



Temporary Worker Initiative

Noise Exposure and Hearing Conservation

This is part of a series of guidance documents developed under the Occupational Safety and Health Administration's (OSHA's) Temporary Worker Initiative (TWI). This Initiative focuses on compliance with safety and health requirements when **temporary workers** are employed under the joint employment of a **staffing agency** and a **host employer**.

Temporary workers are entitled to the same protections under the *Occupational Safety and Health Act of 1970* (the OSH Act) as all other covered workers. When a staffing agency supplies temporary workers to a business, typically, the staffing agency and the staffing firm client, commonly referred to as the **host employer**, are joint employers of those workers. Both employers are responsible for determining the conditions of employment and complying with the law. In these joint employment situations, questions regarding how each employer can fulfill its duty to comply with the standard are common. This bulletin addresses what both the staffing agency and the host employer can do to ensure that temporary workers who are exposed to hazardous noise levels are appropriately protected in accordance with OSHA standards [29 CFR 1910.95](#) for general industry and [29 CFR 1926.52](#) for construction — *Occupational Noise Exposure* (both referred to herein as “the standard”).

Exposure to high levels of noise can cause permanent hearing loss. OSHA considers a hearing loss to have occurred when a worker experiences a standard threshold shift (STS). An STS is a change in the worker's hearing threshold when compared to the worker's baseline audiogram. Short-term exposure to loud noise can also cause a temporary change in hearing. Exposed workers may develop

a short-term partial hearing loss, referred to as a temporary threshold shift (TTS) or may develop a ringing in the ears, called tinnitus. These short-term health effects may go away within a few minutes or hours after leaving the noisy area. However, repeated short-term exposures to loud noise can lead to permanent tinnitus and/or hearing loss.

OSHA sets legal limits on noise exposure in the workplace. These limits are based on a worker's 8-hour time-weighted average (TWA) over a work day. For noise, OSHA's permissible exposure limit (PEL) is an 8-hour TWA noise level of 90 dBA.¹ Time of exposure is reduced by half for each 5 dBA increase. For example, if workers were exposed to noise for four hours, the exposure limit would be 95 dBA. [See Table G-16, [29 CFR 1910.95](#) for general industry, or Table D-2 of [29 CFR 1926.52](#) for construction].

OSHA's noise standard states that when employees are exposed to noise levels exceeding the PEL, feasible engineering and/or administrative controls must be used to reduce noise levels at their workplace. Engineering controls reduce noise levels through modification of equipment or the work area, such as installing mufflers, noise barriers,

1. dBA - Noise is measured in units of sound pressure levels called decibels using A-weighted sound levels (dBA). The A-weighted sound levels closely match the perception of loudness by the human ear. Decibels are measured on a logarithmic scale.

and noise absorbing materials around machinery. Administrative controls are management decisions on work activities, work rotation, and workload to reduce workers' exposure to hazardous noise levels. If such engineering and administrative controls fail to reduce sound levels within the levels found in Table G-16 of 29 CFR 1910.95² or Table D-2 of 29 CFR 1926.52, then personal protective equipment (PPE) must be provided and used to reduce sound to permissible limits. In some cases, a combination of engineering and administrative controls and PPE may be necessary to reduce employee noise exposures to allowable limits.

OSHA also requires employers to implement a Hearing Conservation Program (HCP) whenever workers' noise exposures equal or exceed an 8-hour TWA sound level of 85 dBA in general industry, also known as the action level (AL), or when levels exceed 90 dBA in construction. In general industry, an HCP requires an employer to:

- Develop a noise-monitoring program
- Notify employees of hazardous noise levels
- Allow employees the ability to observe noise monitoring
- Maintain an audiometric testing program, including a baseline audiogram
- Provide hearing protectors
- Develop a training program
- Provide access to information and training materials
- Maintain accurate records

Both the host employer and staffing agency are jointly responsible for ensuring that workers receive protection from hazardous noise levels when it is required under OSHA standards.

Neither the host nor the staffing agency can require workers to provide or pay for their own hearing protection devices or require workers to purchase such devices as a condition of employment or placement. In addition, employees must be paid for the time spent receiving their audiograms, and the audiograms must be at no cost to the employee.

