

### Earplugs Beneficial, But Illegal For Ohio Motorcyclists

Ohio's motorcycle operator manual says hearing protection, like earplugs, can help reduce noise while allowing a rider to hear important sounds like horns or sirens, but it also says riders should adhere to state laws, which creates a problem: using earplugs in Ohio while operating a vehicle is illegal. There are exceptions for emergency personnel, or road workers, and even for people who wear hearing aids...but not for motorcyclists.

It isn't the sound of the motorcycle causing all the noise; "It's the wind noise that can cause permanent hearing loss," explains A.I.M. Attorney Ralph C. Buss, who has represented the interests of motorcycle riders for over 30 years. "Deafness is a serious problem that people don't think about, don't address," Buss said in an interview with WCPN public radio in Cleveland.

Attorney Buss challenged that law in court. His client: Tom Varsel, who happened to be a retired noise expert for GM who was pulled over for riding his motorcycle in Ohio while wearing earplugs. Varsel was fined \$37, but his case continued to an appellate court. He lost a constitutional challenge to the earplug law, but the case raised interesting issues of health and safety that the court ruled were matters for the legislature to address.

"What's clear is that wind noise on a motorcycle can be very intense, intense enough to damage your hearing," says Eric Healy, a professor of hearing science at the Ohio State University who testified in Varsel's case. "And what's also crystal clear is that earplugs can remedy that, almost completely."

To determine the level of wind noise motorcyclists face, Healy took a recording device for a drive with PhD students. Imagine a mannequin head with anatomically correct ears, stuck out a window, and the measurements recorded from that experiment, Healy says, matched previous work published in well-known British journals in the mid 1990s. He found that at speeds as low as 35 mph, wind noise exceeded 85 decibels.

"Sounds over that are known to cause hearing damage. The levels that we measured were in the range from 110 to 130db," Healy told WCPN radio host Tony Ganzer. Even helmets don't prevent the wind noise, though earplugs offering some 30db of potential reduction, might help.

But the wording of the law in Ohio and other states, which dates back to 1989 and was enacted largely in response to stereo headphones in cars, doesn't allow earplugs to be worn by motorcyclists or motorists.

A similar law in California, which allowed only for "custom earplugs," was amended in 2004, allowing individuals to wear earplugs that don't block the sounds of horns or emergency sirens. Under exceptions to their Headphone and Earplug law, it was added (V C Section 27400):

"(d) A person wearing personal hearing protectors in the form of earplugs or molds that are specifically designed to attenuate injurious noise levels. The plugs or molds shall be designed in a manner so as to not inhibit the wearer's ability to hear a siren or horn from an emergency vehicle or a horn from another motor vehicle."

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