

T K GROUP, INC.  
NEWSLETTER  
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### Amended Railroad Rules Steam Forward

The Federal Railroad Administration (FRA) recently amended noise exposure rules specifically for those working in or around locomotive cabs. Previous to the promulgation of 40 CFR Parts 227 and 229, the FRA regulated noise exposure limits to employees working in locomotive cabs by limiting exposure duration.

Effective February 26, 2007, railroads will be required to conduct, monitor, and implement a Hearing Loss Prevention program for operating employees with 8 hour time weighted average equal to or exceeding 85 decibels (dB). The rule also establishes design, build, and

maintenance requirements for new and existing locomotives.

The Federal Railroad Administration and the Occupational Safety and Health Administration maintain a “complimentary relationship with respect to occupational safety and health issues in the railroad industry”. (Federal Register October 2006). While OSHA’s jurisdiction encompasses working conditions to all workplace employees, the FRA possesses specific jurisdiction related to “railroad operations”. In general, OSHA regulations extend to fixed-site operations, while FRA regulations supersede in rail-based activities.

The rule is estimated to affect approximately 80,000 railroad employees (US Department of Transportation) and applies to persons who “regularly perform services subject to the provisions of the hours of service laws governing train employees”. Supervisors whose duties frequently work in locomotive cabs and other persons whose duties require work in the locomotive cab are included under the amendment. Railroad personnel excluded from this amendment include persons who move locomotives within the confines of repair or service areas, persons who move locomotives distances

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### A Year’s End HLPP Review May be Worth Your Time

At year’s end or within the first two weeks of a new year, it is a good time to affirm that you have fulfilled compliance in response to actionable events associated with your Hearing Loss Prevention Pro-

gram.

Arguably, the greatest challenge in maintaining an effective and compliant Hearing Loss Prevention Program is records management and documentation.

Many a citation has been levied not from failure to test annually, but failure to “cross your T’s and dot your I’s” on paper in response to actionable shift events.

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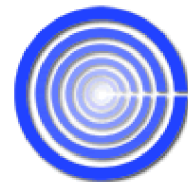
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T K Group is conducting a CAOHC Certification and Recertification course on **July 18th, 19th, and 20th 2007**. If you wish to participate, please contact Beth Minnick at (815) 964-5445



## A Year's End HLPP Review May be Worth Your Time (continued Page 3)

If new hires have occurred throughout the year, it is wise to check your records to ensure that a baseline test was conducted within six months of the hire date if they work in 85 dB (or greater) environment. If your company uses our mobile testing service, OSHA waives the six month requirement as long as a valid baseline test is secured within 12 months of hire; appropriately attenuating hearing protection must however be in use.

The clerical requirements of actionable 10 dB Standard Threshold Shift (STS) and potentially OSHA Recordable Shift events are clear. Mandated follow-up in response to identification of a 10 dB STS requires written notification of the event within 21 days of determination/notification. If for some reason a retest is not conducted, or when a shift is confirmed by retest, additional training must be conducted and documented to assure proper protective practices and appropriate

protector fit and insertion.

Potential OSHA Recordable events also require clerical oversight. If a 30 day retest is not attempted or anticipated in response to a Recordable event, and/or an event is confirmed (or shown to be persistent), that event must be posted to the OSHA 300 log form within 7 days of notification or knowledge of the STS.

In the event that a year's end review does in fact continued Page 3)

**“The clerical requirements of actionable 10 dB Standard Threshold Shift (STS) and potentially OSHA Recordable Shift events are clear.”**

## Amended Railroad Rules Steam Forward (continued)

less than 100 feet for incidental logistical purposes, and contractors who operate equipment occasionally provided that they are provided appropriate hearing protection).

Employees covered by the amendment and hired after February 26, 2007 must establish a valid baseline within six months of hire or 12 months if mobile test services are contracted.

However, the amendment specifies unique testing obligations (caveats) for existing employees covered by the rule. Railroads with 400,000 annual employee hours must establish a valid baseline by February 26, 2009 if no baseline is on record as of February 26, 2007. Railroads with less

than 400,000 annual employee hours have until February 26, 2010 to secure valid baseline tests. If an employee possesses a valid baseline dated previous to February 26, 2007, that test shall be used as the comparison baseline against future periodic tests unless a Professional Program Supervisor (i.e. Audiologist) deems it invalid or unreliable.

Railroads must offer covered persons audiometric testing annually. However, audiometric testing is mandatory at least once every three years. Hearing loss prevention training must be offered annually, and offered thereafter in an interval not to exceed 450 days.

A significant caveat to the amended rule pertains to the mandatory adoption of the National Hearing Conservation Association (NHCA) Baseline Revision Criteria by February 26, 2009.

To view the amended rule in full, go to <http://www.hearingconservation.org/docs/FRANoiseReg06.pdf>



## A Year's End HLPP Review May be Worth Your Time (continued)

reveal unresolved clerical issues, the adage "better late than never" certainly applies. Take comfort in knowing that T K Group can provide replacement documentation (i.e. notification letters, determinations, etc) if for some reason documents are misplaced.

As discussed in an article entitled *Persistent and Non-Persistent Test Outcomes* in the 3<sup>rd</sup> Quarter 2006 Newsletter, T K Group management reports inform you if a potentially Recordable shift event remains unconfirmed by retest and/or if that event was shown persistent or non-persistent by a latent (non-30 day) retest. In the event that an unconfirmed Recordable event is revealed upon a year's end review, you may conduct what would be considered a "latent" retest to determine if that event is persistent or non-persistent; a non-persistent outcome would allow you to line that event off the 300 log form (assuming that you logged it at the time of initial notification).

If you elect not to conduct a latent retest, you may elect to request a Work Relatedness Determination, retrospectively. If a determination deems the event non-work related, a line-off is also permitted.



## Noise In The News

### Researchers Working to Develop Vaccine to Prevent Middle Ear Infection

Dr. Michael Pichichero, a researcher at the University of Rochester Medical Center, is heading an effort to develop a vaccine to fight "Nontypeable Haemophilus influenzae", a bacterial strain said to be a major contributor to the development of Otitis Media (ear infections), sinus infection, and bronchitis.

Dr. Pichichero has already developed a vaccine to protect against childhood Pneumonia and Meningitis, which is currently available. (*Vaccine to Target Ear Infections and Respiratory Illnesses in the Works*; Audiology Online)

### Subway Noise

Well, this is probably a no-brainer, but we now know that subway noise poses significant risk of noise induced hearing loss. Researchers at Columbia University have documented the fact that subway noise may potentially exceed risk levels as stated by U.S. Environmental Protection Agency (EPA) and other agencies. Columbia University researchers state that daily 30 minute exposures to sound levels measured in New York subways pose significant risks of noise-induced hearing loss.

Dr. Robyn Gershon, Professor of Sociomedical Sciences, reports noise levels exceeding 100 decibels at certain subway venues. (*Study of New York City Transit System Noise Levels Finds Daily Rides Often Exceed Recommended Exposure Guidelines and Can Result in Hearing Loss*; Audiology Online)

### ATTENTION!

In an effort that we provide this newsletter electronically as well as to inform you of immediate professional announcements, please email us your email address to:

[robertwilliams@tkontheweb.com](mailto:robertwilliams@tkontheweb.com)

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