2. Current enforcement policy regarding §1910.95(b)(1) allows employers to rely on personal protective equipment and a hearing conservation program, rather than engineering and/or administrative controls, when hearing protectors will effectively attenuate the noise to which employees are exposed to acceptable levels. (See Tables G-16 or G-16a of the standard).

Host Employer Responsibilities

The **host employer** will usually have the primary responsibility for determining noise exposure levels, implementing and maintaining engineering, administrative, and work practice controls, providing appropriate hearing protection, and maintaining a hearing conservation program in accordance with all requirements of the standard for the workplace because:

- The host employer is most familiar with and has control over the processes and equipment that may produce hazardous noise levels that the temporary workers will encounter.
- The host employer is often in the best position to implement an HCP, including but not limited to, noise monitoring, proper selection of hearing protection for the conditions at the worksite, audiometric testing, and training of employees within the time frames required by the standard. These provisions will likely already be in place for permanent staff.
- The host employer can maintain the appropriate surveillance of workplace conditions and the degree of employee exposure.

Staffing Agency Responsibilities

The **staffing agency** shares responsibility for its workers' safety and health and has an obligation to become familiar with any noise exposure hazards and controls in place, including an HCP and hearing protection requirements, at the host employer's worksite prior to assigning workers. As a recommended practice, the staffing agency should take reasonable steps to ensure that the host employer has an HCP in place that covers temporary workers in the same manner in which the host's employees are covered. In addition, it is the staffing agency's obligation to inform temporary employees of the noise hazards they may encounter, and ensure, as far as possible, that its workers are adequately protected, including following any safety and health rules (e.g., wearing hearing protection) required by the host employer.

The staffing agency is also responsible for maintaining communication with its workers and the host employer regarding noise exposures. Such ongoing communication alerts the staffing

agency and temporary employees to additional or newly created noise hazards that may need to be addressed and ensures that responsibilities of the HCP are understood and implemented.

Joint Responsibilities

OSHA's Occupational Noise standard at 29 CFR 1910.95(g)(5)(i) and (ii) requires that employers establish a valid baseline audiogram within 6 months of an employee's first exposure at or above the action level, or within one year if a mobile test van is used, and that hearing protection is used in the interim. [See 1910.95(g)(5)(i) and (ii).] In cases where temporary workers work for multiple host employers for short periods of time (i.e., less than a year) and therefore may be missed

by the host employers' baseline and audiometric testing programs, staffing agencies may be better positioned to meet these requirements.

Employers must also ensure that the temporary employees continue to receive an annual audiogram if they are still exposed to noise levels above an 8-hour time-weighted average of 85 dBA, and that a comparison of the temporary employees' annual audiogram to their baseline audiogram is performed in order to determine any loss of hearing. [See 29 CFR 1910.95(g)(7).] Employers must also record all work-related hearing loss cases on their OSHA 300 log, according to the recordkeeping requirement of 29 CFR 1904.10. In situations where the time frame of the work performed is such that the temporary

Example Scenario^{††}

A metal equipment manufacturer, Metal Works Co. (MWC), needs machine operators for a short-term increase in production. The company contracts with Temp Staffing to provide workers to work shifts on a temporary basis. Temp Staffing hires ten workers and sends them to work at MWC.

MWC's workplace is a noisy environment, with noise exposure levels exceeding 85 dBA. Although the contract stated that each party will comply with obligations under the OSH Act, the hearing conservation program was not addressed. MWC provides ear plugs but does not train the temporary workers in their use and does not conduct noise sampling or audiometric testing for the temporary workers.

Temp Staffing has a weekly meeting with their employees and asks them if they were trained by MWC in the use of hearing protection. The temporary workers responded that they were not shown how to use the hearing protection. When Temp Staffing discusses this with MWC, MWC declines to provide training on hearing protection to temporary workers or include them in a hearing conservation program.

Analysis

MWC and Temp Staffing are both responsible for ensuring that temporary workers exposed to noise levels at or above 85 dBA are appropriately trained in the use of hearing protection and included in a hearing conservation program. Because it controls the worksite, MWC bears chief responsibility for ensuring implementation of a complete hearing conservation program. MWC is best positioned to train workers on the hearing protectors appropriate to the noise conditions found at the worksite as well as providing audiometric testing. Therefore, in this scenario, MWC may be cited for failing to include temporary employees in a hearing conservation program that includes hearing protection training and audiometric testing.

