



Standard Interpretations - Table of Contents

• **Standard Number:** 1910.95

October 12, 2012

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Dear Dr. Wells:

Thank you for your July 1, 2011, letter to the Occupational Safety and Health Administration's (OSHA) Directorate of Enforcement Programs. In your letter you posed questions regarding OSHA's occupational noise exposure standard, 29 CFR 1910.95, and its requirements as it relates to audiometric tests and standard threshold shifts (STS). Your paraphrased scenario and questions are presented below, followed by our responses.

Scenario: Associates In Acoustics, Inc., reviews retest audiograms with standard threshold shifts (STS) for client-employers. Recently, employers have been submitting retest audiograms for only the ear that experienced the STS. The employers purposely blacken out the results for the ear that did not incur the STS. The employers have stated that the STS retest applies only to one ear and by retesting only that ear, they will avoid the potential to trigger a new STS incident in the opposite ear.

Many of the audiometric software do not allow for testing of only one ear and as such, a "place-holder" for the non-tested ear is used. As a professional reviewer, it's difficult to judge whether the ear was actually tested or not.

Question 1: What is OSHA's definition of a valid STS retest? Specifically, are both ears required to be tested during the same testing session to be considered a valid retest?

Response: OSHA's occupational noise exposure standard [paragraph 1910.95(g)(7)(i)] states "Each employee's annual audiogram shall be compared to that employee's baseline audiogram to determine if the audiogram is valid and if a standard threshold shift ... has occurred." Therefore, both ears are required to be tested for baseline audiograms and must be tested at the same time and place to determine if an STS has occurred.

With regard to audiometric retests, paragraph 1910.95 (g)(7)(ii) allows, but does not require, an employer to retest an employee's annual audiogram if it shows that the employee may have suffered an STS. If an employer chooses to do so, the retest must be conducted within 30 days of the test which revealed the STS. A retest would be considered valid if the retest was done in both ears at the same time and place, and within 30 days.

OSHA's Recording criteria for cases involving occupational hearing loss at §1904.10 allows an employer to revise a baseline based on whether an STS occurred in either one or both ears, for recordkeeping purposes only. When an STS is observed upon retest, a new baseline may only be recorded for the affected ear(s). The baseline may not be revised for the unaffected ear. For further clarification please refer to our May 8, 2003 letter of interpretation written to Ms. Linda Ballas, May 8, 2003 (enclosed for your information). Ms. Linda Ballas, May 8, 2003

Question 2: If the one ear retest is acceptable, how should the results be recorded in the audiometric database?

Response: The one ear retest is not acceptable. Please be aware that if the retest indicates that an STS is persistent, and all of the other recordkeeping requirements are met, the hearing loss for "the affected ear" must be recorded on the OSHA 300 log within 7 days of the retest.

Question 3: Is forcing an incomplete test into these programs in order to confirm or eliminate an STS by entering values into the non-tested ear acceptable or considered falsification of data?

Response 3: Forcing an incomplete test would not be compliant with OSHA's Occupational noise standard and may subject an employer to citations.

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,

Thomas Galassi, Director
Director of Enforcement Programs

🔍 Standard Interpretations - Table of Contents

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