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Occupational Safety & Health Administration We Can Help

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Standard Number: 1910.95

February 8, 2005

Ms. Cindy Bloyer 1600 Genessee Suite 700 Examinetics, Inc. Kansas City, MO 64102

Dear Ms. Bloyer;

Thank you for your letter of May 17, 2004 letter to the Occupational Safety and Health Administration (OSHA) regarding the requirements for baseline audiograms under the Occupational Noise standard, 29 CFR 1910.95. Your questions have been restated below, followed by OSHA's response. 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.

Question 1: What is OSHA's position regarding audiometric baseline revisions in rehire situations?

Answer: As a general rule, the baseline audiogram that is first in time will provide the most accurate characterization of the employee's hearing acuity against which to compare subsequent hearing acuity. Therefore, in a rehire situation, if the employer still has the original baseline audiogram, that audiogram may be considered to be the baseline since in fact it was obtained within 6 months (or one year in the case of audiograms taken in a mobile test van) of the employee's first noise exposure. Subsequent audiograms would be compared to that audiogram; if a STS appears, then the subsequent audiogram would become the revised baseline. The standard only requires employers to keep the audiometric test records for their length of employment. If the previous audiograms were not retained, then the first valid audiogram obtained from the employee after rehire would become the baseline audiogram.

Question 2: If rehire baselines are allowed, is there a specific time window required between termination and rehire?

Answer: No, there is no specific time window. If the employer still has the baseline audiogram from the initial period of employment and it is a valid baseline, it may still serve as the baseline.

Question 3: Are employers allowed to establish their own policy regarding this issue?

Answer: Although not required, employers may use the original baseline audiogram for rehired employees provided that: (1) the employer has retained the original baseline; and (2) the original baseline was valid.

Question 4: Should the decision of whether or not a rehire baseline is appropriate be left to the discretion of the professional reviewer?

Answer: The decision on whether or not a rehire baseline is appropriate should be made by the audiologist, otolaryngologist, or physician who is evaluating the audiograms.

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,

Richard E. Fairfax, Director

Directorate of Enforcement Programs

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