

CONTROL OF NOISE AT WORK REGULATIONS 2005

(SI 2005 No. 1643)

Citation and Commencement

These Regulations came into force on 6th April 2006

(Music and entertainment sectors only – 6th April 2008)

Interpretation

“Daily personal noise exposure” means the level of daily personal noise exposure of an employee as ascertained in accordance with Schedule 1 Part 1, taking account of the level of noise and the duration of exposure and covering all noise.

“Exposure limit value” means the level of daily or weekly personal noise exposure or of peak sound pressure set out in Regulation 4 which must not be exceeded.

“Health surveillance” means assessment of the state of health of an employee, as related to exposure to noise.

“Lower exposure action value” means the lower of the two levels of daily or weekly personal noise exposure or of peak sound pressure set out in Regulation 4 which, if reached or exceeded, require specified action to be taken to reduce risk.

“Upper exposure action value” means the higher of the two levels of daily or weekly personal noise exposure or of peak sound pressure set out in Regulation 4 which, if reached or exceeded, require specified action to be taken to reduce risk.

“Weekly personal noise exposure” means the level of weekly personal noise exposure as ascertained in accordance with Schedule 1 Part 2, taking account of the level of noise and the duration of exposure and covering all noise.

“Working day” means a daily working period, irrespective of the time of day when it begins or ends, and of whether it begins or ends on the same calendar day.

Exposure Limit Values and Action Values

Regulation 4

- (1) The lower exposure action values are:
 - (a) a daily or weekly personal noise exposure of 80 dB (A-weighted); and
 - (b) a peak sound pressure of 135 dB (C-weighted).
- (2) The upper exposure action values are:
 - (a) a daily or weekly personal noise exposure of 85 dB (A-weighted); and
 - (b) a peak sound pressure of 137 dB (C-weighted).
- (3) The exposure limit values are:
 - (a) a daily or weekly personal noise exposure of 87 dB (A-weighted); and
 - (b) a peak sound pressure of 140 dB (C-weighted).
- (4) Where the exposure of an employee to noise varies markedly from day to day, an employer may use weekly personal noise exposure in place of daily personal noise exposure for the purpose of compliance with these Regulations.
- (5) In applying the exposure limit values in paragraph (3), but not in applying the lower and upper exposure action values in paragraphs (1) and (2), account shall be taken of the protection given to the employee by any personal hearing protectors provided by the employer in accordance with regulation 7(2).

Assessment of the Risk to Health and Safety Created by Exposure to Noise at the Workplace

Regulation 5

An employer who carries out work which is liable to expose any employees to noise at or above a lower exposure action value shall make a suitable and sufficient assessment of the risk from that noise to the health and safety of those employees, and the risk assessment shall identify the measures which need to be taken to meet the requirements of these Regulations. The risk assessment should be regularly reviewed.

The risk assessment shall include consideration of:

- (a) The level, type and duration of exposure, including any exposure to peak sound pressure.
- (b) The effects of exposure to noise on employees or groups of employees whose health is at particular risk from such exposure.

- (c) Any effects on the health and safety of employees resulting from the interaction between noise and the use of ototoxic substances at work, or between noise and vibration.
- (d) Any indirect effects on the health and safety of employees resulting from the interaction between noise and audible warning signals or other sounds that need to be audible in order to reduce risk at work.
- (e) Any information provided by the manufacturers of work equipment.
- (f) The availability of alternative equipment designed to reduce the emission of noise.
- (g) Any extension of exposure to noise at the workplace beyond normal working hours, including exposure in rest facilities supervised by the employer.
- (h) Appropriate information obtained following health surveillance, including, where possible, published information.
- (i) The availability of personal hearing protectors with adequate attenuation characteristics.

Elimination or Control of Exposure to Noise at the Workplace

Regulation 6

The employer shall ensure that risk from the exposure of his employees to noise is either eliminated at source or, where this is not reasonably practicable, reduced to as low a level as is reasonably practicable. If any employee is likely to be exposed to noise at or above an upper exposure action value, the employer shall reduce exposure to as low a level as is reasonably practicable by establishing and implementing a programme of organisational and technical measures, excluding the provision of personal hearing protectors, which is appropriate to the activity.

Control measures shall be based on the general principles of prevention set out in Schedule 1 to the **Management of Health and Safety Regulations 1999** and shall include consideration of:

- (a) Other working methods which reduce exposure to noise.
- (b) Choice of appropriate work equipment emitting the least possible noise, taking account of the work to be done.
- (c) The design and layout of workplaces, workstations and rest facilities.
- (d) Suitable and sufficient information and training for employees, such that work equipment may be used correctly, in order to minimise their exposure to noise.
- (e) Reduction of noise by technical means.
- (f) Appropriate maintenance programmes for work equipment, the workplace and workplace systems.
- (g) Limitation of the duration and intensity of exposure to noise.
- (h) Appropriate work schedules with adequate rest periods.

