



# OSHA REGIONAL INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

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**DIRECTIVE NUMBER:** NYC-CPL-04-00-001

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**SUBJECT:** Regional Emphasis Program – Noise Hazards

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**REGION:** New York City Region (NYC)

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**SIGNATURE DATE:** December 5, 2024

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**EFFECTIVE DATE:** December 5, 2024

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## ABSTRACT

- Purpose:** This instruction implements a Regional Emphasis Program (REP) for inspections of workplaces with high level of noise exposure.
- Scope:** This Instruction applies to all Area Offices within the New York City Regional Office. This instruction expires on September 30, 2029.
- References:** See Section III.
- Cancellations:** Region II Regional Instruction CPL 2020-11 dated October 1, 2019. This instruction updates and replaces an earlier version.
- State Impact:** None
- Action Offices:** All New York City Region Offices
- Originating Office:** New York City Regional Office, Office of Regional Administrator
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By and Under the Authority of

Richard Mendelson  
Regional Administrator

## **Executive Summary**

This notice is a renewal of the OSHA Regional Instruction CPL 2020-11, October 1, 2019, Regional Emphasis Program for Noise Hazards, which provided a comprehensive framework of guidance and direction to ensure effective targeting, enforcement and outreach regarding hazards associated with workers that are exposed to high noise levels in certain industries and are at risk for developing occupational noise-induced hearing loss at workplaces within the New York City Region jurisdiction.

## **Significant Changes**

The targeted industries were updated based on the most recent OSHA and Bureau of Labor Statistics data.

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**I. Purpose.**

This Instruction renews a region-wide emphasis program for selected industry classifications where employees are expected to be exposed to high noise levels.

This REP consists of two elements. The first element is an outreach component that will be conducted to raise employer and employee awareness of the hazards associated with exposure to high levels of noise. The second element is an inspection targeting initiatives to reduce employee exposure to noise through enforcement.

**II. Scope.**

This Instruction applies to all area offices in the New York City Region.

**III. References.**

- A. [CPL 02-00-164](#), Field Operations Manual (FOM), April 14, 2020.
- B. CPL 04-00-002, *Procedures for Approval of Local Emphasis Programs*, November 13, 2018.
- C. CPL 02-00-25, *Enforcement Exemptions and Limitations under the Appropriations Act*, May 28, 1998.
- D. TED 01-00-015, *OSHA Technical Manual (OTM)*, Section III, [Chapter 5](#), April 28, 2022.
- E. [Industry Injury, Illness, and Fatality Data](#), U.S. Department of Labor, Bureau of Labor Statistics
- F. [OSHA Occupational Noise Exposure Topic Page](#)

**IV. Cancellations.**

Region II Regional Instruction CPL 2020-11 dated October 1, 2019.

**V. Expiration.**

This Instruction will expire on September 30, 2029.

**VI. Action Offices.**

- A. Responsible Office

The Office of the Regional Administrator, Regional Enforcement Programs, and the Area Offices shall ensure that Area Offices adhere to the procedures established in this Instruction.

- B. Action Office

All Area Offices within jurisdiction of the New York City Region.

C. Information Offices.

None.

**VII. Federal Program Change.**

None.

**VIII. Significant Changes.**

The targeted industries were updated based on the most recent OSHA and Bureau of Labor Statistics data.

**IX. Background.**

This Regional Emphasis Program (REP) will support the Performance Goal 2.1 established in the FY 2022-2026 Strategic Plan by focusing Area Office resources on industry sectors with a high potential for occupational hazards.

It is estimated that 22 million workers are exposed to potentially damaging noise at work each year and thousands of workers suffer from preventable hearing loss due to high workplace noise levels. In 2022, the Bureau of Labor Statistics (BLS) reported more than 15,000 cases of work-related hearing loss. Seventy percent of these cases occurred in the manufacturing industry.

Exposure to high noise levels can cause permanent hearing loss. High noise levels also cause temporary hearing loss, sensitivity, tinnitus, and acoustical trauma. Tinnitus is a condition in which people experience a sound in the ear such as a hum, buzz, ring or whistle. Tinnitus is predominantly caused by long-term exposure to high sound levels, though it can be caused by short-term exposure to very high sound levels. Acoustical trauma is temporary or permanent hearing loss due to acute exposure to excessive noise such as an explosion. Noise-induced hearing loss can impair a person's ability to communicate and understand speech. Exposure to excessive noise can also have other health effects such as increased physiological stress, muscle tension, loss of sleep, and fatigue. Besides health effects, excessive noise levels can interfere with communication, concentration, the audibility and clarity of emergency warning devices, and a person's ability to perform tasks.

In 2023, BLS data showed the manufacturing industry had the highest hearing loss rate among private sector industries. OSHA inspection data from FY19 to FY24 showed that the manufacturing industry (North American Industry Classification System (31-33)) received 63% of the 29 CFR 1910.95 violation issued during that timeframe. This REP will target workplaces with excessive noise to prevent permanent hearing loss, with BLS

hearing loss injury rates greater than 7.8, which is the average rate for all manufacturing sectors.

