

Ontario Regulation 565/06 A New Regulation to Protect Workers from Hearing Loss

February 2007

Introduction

On July 1, 2007, Ontario Regulation 565/06 will introduce significant changes in the workplace regulatory framework for the prevention of hearing loss. Among other changes, the new regulation will introduce a time-weighted average exposure limit of 85 dBA for worker exposure to both steady state and fluctuating noise levels over a standard 8-hour working day.

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Background

The noise provisions of O. Reg. 851 have not been amended since they were first introduced in the early 1970s.

The government has committed to reduce workplace injuries by 20 percent by 2008. To achieve this goal the Ministry of Labour has been reviewing exposure limits to both chemical and physical agents and hired 200 new health and safety inspectors.

Exposure to elevated noise levels may cause hearing loss, reduce productivity, create stress, and impact the quality of life for workers and their families.

The Workplace Safety and Insurance Boards estimates that \$100 million in compensation cost have been paid out in the last decade.

Eleven other jurisdictions in Canada use the 85 dBA L_{eq} noise limit and include British Columbia, Alberta, Manitoba, Saskatchewan, and the Government of Canada. In eight of these jurisdictions a 3dB exchange rate is used.

Who is Impacted

The new regulation applies to every worksite in Ontario that is covered under the following regulations:

- Industrial Establishments, O. Reg. 851
 - Oil and Gas - Offshore, O. Reg. 855
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Key Point

All employers will be required to put into practice industrial noise control measures where noise levels exceed 85 dBA. Employers must show that engineering controls are not in existence or not obtainable; or not reasonable or not practical to adapt, install or provide due the nature of the process or duration and/or frequency of exposure before the use of hearing protection.

Changes

The new elements introduced with Ontario Regulation 565/06 include:

- Introduction of a time-weighted average exposure limit to assess worker exposure to both steady state and fluctuating noise levels over a standard 8-hour working day.
- Reduction of Ontario's exposure limit from 90 dBA to 85 dBA.
- Posting of "clearly visible warning signs" at every entrance to area where the sound level exceeds 85 dBA.
- Use of 3 dB exchange rate versus the 5 dB exchange rate currently used.
- Use of commercially available noise averaging device, e.g. noise dosimeter that gives a single exposure value and integrating sound level meters.
- Measurements performed in the workplace to determine protective measures shall be done without regards to any use of personal protective equipment.
- Protective measures include engineering controls, work practices and personal protective equipment.
- Requirement that employers shall protect workers from exposure to a sound level greater than the limit without requiring the use of personal protective equipment, except under specific conditions, e.g. engineering controls are not obtainable, not reasonable or practical to adopt, ineffective due a temporary breakdown or because of an emergency.

Helpful Web Links

The new regulation can be found at the following web site:

<http://www.e-laws.gov.on.ca/DBLaws/Source/Regs/English/2006/R06565.htm>

How can LEHDER Assist?

LEHDER personnel would be pleased to assist you with any issues in regards to the new noise regulation. Our services with respect to noise include:

- Conduct noise dosimetry to assess worker exposure to noise
 - Perform noise surveys and acoustic assessments to identify and prioritize areas for noise abatement
 - Prepare noise survey maps to identify hearing protection areas
 - Recommend control measures to mitigate risks via engineering controls, work practices and procedures and personal protective equipment
 - Develop and/or review new and existing hearing conservation programs
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Questions

For further information or questions concerning the introduction of O. Regulation 565/06, please contact:

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LEHDER Capabilities

LEHDER capabilities in Industrial Hygiene include:

- Health hazard assessments of new and existing processes and products
 - Exposure assessment and monitoring through a combination of qualitative and quantitative methods
 - Health regulatory compliance appraisals and legal liabilities
 - Hazard control programs
 - Program development and implementation
 - Specific health and safety training to workers about risks and control measures
 - Audit Industrial Hygiene programs
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About LEHDER

Formed in 1995, LEHDER Environmental Services Limited provides totally integrated solutions to industrial clients throughout North America. Our team of consulting professionals is built around our core strength in industrial environmental, health and safety management. LEHDER recognizes our client's need to make decisions that provide for operational flexibility while meeting regulatory, economic and social requirements.

Visit our web pages at www.lehder.com and www.msdsworld.com

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