Temp Staffing should determine the noise exposure levels to which their workers would be exposed prior to their employees beginning work at MWC by assessing the worksite for potential hazards. This information should be made available by MWC. Before workers are placed in this type of environment, Temp Staffing was responsible for ensuring that training and other elements of a hearing conservation program, such as audiometric testing, would be performed. The staffing agency discovered MWC's lapse in protection reasonably quickly, and upon discovery, immediately addressed the issue with MWC. If MWC continues to refuse to implement a hearing conservation program, Temp Staffing has the choice of withdrawing its workers from this site. If Temp Staffing fails to protect its workers, it may also be subject to OSHA citations for failing to provide a hearing conservation program to its employees, including hearing protection training and audiometric testing.

** The company names used in this scenario are fictitious. Any resemblance to real companies is entirely coincidental.*

† If a similar scenario as stated above existed in construction, then the employer and staffing agency would need to ensure that the host employer had a feasible hearing conservation program in place for noise exposures above 90 dBA.

workers may be missed by the host employer's audiometric testing program, the employers should determine how the requirements to provide baseline and annual audiometric testing to temporary workers will be met. In such situations, staffing agencies may be better positioned to meet those requirements.

Employers should establish which party is responsible for each aspect of an HCP prior to work beginning; however neither employer may avoid their ultimate responsibilities under the OSH Act by requiring another party to perform them. Employers should consider confirming in writing the specific responsibilities of each employer regarding an HCP prior to the work beginning.

State Plans

Twenty-eight states and U.S. territories operate their own OSHA-approved occupational safety and health programs, called State Plans. These State Plans have and enforce their own occupational safety and health standards that must be at least as effective as OSHA's, but may have different or additional requirements. A list of the State Plans and more information are available at: www.osha.gov/dcsp/osp.

How Can OSHA Help?

Workers have a right to a safe workplace. If you think your job is unsafe or you have questions, contact OSHA at 1-800-321-OSHA (6742) or visit OSHA's main web page at www.osha.gov. It's confidential. We can help.

For other valuable worker protection information, such as Workers' Rights, Employer Responsibilities and other services OSHA offers, visit OSHA's Workers' page www.osha.gov/workers.

For information on Temporary Workers visit OSHA's Temporary Workers' page www.osha.gov/temp_workers.

For more information on hearing conservation visit www.osha.gov/Publications/OSHA3074/osha3074.html. For a pocket guide on noise in construction, visit www.osha.gov/Publications/3498noise-in-construction-pocket-guide.pdf.

The OSH Act prohibits employers from retaliating against their employees for exercising their rights under the OSH Act. These rights include raising a workplace health and safety concern with either employer, reporting an injury or illness, filing an OSHA complaint, and participating in an inspection or talking to an inspector. If workers have been

retaliated or discriminated against for exercising their rights, they must file a complaint with OSHA within 30 days of the alleged adverse action to preserve their rights under section 11(c). For more information, please visit www.whistleblowers.gov.

OSHA also provides help to employers. OSHA's On-Site Consultation Program offers free and confidential advice to small and medium-sized businesses in all states and several territories, with priority given to high-hazard worksites.

On-Site consultation services are separate from enforcement and do not result in penalties or citations. Consultants from state agencies or universities work with employers to identify workplace hazards, provide advice on compliance with OSHA standards, and assist in establishing and improving safety and health management systems. To locate the OSHA On-Site Consultation Program nearest you, call 1-800-321-6742 (OSHA) or visit www.osha.gov/consultation.

Disclaimer: This bulletin is not a standard or regulation, and it creates no new legal obligations. It contains recommendations as well as descriptions of mandatory safety and health standards. The recommendations are advisory in nature, informational in content, and are intended to assist employers in providing a safe and healthful workplace. The *Occupational Safety and Health Act* requires employers to comply with safety and health standards and regulations promulgated by OSHA or by a state with an OSHA-approved state plan. In addition, the [OSH Act's General Duty Clause, Section 5\(a\)\(1\)](#), requires employers to provide their employees with a workplace free from recognized hazards likely to cause death or serious physical harm.



U.S. Department of Labor

