

PART 12

HEARING CONSERVATION AND NOISE CONTROL

Sound control design

12.1 An employer must ensure that a new workplace, a significant physical alteration, renovation or repair to an existing workplace or a work process or any significant equipment that is introduced to the workplace is designed and constructed so that the continuous noise level generated

(a) is not more than 85 dBA; or

(b) is as low as is reasonably practicable, where it is not reasonably practicable to meet the standard under clause (a).

Noise exposure assessed and reported

12.2 An employer must conduct a noise exposure assessment at the workplace in accordance with CAN/CSA Standard-Z107.56-06, *Measurement of Occupational Exposure to Noise*, and prepare and post in a conspicuous place in the workplace a written report of the assessment, if

(a) a worker is or is likely to be exposed to noise at a workplace in excess of 80 dBA;

(b) there is

(i) an alteration, renovation or repair of the workplace,

(ii) new equipment introduced in the workplace, or

(iii) a modification done to a work process,

that may result in a significant change in a worker's exposure to noise; or

(c) a worker provides the employer with evidence of an occupationally induced hearing loss.

Hearing protection

12.3 If a worker is or is likely to be exposed to noise in a workplace that exceeds 80 dBA Lex but does not exceed 85 dBA Lex, the employer must

(a) inform a worker about the hazards of the level of noise; and

(b) on the request of the worker, provide him or her with

(i) a hearing protector that complies with CAN/CSA Standard-Z94.2-02, *Hearing Protection Devices X Performance, Selection, Care, and Use*, and

(ii) information about the selection, use and care of the hearing protector.

Control measures if exposure exceeds 85 dBA Lex

12.4(1) When a noise exposure assessment conducted under this Part indicates a worker is exposed to noise in the workplace that is more than 85 dBA Lex, and if reasonably practicable, an employer must implement sound control measures that reduce the noise to which the worker is exposed to 85 dBA Lex or less.

12.4(2) When it is not reasonably practicable to implement sound control measures, or the sound control measures implemented by an employer do not reduce the worker's noise exposure to 85 dBA Lex or less, an employer must

(a) inform the worker about the hazards of the level of noise;

(b) provide the worker with

(i) a hearing protector that

(A) complies with CAN/CSA Z94.2-02, *Hearing Protection Devices X Performance, Selection, Care, and Use*, and

(B) reduces the worker's noise exposure to 85 dBA Lex or less, and

(ii) information about the selection, use and care of the hearing protector; and

(c) at the employer's expense, provide the worker with the following audiometric tests:

(i) an initial baseline test as soon as is reasonably practicable but not later than 70 days after the worker is initially exposed to that noise level,

(ii) a further test at least once every year after the initial baseline test.

12.4(3) In order to ensure the tests and reports required under this Part are completed, an employer obligated to provide audiometric testing must, at the employer's expense, engage a physician or audiologist.

12.4(4) Only a physician, an audiologist or an industrial audiometric technician engaged by the employer may perform the audiometric testing described in clause (2)(c).

Testing and results

12.5(1) An audiometric test required under clause 12.4(2)(c) must be conducted

(a) using an audiometer that

(i) meets the requirements of CAN/CSA CAN3-Z107.4-M86 (R2001), *Pure Tone Air Conduction Audiometers for Hearing Conservation and for Screening*, and

(ii) provides pure tones of selected frequencies at calibrated outputs and is used to measure pure tone air conduction hearing threshold levels; and

(b) in a location where the octave band sound pressure level is not more than the octave band sound pressure level indicated in Column 1 of the following table for each octave band centre frequency set out in Column 2.

Column 1 Octave Band Sound Pressure Level (Decibels)	Column 2 Octave Band Center Frequency (Hz)
30	500
30	1000
35	2000
42	4000
45	8000

12.5(2) An industrial audiometric technician, physician or audiologist administering an audiometric test must

(a) comply with the requirements of subsection (1);

(b) record the results of the test;

(c) retain a copy of the test record for a period of at least 10 years from the date of the test; and

(d) provide a copy of the test results to the worker.

12.5(3) If the results of an audiometric test indicate an abnormal audiogram or show an abnormal shift, the industrial audiometric technician, physician or audiologist administering the test must

(a) advise the worker of the test results;

(b) request that the worker provide a relevant medical history; and

(c) if he or she is not the physician or audiologist engaged by the employer under subsection 12.4(3), forward the results, the relevant medical history and a baseline audiogram to that physician or audiologist.

12.5(4) Every worker must provide a relevant medical history if requested to do so under clause (3)(b).

