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• **Standard Number:**            1904.7

November 12, 2015

Jeffery Painter  
Fortis Energy Services, Inc.  
36700 Woodward Avenue  
Suite 107  
Bloomfield Hills, Michigan 48304

Dear Mr. Painter:

Thank you for your recent letter to the Occupational Safety and Health Administration (OSHA) regarding the recordkeeping requirements contained in 29 CFR Part 1904 - Recording and Reporting Occupational Injuries and Illnesses. Your letter requests clarification on the recording of injuries involving broken or chipped teeth. Specifically, you state that there is a distinction between bone and teeth, and request that OSHA consider amending its recordkeeping regulation to make clear that work-related broken, chipped, or fractured teeth are not recordable injuries.

OSHA's regulation at 29 CFR 1904.7(a) provides that employers must record any work-related injury or illness that meets one or more of the general recording criteria. Section 1904.7(b)(7) states that employers must consider a work-related injury or illness to meet the general recording criteria, and therefore recordable, if it involves a significant diagnosis by a physician or other licensed health care professional. Section 1904.7(b)(7) goes on to state that work-related cases involving cancer, chronic irreversible disease, a fractured or cracked bone, or a punctured eardrum must always be recorded under the general criteria at the time of diagnosis by a physician or other licensed health care professional.

OSHA's longstanding position is that fractured teeth are a significant injury and illness under Section 1904.7(b)(7). In the January 19, 2001, preamble to the final rule revising the recordkeeping regulation, OSHA explained that "work-related cancer, irreversible diseases, **fractures of bone or teeth** and punctured eardrums are generally recognized as constituting significant diagnoses, and if the condition is work-related, are appropriately recorded at the time of the initial diagnosis even if, at that time, medical treatment or work restrictions are not recommended." [Emphasis added]. See, 66 Federal Register 5955. In addition, OSHA's Frequently Asked Question (FAQ) 7-17 states:

Are work-related cases involving chipped or broken teeth recordable?

Yes, under section 1904.7(b)(7), these cases are considered a significant injury or illness when diagnosed by a physician or other health care professional. As discussed in the preamble of the final rule, work-related fractures of bones or teeth are recognized as constituting significant diagnoses and, if the condition is work-related, are appropriately recorded at the time of initial diagnosis, even if the case does not involve any of the other general recording criteria.

While your letter correctly points out definitional differences between bone and teeth, the preamble to the 2001 final rule, and FAQ 7-17, links the two terms together for purposes of Section 1904.7(b)(7). Again, OSHA's position is that employers must record work-related injuries that involve chipped, broke, or fractured teeth when they are diagnosed by a physician or other licensed health care professional.

Your letter also states that guidance provided by OSHA for Section 1904.39, Reporting fatalities, hospitalizations, amputations, and losses of an eye as a result of work-related incidents to OSHA, specifically excludes broken or fractured teeth from the definition of "amputation." We are in agreement with your understanding. In the September 18, 2014, preamble to the final rule revising the injury and illness reporting requirements in Section 1904.39, OSHA explained that amputations do not include "broken or chipped teeth." See, 79 Federal Register 56156. Accordingly, while work-related broken, chipped, or fractured teeth diagnosed by a physician or other licensed health care professional are recordable on the OSHA Forms, such cases are only reportable to OSHA under Section 1904.39(a)(2) when they result in in-patient hospitalization.

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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U.S. Department of Labor | Occupational Safety & Health Administration | 200 Constitution Ave., NW, Washington, DC 20210

Telephone: 800-321-OSHA (6742) | TTY

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