



A proposal for a new Noise Directive was approved in late 2002. New Noise Regulations implemented this in 2006, which revoked the Noise at Work Regulations 1989 and introduced new requirements. The [Noise at Work](#) section of the HSE website is an excellent resource to help employers understand their obligations.

#### Understanding the Legislation

The legislation covering occupational noise exposure is contained in the following:

- The Noise at Work Regulations 2005.
- The Health and Safety at Work etc. Act 1974.
- The Management of Health and Safety at Work Regulations 1999.
- The Supply of Machinery (Safety) Regulations 1992.
- The Social Security (Industrial Diseases) (Prescribed Diseases) Regulations 1985.

#### Noise at Work Regulations 2005

The Noise at Work Regulations 2005 are the main regulations that govern the control of noise at work and apply to both employers and the self-employed. The duties covered by the Regulations are:

- Assessment of noise exposure (Reg 4).
- Recording of noise exposure (Reg 5).
- Reduction of risk of hearing damage (Reg 6).
- Reduction of noise exposure (Reg 7).
- Ear protection (Reg 8).
- Ear protection zones (Reg 9).
- Maintenance and use of equipment (Reg 10).
- Provision of information to employees (Reg 11).
- Duties of manufacturers etc. of articles for use at work (Reg 12).
- Exemptions (Reg 13).

#### Assessment of Noise Exposure (Reg 4)

If employees are liable to be exposed to noise at or above the first or peak action levels, the employer must:

- Ensure that a competent person carries out an adequate noise assessment.
- Review that assessment when it is no longer valid or there have been significant changes to the work.
- Identify who is exposed to these action levels and what needs to be done to comply with the regulations.

#### Recording of Noise Exposure (Reg 5)

Once a noise assessment has been carried out, adequate records of that assessment and any reviews must be kept.

#### Reduction of Risk of Hearing Damage (Reg 6)

Employers must ensure that noise levels within the work environment are kept to the lowest levels reasonably practicable (even while below the first action level). This requires an employer to identify noisy operations and to then reduce the noise to levels below the first action level where it is reasonably practicable to do so.

#### Reduction of Noise Exposure (Reg 7)

If the noise exposure of employees is at, or exceeds, the second or peak action levels, the noise exposure must be reduced to below those levels (and to the lowest level reasonably practicable) by means other than personal ear protectors.

#### Ear Protection (Reg 8)

Suitable and efficient ear protectors must be made available to employees if the noise exposure is between the first and second action levels. The ear protectors only have to be provided if employees request them, and employers are under no obligation to ensure that they are worn once they have been issued. Employees must be informed, however, if their personal exposure is likely to exceed the first action level and be informed of the risks to their hearing (Reg 11). If employees are exposed to the second or peak action levels or above, suitable ear protectors must be provided which, when properly worn, will reduce the employee's exposure to below the second (or peak) action level. Employers must also ensure that such protectors are worn. It should be noted that the provision of such ear protectors must be regarded as a 'last resort'.

#### Ear Protection Zones (Reg 9)

Ear protection zones need to be established for those areas where exposure will reach the second or peak action levels or above. The ear protection zones need to be clearly marked with the appropriate safety signs and the employer must ensure, so far as is reasonably practicable, that employees wear the ear protectors when they are in that zone. The safety signs should comply with British Standard BS 5378:1980, 'Safety Signs and Colours' and the Health and Safety (Safety Signs and Signals) Regulations 1996.

#### Maintenance and Use of Equipment (Reg 10)

Employers must ensure that any control measures provided to ensure compliance with the regulations are fully and properly used by employees and maintained in an efficient state, in efficient working order and in good repair.

#### Provision of Information to Employees (Reg 11)

Employees must be provided with adequate information, instruction and training if their exposure is likely to equal or exceed the first action level.

#### Duties of Manufacturers (Reg 12)

If a machine is likely to expose an employee to a daily personal noise level of 85 dB(A) or the peak action level, the manufacturer, supplier, importer, etc. must ensure that adequate information is provided to the purchaser on the noise likely to be generated by that machine.

#### Exemptions (Reg 13)

Regulation 13 allows the Health & Safety Executive to exempt employers from some requirements of the regulations. The power to grant exemptions is limited but can be applied for where:

- The noise exposure fluctuates greatly but the weekly exposure is not exceeded.
- The use of ear protectors might increase the risks to employees' safety such as the failure to hear warnings.
- It is not reasonably practicable to use ear protectors meeting the standard laid down in the regulations.