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Risk & Safety Client Bulletin

Employer Responsibilities for Reporting Fatalities, Hospitalization, Amputation, and Loss of Eye Incidents to OSHA



Federal Occupational Safety and Health Administration (OSHA) and state-approved OSHA plans have specific requirements related to reporting work-related fatalities and certain identified injuries. For state-approved plans, the workplace safety and health standards, including fatality and injury reporting, must be “at least as effective as” comparable federal standards. If the federal and state fatality and injury reporting requirements are not followed, employers are subject to fines and penalties.

Effective January 1, 2015, for reporting workplace fatalities and injuries, the federal OSHA requirement, 29 CFR 1904.39(a) has changed. The new standard requires that employers must report to OSHA:

1. a work-related fatality (occurring within 30 days of the work-related incident) within eight (8) hours of the death
2. the work-related hospitalization requiring the care and treatment of a single employee within 24 hours
3. any work-related amputation within 24 hours
4. any work-related loss of an eye within 24 hours

Within eight (8) hours after the death of any employee from a work related incident or within 24 hours of an in-patient hospitalization of a single employee, all amputations, and all losses of an eye as a result of a work-related incident, the employer must orally report the fatality, hospitalization, amputation, or loss of an eye by telephone or in person to the Area Office of OSHA, U.S. Department of Labor, that is nearest to the site of the incident. The employer may also use the OSHA toll-free central telephone number, (800) 321-OSHA. The 8-hour and 24-hour time frames include evening and weekends. In the future, OSHA plans to have an electronic reporting submission process available on its website at www.osha.gov.

CFR 29 1904.39 also requires the following.

- **If the Area Office is closed, may I report the work-related fatality, in-patient hospitalization, amputation, or loss of an eye by leaving a message on OSHA’s answering machine, faxing the area office, or sending an e-mail?** No, if you can’t talk to a person at the Area Office, you must report the work-related fatality, in-patient hospitalization, amputation, or loss of an eye by calling the 800 number – (800) 321-OSHA. 1904.39(b)(1)



- **What information do I need to give to OSHA about the work-related fatality, in-patient hospitalization, amputation, or loss of an eye?** You must give OSHA the following information for each work-related fatality, in-patient hospitalization, amputation, or loss of an eye. 1904.39(b)(2)
 1. Establishment name
 2. Location of the incident
 3. Time of the incident
 4. Type of reportable event (e.g., fatality, in-patient hospitalization, amputation, or loss of and eye)
 5. Number of and name of employees who suffered a fatality, in-patient hospitalization, amputation, or loss of and eye
 6. Employer's contact person and his or her phone number
 7. Brief description of the work-related incident
- **Do I have to report a fatality, in-patient hospitalization, amputation, or loss of an eye resulting from a motor vehicle accident on a public street or highway?** If the motor vehicle accident occurs on a public street or highway, and does not occur in a construction work zone, you do not have to report the incident to OSHA. However, these injuries must be recorded on your OSHA injury and illness records, if you are required to keep such records. 1904.39(b)(3)
- **Do I have to report a fatality, in-patient hospitalization, amputation, or loss of an eye if it occurred on a commercial or public transportation system?** No, you do not have to call OSHA to report a fatality, in-patient hospitalization, amputation, or loss of an eye if it occurred on a commercial or public airplane, train, subway or bus. However, the fatality or injury must be recorded on your OSHA injury and illness records, if you are required to keep such records. 1904.39(b)(4)
- **Do I have to report a fatality or in-patient hospitalization caused by a heart attack at work?** Yes, your local OSHA Area Office director will decide whether to investigate the event, depending on the circumstances of the heart attack. 1904.39(b)(5)
- **Do I have to report a fatality or in-patient hospitalization, amputation, or loss of an eye that occurs long after the work-related incident?** You must only report each fatality if that fatality occurs within 30 days of the work-related incident. For in-patient hospitalizations, amputations, or loss of an eye you must report the event to OSHA if it occurs within 24 hours of the work-related incident. 1904.39(b)(6)
- **What if I don't learn about a reportable fatality, inpatient hospitalization, amputation, or loss of eye right away?** If you do not learn of a reportable incident at the time it occurs you must make the report within eight hours of the time the fatality is reported to you or to any of your agent(s) or within 24 hours the in-patient hospitalization, amputation, of loss of eye is reported to you or any of your agents. 1904.39(b)(7)
- **How does OSHA define "in-patient hospitalization"?** OSHA defines in-patient hospitalization as a formal admission to the in-patient service of a hospital or clinic for care or treatment, but does not include in-patient hospitalization only for observation or diagnostic testing.
- **Is a work-related amputation of a fingertip without bone loss considered a reportable amputation?** Yes. An amputation is the traumatic loss of 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 be reattached. Amputations do not include avulsions, enucleations, degloving, scalping, severed ears or broken or chipped teeth.