See Appendix A for a listing of the included industries based on the BLS and OSHA data.

**X. Targeting and Site Selection**

Inspections conducted under this REP will focus on general industry facilities where employees may be exposed to excessive noise.

- A. The Directorate of Technical Support and Emergency Management (DTSEM), Office of Statistical Analysis (OSA) will generate a master list of establishments in the targeted NAICS codes within New York City Region and then assign a random number to each establishment. The area office can obtain the randomized master list from OSA from the ListGen application.
- B. Based on familiarity with local industries, each Area Office may then make appropriate additions and deletions to its list. See OSHA Instruction CPL 02-00-025, *Scheduling Systems for Programmed Inspections*.
- C. Other facilities with a known pattern of excessive noise levels may be added, in alphabetical order, to the bottom of the list. The Area Office shall document the basis for any such additions.
- D. Area Offices shall delete from the master list any establishments known to be out of business and document the basis for such determinations.
- E. Area Offices may delete any establishment that has received an inspection addressing noise hazards within the previous three fiscal years, provided a) no citations were issued for noise hazards; or b) that a citations were issued but a follow up inspection documented tangible and effective efforts to abate the serious hazards cited, or OSHA received abatement verification that the noise hazards have been abated.
- F. Area Offices shall delete from the master list any facilities that are active Voluntary Protection Program or Safety and Health Achievement Recognition Program participants.
- G. If additions and deletions are made, each establishment on the resulting establishment list will be assigned a sequential number, starting at the top of the list with number one. A random numbers table such as described in CPL 02-00-025 or any other approved randomization method should then be applied.

- H. Area Offices will ensure that they schedule and conduct enforcement activities following the guidelines set forth in CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act.
- I. The establishment list generated under this REP must be maintained in the Regional/Area Offices for a period of three years. See OSHA Instruction ADM 03-01-005, *OSHA Compliance Records*.
- J. The National Office Policy on list generation and randomization shall be followed in accordance with the National Office memorandum to Regional Administrators, "Establishment Targeting Lists for Emphasis Programs." Inspection scheduling and deletions shall be completed in accordance with CPL 02-00-025, *Scheduling System for Programmed Inspections*.

## **XI. Outreach**

In conjunction with the Regional Office's Cooperative & State Programs, each Area Office will be responsible for developing and implementing a comprehensive outreach program relating to the hazards of noise and methods to minimize or eliminate the exposure to employees. Each participating Area Office must conduct outreach activities for at least three months prior to conducting inspections for the new & expanded NAICS codes. See Appendix A for the list of NAICS codes. The outreach program will continue during the enforcement phase of the program. The purpose of the outreach is to inform affected parties of the existence, purpose, and objectives of this REP, as well as to promote employer knowledge and employee awareness of the hazards and effective methods of abatement to prevent illness and injuries. The method of outreach can include one or more of the following components:

1. Broadcast mail-outs (regular mail or email) of program information.
2. Stakeholder meetings.
3. Targeted training sessions.
4. Presentations to affected group(s).
5. Media press release, social media, internet postings, or other electronic means.

## **XII. Inspection Procedures**

All inspections conducted under this REP will be comprehensive health inspections. As defined in the Field Operations Manual (FOM), a "comprehensive inspection" is a substantially complete inspection of the potential high hazard area(s) of the establishment. An inspection may be deemed comprehensive even though, as a result

of the exercise of professional judgement, not all potentially hazardous conditions, operations and practices within those areas are inspected.

A. Programmed Inspections

Some establishments may be selected for inspection under one or more additional OSHA enforcement initiatives. Inspections under this REP shall be run concurrently with other National, Regional, or Local Emphasis Programs, or Site Specific Targeting (SST) inspections. Compliance Safety and Health Officers (CSHOs) shall use all OSHA Information System (OIS) codes applicable for each inspection.

B. Complaint/Referral Inspections

If a formal or non-formal complaint or referral is received from a facility where excessive noise levels may exist, the complaint or referral item(s) shall be investigated in accordance with Chapter 9 of the FOM. As inspection under this REP may be conducted at the Area Director's discretion.

C. CSHO Referrals

All guidelines in the current FOM regarding CSHO referrals shall be followed.

1. Based on information obtained during a REP noise inspection, the CSHO shall make a safety referral if a safety inspection is warranted.
2. For any programmed or unprogrammed safety inspection in an establishment within the targeted NACIS codes, the CSHO shall make a health referral if information gathered during the inspection indicated the facility contains high noise levels.

**XIII. Onsite Procedures**

A. CSHO Protection

1. Prior to conducting the inspection, the Area Director shall ensure that the CSHO has the necessary expertise to evaluate safety and health hazards to which they may potentially be exposed during the inspection.
2. The Area Director shall ensure the CSHO has the necessary personal protective equipment (PPE) to conduct the inspection, including but not



limited to hard hat, safety glasses, hearing protection, safety shoes/boots, and respiratory protection.

