

Part 5 Industrial Noise

34A-2-501 Definitions.

(1) "Harmful industrial noise" means:

- (a) sound that results in acoustic trauma such as sudden instantaneous temporary noise or impulsive or impact noise exceeding 140 dB peak sound pressure levels; or
- (b) the sound emanating from equipment and machines during employment exceeding the following permissible sound levels, dBA slow response, and corresponding durations per day, in hours:

	Sound level	Duration
	90	8
	92	6
	95	4
	97	3
	100	2
	102	1.5
	105	1.0
	110	0.5
	115	0.25 or less

(2) "Loss of hearing" means binaural hearing loss measured in decibels with frequencies of 500, 1,000, 2,000, and 3,000 cycles per second (Hertz). If the average decibel loss at 500, 1,000, 2,000, and 3,000 cycles per second (Hertz) is 25 decibels or less, usually no hearing impairment exists.

Renumbered and Amended by Chapter 375, 1997 General Session

34A-2-502 Intensity tests.

- (1) The commission may conduct tests to determine the intensity of noise at places of employment.
- (2) An administrative law judge may consider tests conducted by the commission, and any other tests taken by authorities in the field of sound engineering, as evidence of harmful industrial noise.

Renumbered and Amended by Chapter 375, 1997 General Session

34A-2-503 Loss of hearing -- Occupational hearing loss due to noise to be compensated.

- (1) Permanent hearing loss caused by exposure to harmful industrial noise or by direct head injury shall be compensated according to the terms and conditions of this chapter or Chapter 3, Utah Occupational Disease Act.

- (2) A claim for compensation for hearing loss for harmful industrial noise may not be paid under this chapter or Chapter 3, Utah Occupational Disease Act, unless it can be demonstrated by a professionally controlled sound test that the employee has been exposed to harmful industrial noise as defined in Section 34A-2-501 while employed by the employer against whom the claim is made.

Renumbered and Amended by Chapter 375, 1997 General Session

34A-2-504 Loss of hearing -- Extent of employer's liability.

- (1) An employer is liable only for the hearing loss of an employee that arises out of and in the course of the employee's employment for that employer.
- (2) If previous occupational hearing loss or nonoccupational hearing impairment is established by competent evidence, the employer may not be liable for the prior hearing loss so established, whether or not compensation has previously been paid or awarded. The employer is liable only for the difference between the percentage of hearing loss presently established and that percentage of prior hearing loss established by preemployment audiogram or other competent evidence.
- (3) The date for compensation for occupational hearing loss shall be determined by the date of direct head injury or the last date when harmful industrial noise contributed substantially in causing the hearing loss.

Renumbered and Amended by Chapter 375, 1997 General Session

34A-2-505 Loss of hearing -- Compensation for permanent partial disability.

- (1) Compensation for permanent partial disability for binaural hearing loss shall be determined by multiplying the percentage of binaural hearing loss by 109 weeks of compensation benefits as provided in this chapter or Chapter 3, Utah Occupational Disease Act.
- (2) When an employee files one or more claims for hearing loss the percentage of hearing loss previously found to exist shall be deducted from any subsequent award by the commission.
- (3) In no event shall compensation benefits be paid for total or 100% binaural hearing loss exceeding 109 weeks of compensation benefits.

Renumbered and Amended by Chapter 375, 1997 General Session

34A-2-506 Loss of hearing -- Time for filing claim.

An employee's occupational hearing loss shall be reported to the employer pursuant to Section 34A-2-407 within 180 days of the date the employee:

- (1) first suffered altered hearing; and
- (2) knew, or in the exercise of reasonable diligence should have known, that the hearing loss was caused by employment.

Renumbered and Amended by Chapter 375, 1997 General Session

34A-2-507 Measuring hearing loss.

- (1) The degree of hearing loss shall be established, no sooner than six weeks after termination of exposure to the harmful industrial noise, by audiometric determination of hearing threshold level performed by medical or paramedical professionals recognized by the commission, as

measured from 0 decibels on an audiometer calibrated to ANSI-S3.6-1969, American National Standard "Specifications for Audiometers" (1969).

- (2)
 - (a) In any evaluation of occupational hearing loss, only hearing levels at frequencies of 500, 1,000, 2,000, and 3,000 cycles per second (Hertz) shall be considered. The individual measurements for each ear shall be added together and then shall be divided by four to determine the average decibel loss in each ear.
 - (b) To determine the percentage of hearing loss in each ear, the average decibel loss for each decibel of loss exceeding 25 decibels shall be multiplied by 1.5% up to the maximum of 100% which is reached at 91.7 decibels.
- (3) Binaural hearing loss or the percentage of binaural hearing loss is determined by:
 - (a) multiplying the percentage of hearing loss in the better ear by five;
 - (b) adding the amount under Subsection (3)(a) with the percentage of hearing loss in the poorer ear; and
 - (c) dividing the number calculated under Subsection (3)(b) by six.

Renumbered and Amended by Chapter 375, 1997 General Session