The table below outlines the current requirements for the state-approved OSHA plans, including the standard reference, the detailed requirement, and the information to be reported. In many instances, state-approved plans have adopted the exact injury reporting standard as federal OSHA. Some of these state plan requirements will change based on the revised federal OSHA requirement, 29 CFR 1904.39(a). State plans have 60 days to notify OSHA whether they intend to adopt the new requirements and then six months to formally adopt them. For more information about state-approved plans, please visit the state OSHA website.

OSHA Plan	Standard	Requirement	Information to be Reported
Alaska (AKOSH)	AS 18.60.058	In the event of an employment accident that is fatal to one or more employees or that results in the inpatient hospitalization of one or more employees, the employer shall report the accident orally by telephone or in person to the nearest office of the division of labor standards and safety or by telephone to the federal toll-free number provided by the division. The report must be made immediately but in no event later than eight hours after receipt by the employer of information that the accident has occurred. Immediately report accidents to (800) 770-4940 or (907) 269-4940 (8:00 a.m. to 5:00 p.m. Monday through Friday AK time) or (800) 321-6742 (after 5:00 p.m. or on weekends and holidays).	<ol style="list-style-type: none"> 1. Name of the establishment 2. Location of the accident 3. Time of the accident 4. Contact person and the telephone number of the contact person 5. Brief description of the accident 6. Number of fatalities or hospitalized employees 7. Extent of any injuries
Arizona (ADOSH)		Employers must report to ADOSH all workplace accidents involving a fatality, or involving the hospitalization of three or more employees. This report must be made within eight hours following the incident. To report an incident to ADOSH, call (602) 542-5795 or toll-free at (855) 268-5251. If you call outside of regular business hours, please leave a message and someone will return your call as soon as possible.	<ol style="list-style-type: none"> 1. Establishment name 2. Location of incident 3. Time of incident 4. Number of fatalities and/or hospitalized employees 5. Contact person and phone number 6. Brief description of incident



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California (Cal/OSHA)	Title 8 §342	Every employer shall report immediately by telephone to the nearest District Office of the Division of Occupational Safety and Health (www.dir.ca.gov/dosh/DistrictOffices.htm) any serious injury or illness, or death, of an employee occurring in a place of employment or in connection with any employment. Serious injury or illness is defined in section 330(h), Title 8, California Administrative Code... "Serious injury or illness" means any injury or illness occurring in a place of employment or in connection with any employment which requires inpatient hospitalization for a period in excess of 24 hours for other than medical observation or in which an employee suffers a loss of any member of the body or suffers any serious degree of permanent disfigurement, but does not include any injury or illness or death caused by the commission of a Penal Code violation, except the violation of Section 385 of the Penal Code, or an accident on a public street or highway.	<ol style="list-style-type: none"> 1. Time and date of accident. 2. Employer's name, address and telephone number. 3. Name and job title, or badge number of person reporting the accident. 4. Address of site of accident or event. 5. Name of person to contact at site of accident. 6. Name and address of injured employee(s). 7. Nature of injury 8. Location where injured employee(s) was (were) moved to. 9. List and identity of other law enforcement agencies present at the site of accident. 10. Description of accident and whether the accident scene or instrumentality has been altered
Hawaii (HIOSH)	29 CFR 1904.39 State Amendment §12-52.1	Regardless of the size of a company or establishment, or the SIC involved, any work-related incident resulting in death of any employee, inpatient hospitalization of three or more employees, or property damage in excess of \$25,000, must be orally reported to HIOSH ((808) 586-9102) within eight hours of the incident, or the time the incident is reported to any agent or employee of the employer.	<ol style="list-style-type: none"> 1. