a copy of a previous interpretation addressing the issue of revised baselines.

Thank you for your interest in occupational safety and health. We hope you find this information helpful. OSHA requirements are set by statute, standards, and regulations. Our interpretation letters explain these requirements and how they apply to particular circumstances, but they cannot create additional employer obligations. This letter constitutes OSHA's interpretation of the requirements discussed. Note that our enforcement guidance may be affected by changes to OSHA rules. Also, from time to time we update our guidance in response to new information. To keep apprised of such developments, you can consult OSHA's website at <http://www.osha.gov>. If you have any further questions, please feel free to contact the Office of Health Enforcement at (202) 693-2190.

Sincerely,

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