


 Search

[A to Z Index](#) | [En Español](#) | [Contact Us](#) | [FAQs](#) | [About OSHA](#)

OSHA

Occupational Safety & Health Administration We Can Help

[What's New](#) | [Offices](#)
[Home](#) | [Workers](#) | [Regulations](#) | [Enforcement](#) | [Data & Statistics](#) | [Training](#) | [Publications](#) | [Newsroom](#) | [Small Business](#) | [Anti-Retaliation](#)

- **Standard Number:** 1904.39

OSHA requirements are set by statute, standards and regulations. Our interpretation letters explain these requirements and how they apply to particular circumstances, but they cannot create additional employer obligations. This letter constitutes OSHA's interpretation of the requirements discussed. Note that our enforcement guidance may be affected by changes to OSHA rules. Also, from time to time we update our guidance in response to new information. To keep apprised of such developments, you can consult OSHA's website at <http://www.osha.gov>

April 7, 2015

Eric S. Austin
 Amerisure Insurance Company
 957 Wedgewood Drive
 Winter Springs, Florida 32708

Dear Mr. Austin:

Thank you for your letter to the Occupational Safety and Health Administration (OSHA) regarding the recordkeeping regulation contained in 29 CFR Part 1904 – Recording and Reporting Occupational Injuries and Illnesses. You ask for specific clarification of the new reporting requirements at Section 1904.39.

Question 1: If an employee were to suffer a work-related injury that resulted in the loss of sight, but the physical eye was still in the socket, would that require a call to OSHA informing the duty officer of the incident?

Response: No. Loss of sight without the physical removal of the eye is not a reportable event under the requirements in Section 1904.39. However, a case involving loss of sight that results in the in-patient hospitalization of the worker within 24 hours of the work-related incident is reportable. See, OSHA's Frequently Asked Questions (FAQs) on the new reporting requirements at <http://www.osha.gov/recordkeeping2014/faqs.html>.

Question 2: Is the loss of a tooth or teeth considered an amputation requiring a call to OSHA?

Response: No. The loss of a tooth is specifically excluded from the definition of "amputation" found under 1904.39(b)(11): An amputation is the traumatic loss of a limb or other external body part. Amputations include a part, such as a limb or appendage that has been severed, cut off, amputated (either completely or partially); fingertip amputations with or without bone loss; medical amputations resulting from irreparable damage; amputations of body parts that have since been reattached. Amputations do not include avulsions (tissue torn away from the body), enucleations (removal of the eyeball), degloving (skin torn away from the underlying tissue), scalplings (removal of the scalp), severed ears, or **broken or chipped teeth**. (Emphasis added). See, OSHA's FAQs on the new reporting requirements at <http://www.osha.gov/recordkeeping2014/faqs.html>.

We hope you find this information helpful. OSHA requirements are set by statute, standards, and regulations. Our interpretation letters explain these requirements and how they apply to particular circumstances, but they cannot create additional employer obligations. This letter constitutes OSHA's interpretation of the requirements discussed. Note that our enforcement guidance may be affected by changes to OSHA rules. Also, from time to time we update our guidance in responses to new information. To keep apprised of such developments, you can consult OSHA's website at <http://www.osha.gov>.

Sincerely,

Amanda Edens, Director
 Directorate of Technical Support and Emergency Management

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