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## **DEPARTMENT OF LABOR**

### **Occupational Safety and Health Administration**

**[Docket No. OSHA-2010-0017]**

#### **Occupational Exposure to Noise Standard; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements**

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Request for public comments.

**SUMMARY:** OSHA solicits public comments concerning its proposal to extend OMB approval of the information collection requirements specified in the Occupational Exposure to Noise Standard (29 CFR 1910.95). The information collection requirements specified in the Noise Standard protect workers from suffering material hearing impairment.

**DATES:** Comments must be submitted (postmarked, sent, or received) by [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

#### **ADDRESSES:**

Electronically: You may submit comments and attachments electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than 10 pages you may fax them to the OSHA Docket Office at (202) 693-1648.

Mail, hand delivery, express mail, messenger, or courier service: When using this method, you must submit a copy of your comments and attachments to the OSHA Docket Office, Docket No. OSHA-2010-0017, U.S. Department of Labor, Occupational Safety and Health Administration, Room N-2625, 200 Constitution Avenue, NW., Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 8:15 a.m. to 4:45 p.m., e.t.

Instructions: All submissions must include the Agency name and OSHA docket number for the Information Collection Request (ICR) (OSHA-2010-0017). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at <http://www.regulations.gov>. For further information on submitting comments see the "Public Participation" heading in the section of this notice titled "SUPPLEMENTARY INFORMATION."

Docket: To read or download comments or other material in the docket, go to <http://www.regulations.gov> or the OSHA Docket Office at the address above. All documents in the docket (including this Federal Register notice) are listed in the <http://www.regulations.gov> index; however, some information (e.g., copyrighted material) is not publicly available to read or download through the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may also contact Theda Kenney at the address below to obtain a copy of the ICR.

**FOR FURTHER INFORMATION CONTACT:** Todd Owen or Theda Kenney,  
Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, Room N-  
3609, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693-  
2222.

## **SUPPLEMENTARY INFORMATION:**

### **I. Background**

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (i.e., employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accord with the Paperwork Reduction Act of 1995 (PRA-95) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the OSH Act) (29 U.S.C. 651 et seq.) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining information (29 U.S.C. 657).

The information collection requirements specified in the Noise Standard protect workers from suffering material hearing impairment. The Standard requires employers to: monitor worker exposure to noise when it is likely that such exposures may equal or exceed 85 decibels measured on the A scale (dBA) for an 8-hour time-weighted average (TWA) (action level); take action to reduce noise exposures to the 90 dBA permissible exposure limit (PEL); and provide an effective hearing conservation program (HCP) for all workers exposed to noise at a level greater than, or equal to, a TWA of 85 dBA.

The HCP contains information on: conducting noise monitoring; notifying workers when they are exposed at or above an 8-hour time-weighted average of 85 decibels; providing workers with initial and annual audiograms; notifying workers of a loss in hearing based on comparing audiograms; training workers on the effects of noise, hearing protectors, and audiometric examinations; maintaining records of workplace noise exposure and workers' audiograms; and allowing OSHA, workers, and their designated representatives access to materials and records required by the Standard.

## **II. Special Issues for Comment**

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and

- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

### **III. Proposed Actions**

OSHA is requesting an adjustment decrease of burden hours associated with the paperwork requirements in the Standard from 2,604,597 hours to 2,068,736 hours (a total decrease of 535,861 hours). The Agency is also requesting an adjustment decrease in the cost under Item 13 from \$82,190,075 to \$26,296,876; a total decrease of \$55,893,199. The Agency determined that it had counted the cost of worker travel and the cost of worker time under Item 12 in previous ICRs. Thus, it found that it had been double counting hours under certain instances.

OSHA has reduced the number of establishments and workers by 19.6%. The 19.6% reduction reflects that virtually all sectors affected by the Noise Standard are in manufacturing; and, that the number of workers in manufacturing has decreased from 13.3 million in 2009 to 10.7 million today.

Additionally, the Agency has determined that training is not subject to PRA-95 and has removed the burden hours and cost associated with it.

The Agency is requesting a decrease in the burden hours from 2,604,597 to 2,068,736 hours for a total decrease of 535,861 hours. The reduction is a result of a 19.6% reduction in the number of workers and manufacturing establishments. Also, the Agency now assumes that 50% of small establishment workers will receive audiometric

exams via mobile testing vans. The previous ICR assumed that all small establishment workers would go off-site to receive their audiometric examination.

OSHA will summarize the comments submitted in response to this notice, and will include this summary in its request to OMB to extend the approval of the information collection requirements contained in the Occupational Exposure to Noise Standard (29 CFR 1910.95).

Type of Review: Extension of a currently approved collection.

Title: Occupational Exposure to Noise (29 CFR 1910.95).

OMB Control Number: 1218-0048.

Affected Public: Business or other for-profits.

Number of Respondents: 209,851.

Total Responses: 16,458,932. .

Frequency of Responses: On occasion.

Average Time Per Response: Varies from 1 minute (.02 hour) for a manager to provide a worker with a copy of a referral or notification of the need for an ontological examination to 1 hour for a worker to travel to a testing site, take the audiometric exam and return to work.

Estimated  
Total Burden  
Hours: 2,068,736

Estimated Cost  
(Operation and  
Maintenance): \$26,296,876.

#### **IV. Public Participation - Submission of Comments on this Notice and Internet**

##### **Access to Comments and Submissions**

You may submit comments in response to this document as follows: (1) electronically at <http://www.regulations.gov>, which is the Federal e-Rulemaking Portal; (2) by facsimile (fax); or (3) by hard copy. All comments, attachments, and other materials must clearly identify the Agency name and the OSHA docket number for the ICR (Docket No. OSHA-2010-0017). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled “ADDRESSES”). The additional materials must clearly identify your electronic comments by your name, date, and the docket number so the Agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693-2350, (TTY (877) 889-5627).

Comments and submissions are posted without change at <http://www.regulations.gov>. Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and dates of birth. Although all submissions are listed in the <http://www.regulations.gov> index, some information (e.g., copyrighted material) is not publically available to read or download through this Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the <http://www.regulations.gov> Web site to submit comments and access the docket is available through the Web site's "User Tips" link. Contact the OSHA Docket Office for



information about materials not available through the Web site, and for assistance in using the Internet to locate docket submissions.

## **V. Authority and Signature**

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 et seq.) and Secretary of Labor's Order No. 1-2012 (77 FR 3912).

Signed at Washington, DC, on July 25, 2013.

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**David Michaels,**

Assistant Secretary of Labor  
for Occupational Safety and Health.

**BILLING CODE 4510-26-P**

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