

# **PROPOSED REVISIONS TO THE PRODUCT NOISE LABELING REGULATION FOR HEARING PROTECTION DEVICES**

## **FACT SHEET**

### **SUMMARY OF THE PROPOSED RULE**

The proposed revisions would update subpart B of 40 CFR Part 211 to reflect changes in Hearing Protection Devices (HPD) that have evolved since EPA promulgated the current regulation in 1979. The proposed revisions will provide manufacturers with newly developed testing methodologies. These methodologies will allow manufacturers to determine the performance of new technology hearing protection products, and thus properly label them with their effectiveness rating (Noise Reduction Rating, or NRR) for legal entry into U.S. commerce.

The proposed revisions will result in the availability of a new generation of significantly improved HPDs that have been precluded from entering the marketplace as “hearing protectors” by the requirements of the 1979 regulation.

The proposed revisions will provide more accurate, uniform and user-friendly information to all potential purchasers, users, and hearing conservation professionals so they can make, as part of a product purchase or use decision, informed comparisons of product performance and potential levels of hearing protection in a broad range of noise environments such as rock bands, manufacturing operations, construction, aviation activities, and military operations.

### **KEY ELEMENTS OF THE PROPOSED RULE**

- Product applicability consists of many new devices, such as custom molded ear plugs, sound restoration devices, communication headsets, active noise reduction devices, etc.
- Testing method and rating scheme for attendant Noise Reduction Ratings (NRR) are based on revised American National Standards Institute (ANSI) standards.
- NRR range of values indicate the lesser and greater levels of protection that a user can achieve when used according to manufacturer instructions.
- Product label is user-friendly and contains information that will help the purchaser/user make a more informed decision regarding the product’s intended function, level of protection (NRR values), and suggested use environment.
- Recurrent testing during the life of a product is required and the testing schedule is based on the number of different hearing protector categories that are produced by a manufacturer.
- Relabeling is required if the product’s NRR values (lesser and/or greater) differ by a minimum of 3 decibels (dB) as compared to previous labeled NRR values.
- Promotes the sale and use of “bona fide” hearing protection devices.

- Promotes public awareness of potential damage to hearing that can result from unprotected exposure to high sound levels.

## **BACKGROUND**

Under Section 8 of the Noise Control Act of 1972, the EPA has authority to regulate the labeling of all products that are sold wholly or in part on the basis of their effectiveness to reduce unwanted sound (noise) and also those products that emit noise that may adversely affect public health and welfare.

Hearing Protection Devices (HPD), also referred to as hearing protectors, are products that are designed and sold on the basis of their ability to reduce the level of sound that may enter the ears of an exposed person and produce temporary or permanent hearing loss. These products are used in a broad spectrum of noise producing activities ranging from weapons firing ranges to music concerts to sleep-induced snoring. However, their primary use is found in high noise workplace environments where they are used to comply with occupational safety and health regulations for the prevention of hearing loss in workers.

The EPA promulgated the original regulation at 40 CFR Part 211, Subpart B, in September, 1979. The regulation requires all manufacturers of hearing protection devices that are entered into commerce in the United States to provide the purchaser and ultimate user with information regarding the products effectiveness in reducing the level of noise (unwanted sound) entering a user's ears. The regulation requires that such information be presented on a label(s) that is readily visible at the point of purchase or distribution to users.

Since the 1979 promulgation of the regulation there have been significant technological advances in the design and performance of HPDs. However, many of the new products are not amenable to the currently required testing and rating schemes. These products include special purpose "passive" (non-electronic aided) devices, custom molded and tuned devices, electronic noise reduction devices, sound restoration devices and communication headsets (combination hearing protector and voice communication). As a result, the 1979 regulation has served to preclude the entry of these new technology products into U.S. commerce as "hearing protectors."

## **PUBLIC PARTICIPATION OPPORTUNITIES**

We welcome your comments on this proposed rule. For instructions on submitting written comments, please see the *Federal Register* notice. It is available from the EPA Air Docket by calling 202-566-1742; please refer to Docket Number OAR-2003-0024.

A public hearing will be held within 30 days after publication of the proposed rule in the *Federal Register*. Additional information about the hearing will be printed in the *Federal Register*.

**FOR MORE INFORMATION**

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