

**ILLINOIS DEPARTMENT OF LABOR**

**Illinois OSHA**

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7/18/23

Mr. David Piper – Deputy Chief  
Manhattan Fire Protection District  
100 So. Park Road  
Manhattan, IL 60442

Re: Response to letter from 6-5-23

Dear Chief Piper,

Thank you for your letter requesting a review of items that affected Manhattan FPD during a recent IL OSHA inspection.

Item 1: Some employees received the Hepatitis B vaccination series with previous employers, but the associated vaccination record cannot be obtained.

IL OSHA Response: If the vaccination record cannot be obtained, IL OSHA recommends that documentation verifying the employer's attempt to obtain the record be kept on file. When these records cannot be obtained, the current employer must obtain a written statement about vaccination status, and vaccination dates (or approximate dates) from the employee. Additionally, it is not required that an employer administer serologic testing to verify previous hepatitis B vaccination from another place of employment.

Example:

On XX-XX-XX \_\_\_\_\_ Fire Department requested hepatitis B vaccination records for \_\_\_\_\_ from their previous employer. As of XX-XX-XX no records have been received.

I \_\_\_\_\_ state I have received the hepatitis B vaccination series between the approximate dates of \_\_\_\_\_.

Reference: <https://www.osha.gov/laws-regs/standardinterpretations/2007-02-07>

Item 2: Employees receive an annual audiogram as the department has elected to use NFPA 1582 as a standard for medical physicals.

IL OSHA Response: An employer is not required to administer a hearing conservation program, or any component of the program such as audiometric testing, in accordance with 1910.95 unless noise exposures equal or exceed an 8-hour time-weighted average sound level (TWA) of 85 decibels measured on the A scale (slow response), or, equivalently, a dose of fifty percent.

As a follow-up to the original letter, IL OSHA received noise exposure study results from two fire departments.

Channahon Fire Protection District

2022 call volume: 1,728

Noise exposure study results did not exceed 85 decibel time-weighted average.

Orland Fire Protection District

2022 call volume: 12,549

Noise exposure study results did not exceed 85 decibel time-weighted average.

These results are beneficial for the fire service and for IL OSHA. Both departments could be considered to have an above average call volume in relation to most fire departments in Illinois and thus may have a higher potential for exposure to harmful noise. While these results are not definitive, it does provide IL OSHA with information that supports the position that 1910.95 would not apply to most fire department operations, absent special conditions and situations.

Fire departments operate in a highly variable and challenging environment and exposure to high levels of noise among firefighters is well documented ([Publication 2013-142, Promoting Hearing Health among Fire Fighters \(cdc.gov\)](#)). While IL OSHA may not be able to enforce provisions of 1910.95 when noise exposures are below the threshold previously described, employers are still required to assess the workplace to determine if hazards are present, select appropriate personal protective equipment (PPE), and have affected employees use PPE, including hearing protection.

Item 3: The fire department occupational health provider has physical custody of employee medical records.

IL OSHA response: Employers are responsible for maintaining medical records, however, in actual practice, the employer's occupational health provider often has physical custody of the records under agreement with the employer. The employer must assure "prompt access" to medical records when requested by IL OSHA in accordance with 1910.1020(e)(3)(i).

Reference: <https://www.osha.gov/laws-regs/standardinterpretations/1991-06-14-3>

This response is for compliance assistance purposes and is not a new interpretation of standards. It will be distributed to IL OSHA enforcement managers and kept on file for internal reference. Please share and distribute freely.

Thank you for contacting IL OSHA.

Respectfully,



Erik Kambarian

Chief, Division of Occupational Safety and Health (IL OSHA)