3. Prior to initiating the walk around, the CSHO will ask the employer about any unusual hazards or special circumstances that would require specific PPE beyond those listed above.
  4. The CSHO shall not place themselves in potentially hazardous situations, including but not limited to entry into a permit-required confined space or activities which would require the performance of hazardous energy control (lockout). In such cases, necessary information should be sought in other manners, including private employee interviews, witness statements, engineering drawings, manufacturing specifications/manuals, etc.
  5. The CSHO will follow current guidance in the *OSHA Safety and Health Management System Manual* when they are potentially exposed to excessive levels of noise.
- B. Upon entering the facility, the CSHO shall verify the NAICS code of the establishment. If the NAICS code is not one of those targeted in this REP, the CSHO shall exit the facility and code the OIS form “No Inspection.”
- C. At the opening conference the CSHO shall obtain the necessary information regarding the presence and/or use of temporary workers. If temporary workers are present or utilized at the establishment the CSHO shall obtain all necessary documentation and information required to evaluate the safety and health program related to temporary workers and determine compliance with OSHA regulations. The CSHO shall refer to the current OSHA guidance found on the Temporary Worker Page to conduct these inspections.
- D. CSHOs shall evaluate and determine employee exposures to noise through methods such as but not limited to sound level meter readings, full shift noise dosimetry, audiometric testing records, a review of any third-party noise sampling done at the establishment, OSHA injury and illness logs, interviews, and other employer information gathered during the inspection.
- E. CSHOs shall conduct noise monitoring, which includes sound level meter reading and full shift noise dosimetry. Noise measurements, evaluation of exposure, and documentation of findings will be conducted in accordance with Chapter 5 of the *OSHA Technical Manual, TED 01-00-015*. The case file will contain documentation of noise surveys, screenings, and sampling results.

- F. The CSHO shall collect data from the OSHA 300 logs (or Workers' Compensation forms if logs are not available or not maintained) for the previous three calendar years plus the current year from all establishments inspected under this REP. This data will include the totals from all the columns of the 300 log and the total hours worked by all employees for these years. This information will be used to assist in the evaluation of the program.
- G. Citations for violations of 29 CFR 1910.95 will be issued in accordance with current OSHA policy and other applicable chapters of the FOM.

#### **XIV. Recording in OIS**

- A. CSHOs shall enter the inspection in OIS using the inspection category "Health" and the identifier code "Noise."
- B. For any programmed inspection under this REP shall be marked as "Programmed Planned" in the Inspection Types, initiating and secondary type's drop-down menu.
- C. For any un-programmed inspections conducted under this REP shall be marked "Unprogrammed" in the Inspection Types, initiating and secondary type's drop-down menu.

#### **XV. Program Evaluation**

- A. The Regional Office (Enforcement Programs in conjunction with the Regional Audit Coordinator) will review the REP at the midpoint and completion of the REP. The midpoint and the final program report will include quantitative and qualitative measure, including recommendations regarding the continuation of this REP. Where necessary, minor correctors or amendments may be made to ensure the goals of the REP are being met
- B. The program report must, at minimum, address the REP's role in meeting OSHA's goals and initiatives, such as:
  - 1. The number of employees covered;
  - 2. Reduction in the number of injuries and illnesses;
  - 3. Abatement measures implemented;
  - 4. Number of violations related to noise hazards; and,

5. Any indices that relate directly to measures included in the DOL Strategic Plan, the Agency Management Plan, the OSHA Operating Plan, and/or additional goals of the REP.

## Appendix A Targeted NAICS Codes/Industries

<b>2022 NAICS Code</b>	<b>NAICS Description</b>
3111	Dog/Cat food manufacturing ( <i>New</i> )
3112	Grain and oilseed milling
3113	Sugar and confectionery product manufacturing
3114	Fruit and vegetable preserving and specialty food manufacturing ( <i>expanded</i> )
3115	Dairy Product Manufacturing ( <i>New</i> )
3116	Animal slaughtering and processing
3117	Seafood product preparation and packaging
31183	Tortilla manufacturing ( <i>New</i> )
3119	Other food manufacturing ( <i>New</i> )
3122	Tobacco Manufacturing ( <i>New</i> )
313	Textile Mills
3151	Apparel knitting mills ( <i>New</i> )
321	Wood product manufacturing
322	Paper manufacturing ( <i>expanded</i> )
325193	Ethyl alcohol manufacturing ( <i>New</i> )
326	Plastics product manufacturing ( <i>expanded</i> )
327	Nonmetallic mineral product manufacturing ( <i>New</i> )
331	Primary metal manufacturing
332	Fabricated metal product manufacturing ( <i>expanded</i> )
333111	Agricultural implement manufacturing ( <i>New</i> )
333613	Mechanical power transmission equipment manufacturing
336	Transportation equipment manufacturing ( <i>expanded</i> )
3371	Household & institutional furniture & kitchen cabinet manufacturing ( <i>New</i> )