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• **Standard Number:** 1904.39

December 16, 2014

Ms. Linda Ballas
Linda Ballas & Associates
7129 Nightingale Drive
Holland, OH 43528

Dear Ms. Ballas:

Thank you for your recent 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 classification of the new reporting requirements contained under section 1904.39.

Question 1: Please provide the definition of an amputation.

Response: An amputation, for OSHA reporting purposes, is defined under section 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, enucleations, degloving, scalping, severed ears, or broken or chipped teeth."

Question 2: How do you distinguish between an amputation and an avulsion?

Response: If and when there is a health care professional's diagnosis available, the employer should rely on that diagnosis. If the diagnosis is avulsion, the event does not need to be reported. If the diagnosis is amputation, the event must be reported. If there is no available diagnosis by a health care professional, the employer should rely on the definition and examples of amputation included in the regulatory text of Section 1904.39(b)(11). Examples of avulsion that do not need to be reported include degloving, scalping, fingernail and toenail removal, eyelid removal, loss of a tooth, and severed ears. Remember, employers are required to report amputations to OSHA when they learn that the reportable event occurred. The employer must report the event when he or she has information that the injury is a work-related **amputation**. See, Section 1904.39(b)(8).

Question 3: If an employee loses the very tip of his finger, would this have to be reported to OSHA within 24 hours of the work-related event? What if the employee loses any part of the finger above the first joint?

Response: If the tip of the finger is amputated, the work-related event must be reported. An amputation does not require loss of bone.

Questions 4: Does loss of an eye include loss of sight?

Response: Loss of an eye is the physical removal of the eye, including enucleation and evisceration. Loss of sight without the removal of the eye is not reportable under the requirements of section 1904.39. 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.

Question 5: If an employee has to have a glass eye after an event, would this be a reportable event?

Response: The reportability of the loss of an eye is not determined by the type of medical care received to treat the injury. The physical removal of the eye from the socket as a result of a work-related event is a reportable event.

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,

Francis Yebesi, Acting Director
Directorate of Evaluation and Analysis

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