



OCCUPATIONAL HEARING LOSS RECORDING REQUIREMENTS

TECHNICAL INFORMATION PAPER No. 51-071-0317

PURPOSE. To define and clarify the Department of the Army's (DA) responsibility in recording occupational hearing loss in DA Civilians and Service members.

POINTS OF MAJOR INTEREST AND FACTS.

Background and Summary

Title 29 Code of Federal Regulations (CFR), section 19, the Occupational Safety and Health Act of 1970 (the Act) contains a requirement for the recording of occupational hearing loss. When written, the Act did not apply to the Executive Branch of government. In 1980, Executive Order (EO) 12196 made all agencies and employees of the Executive Branch subject to the provisions of the Act, except "military personnel and uniquely military equipment, systems, and operations." This distinction is important because it requires the Department of Defense (DOD) and the DA to operate under two sets of regulations: Occupational Safety and Health Administration (OSHA) for Civilians and DOD/DA regulations for Soldiers.

Title 29 CFR 1904.10 states, "If an employee's hearing test (audiogram) reveals that the employee has experienced a work-related Standard Threshold Shift (STS) in hearing in one or both ears, and the employee's total hearing level is 25 decibels (dB) or more above audiometric zero (averaged at 2000, 3000, and 4000 Hz) in the same ear(s) as the STS, you must record the case on the OSHA 300 Log." This clearly requires the recording of work-related occupational hearing loss for Executive Branch personnel, to include DA Civilians.

EO 12196 excludes military personnel from the requirements of the Act. However, this does not preclude the recording of occupational hearing loss for Service members. Department of Defense Instruction (DoDI) 6055.12 states, "Permanent STS resulting from chronic exposure to hazardous noise shall be recorded as an illness in accordance with DoDI 6055.07..." The referenced DoDI requires Services to "Maintain a log of work-related fatalities, injuries, and illnesses for all military personnel at each DOD installation or distinctly identified establishment separate but equivalent to the log specified in [29 CFR 1904, subpart C]." When combined, the language in these documents specifies that Services must record occupational hearing loss in Service members on a log that is equivalent to the OSHA 300 log.

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Some confusion exists about the “military unique” clause of the Act. Title 29 CFR 1960.2(i) exempts military-unique equipment, systems, and operations from the provisions of the Act. Effectively, this clause exempts military unique equipment, systems and operations from the *safety standards* as outlined by the provisions of the act. However, it does not negate the requirement to record occupational hearing loss that occurs as a result of noise exposure as detailed in DoDI 6055.12 and Army Regulation 385-10.

When examined in totality, the relationship between the Act, DOD, and DA, policy serves as a requirement to report, record, and investigate occupational injuries and illness, to include occupational hearing loss for all DA Civilians and Soldiers.

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