The employer must ensure that his employees are not exposed to noise above an exposure limit value; or if an exposure limit value is exceeded forthwith:

- (i) Reduce exposure to noise to below the exposure limit value.
- (ii) Identify the reason for that exposure limit value being exceeded.
- (iii) Modify the organisational and technical measures in place to prevent it being exceeded again.

Where rest facilities are made available to employees, the employer shall ensure that exposure to noise in these facilities is reduced to a level suitable for their purpose and conditions of use.

The employer shall adapt any measure taken in compliance with the requirements of this regulation to take account of any employee or group of employees whose health is likely to be particularly at risk from exposure to noise and consult with the employees concerned or their representatives on the measures to be taken to meet the requirements of this regulation.

Hearing Protection

Regulation 7

An employer who carries out work which is likely to expose any employees to noise at or above a lower exposure action value shall make personal hearing protectors available upon request to any employee who is so exposed. If the employer is unable by other means to reduce the levels of noise to which an employee is likely to be exposed to below an upper exposure action value, he shall provide personal hearing protectors to any employee who is so exposed.

If in any area of the workplace under the control of the employer an employee is likely to be exposed to noise at or above an upper exposure action value for any reason the employer shall ensure that:

- (a) The area is designated a Hearing Protection Zone:

- (b) The area is demarcated and identified by means of an appropriate sign indicating that ear protection must be worn. Access to the area is restricted where this is practicable and the risk from exposure justifies it, and shall ensure so far as is reasonably practicable that no employee enters that area unless that employee is wearing personal hearing protectors.

Any personal hearing protectors made available or provided shall be selected by the employer:

- (a) So as to eliminate the risk to hearing or to reduce the risk to as low a level as is reasonably practicable.
- (b) After consultation with the employees concerned or their representatives.

Maintenance and Use of Equipment

Regulation 8

The employer must ensure that anything provided by him in compliance with his duties under these Regulations is fully and properly used, and maintained in an efficient state, in efficient working order and in good repair.

Every employee shall make full and proper use of personal hearing protectors provided to him and of any other control measures provided by his employer and if he discovers any defect in any personal hearing protectors or other control measures report it to his employer as soon as is practicable.

Health Surveillance

Regulation 9

If the risk assessment indicates that there is a risk to the health of his employees who are, or are liable to be, exposed to noise, the employer shall ensure that such employees are placed under suitable health surveillance, which shall include testing of their hearing. The employer shall ensure that a health record in respect of each of his employees who undergoes health surveillance is made and maintained and that the record or a copy thereof is kept available in a suitable form. The employer shall allow an employee access to his personal health record (on reasonable notice being given) and provide the enforcing authority with copies of such health records as it may require.

Where, as a result of health surveillance, an employee is found to have identifiable hearing damage the employer shall ensure that the employee is examined by a doctor and, if the doctor or any specialist to whom the doctor considers it necessary to refer the employee considers that the damage is likely to be the result of exposure to noise, the employer shall:

- (a) Ensure that a suitably qualified person informs the employee accordingly.
- (b) Review the risk assessment.
- (c) Review any measure taken to comply with regulations 6, 7 and 8, taking into account any advice given by a doctor or occupational health professional, or by the enforcing authority.
- (d) Consider assigning the employee to alternative work where there is no risk from further exposure to noise, taking into account any advice given by a doctor or occupational health professional.
- (e) Ensure continued health surveillance and provide for a review of the health of any other employee who has been similarly exposed.

An employee to whom this regulation applies shall, when required by his employer and at the cost of his employer, present himself during his working hours for such health surveillance procedures as may be required.

Information, Instruction and Training

Regulation 10

Where his employees are exposed to noise which is likely to be at or above a lower exposure action value, the employer shall provide those employees and their representatives with suitable and sufficient information, instruction and training which should include:

- (a) The nature of risks from exposure to noise.
- (b) The organisational and technical measures taken in order to comply with the requirements of regulation 6.
- (c) The exposure limit values and upper and lower exposure action values set out in regulation 4.
- (d) The significant findings of the risk assessment, including any measurements taken, with an explanation of those findings.
- (e) The availability and provision of personal hearing protectors under regulation 7 and their correct use in accordance with regulation 8.
- (f) Why and how to detect and report signs of hearing damage.
- (g) The entitlement to health surveillance under regulation 9 and its purposes.
- (h) Safe working practices to minimise exposure to noise.
- (i) The collective results of any health surveillance undertaken in accordance with regulation 9 in a form calculated to prevent those results from being identified as relating to a particular person.

The information, instruction and training shall be updated to take account of significant changes in the type of work carried out or the working methods used by the employer and the employer shall ensure that any person, whether or not his employee, who carries out work in connection with the employer's duties under these Regulations has suitable and sufficient information, instruction and training.

Exemption Certificates from Hearing Protection

Regulation 11

The Executive may, by a certificate in writing, exempt certain persons or classes of persons from some of the provisions of regulation 6 and 7 where, because of the nature of the work the full and proper use of personal hearing protectors would be likely to cause greater risk to health or safety than not using such protectors, or in respect of activities carried out by emergency services which could conflict with the requirements of these provisions.