12.5(5) When a physician or audiologist engaged by an employer receives results of an audiometric test that indicate an abnormal audiogram or show an abnormal shift, the physician or audiologist must

(a) review the test results, the worker's medical history and the baseline audiogram;

(b) prepare a written report setting out

(i) his or her interpretation of the results, including his or her opinion as to whether the abnormal audiogram or abnormal shift is a result of exposure to noise at the workplace, and

(ii) any recommendations with respect to actions to be taken by the employer to conserve the worker's hearing; and

(c) provide a copy of the report to the employer and the worker.

12.5(6) The physician or audiologist who prepares the report under subsection (5) must retain the test record and the report for a period of at least 10 years from the date the report is prepared.

Annual report

12.6(1) An employer who is required to provide audiometric testing must ensure that an annual written report is prepared that sets out a detailed account of the steps taken by the employer to comply with the requirements of this Part.

12.6(2) The annual report must include

- (a) the sound control measures taken at the workplace; and
- (b) statistics in respect of the number of workers
 - (i) who received audiometric testing under clause 12.4(2)(c),
 - (ii) who experienced an abnormal audiogram or an abnormal shift, and
 - (iii) whose abnormal audiogram and abnormal shift was, in the opinion of the physician or audiologist who reviewed the test results, a result of exposure to noise at the workplace.

12.6(3) Within 30 days after having the annual report prepared, an employer must provide a copy of it to

- (a) the physician or audiologist engaged by the employer under subsection 12.4(3);
- (b) the committee or, if there is no committee, the representative; and
- (c) the director.

Part 6 applies to hearing protectors provided

12.7 A hearing protector provided by an employer under this Part is personal protective equipment and the obligations of the employer and the worker under Part 6 (Personal Protective Equipment) apply to the hearing protector provided.

Warning signs

12.8 An employer must post a warning sign X indicating that any person entering the workplace or work area risks exposure to a noise level that is harmful to hearing X at the entrance to any workplace or work area where the noise level is more than 85 dBA.

INDUSTRIAL AUDIOMETRIC TECHNICIANS

Industrial audiometric technician licences

12.9(1) The director may issue an industrial audiometric technician's licence to a person who

- (a) makes application to the director in a form approved by the director;
- (b) satisfies the director that he or she has successfully completed a course

of study in industrial audiometry approved by the director; and

(c) pays a fee of \$100.

12.9(2) An industrial audiometric technician's licence issued or renewed under this section remains valid for a period of five years, unless the director

(a) extends it; or

(b) revokes or suspends it sooner.

12.9(3) The director must grant a renewal of an industrial audiometric technician's licence if the licence holder

(a) files with the director an application for renewal, in the form approved by the director, at least 60 days before his or her existing licence expires; and

(b) pays a fee of \$100.

12.9(4) The director may extend the time for filing an application for renewal under clause (3)(a).

Requirement re ongoing training

12.10 Every person who holds a licence issued under section 12.9 must, when and within the time specified by the director, complete a refresher course of study in industrial audiometry specified by the director.

Director's suspension of licence

12.11(1) The director may suspend or revoke an industrial audiometric technician's licence if the director is of the opinion that the licence holder has failed to

(a) complete the course of study required to be completed within the time specified by the director;

(b) perform audiometric tests competently and in accordance with the provisions of this regulation; or

(c) comply with the provisions of this Part.

12.11(2) When the director suspends or revokes the licence of an industrial audiometric technician, the director must promptly notify the person of the suspension or revocation and the procedure for seeking a reconsideration of the decision.

12.11(3) A person may request the director reconsider a suspension or

revocation of his or her licence by filing a request with the director within 14 days after receiving notice that his or her licence has been suspended or revoked.

12.11(4) A request for a reconsideration must be in writing and must set out the grounds upon which the request is made.

12.11(5) The director must decide the request for reconsideration and may

(a) confirm or rescind the suspension or revocation;

(b) alter the length of the suspension; or

(c) set out terms and conditions to be fulfilled by the person before allowing the person to hold an industrial audiometric technician's licence.

12.11(6) The director may hold a hearing when reconsidering a suspension or revocation under this section but is not required to do so.

12.11(7) If the director decides to hold a hearing the director

(a) is not bound by the rules of evidence that apply to judicial proceedings;
and

(b) may establish rules of practice and procedure for the hearing.

Prohibition - industrial audiometric technicians

12.12 No person other than a person who holds a valid industrial audiometric technician's licence issued by the director may act as an industrial audiometric technician, or represent that he or she is entitled to act as an industrial audiometric technician under this Part.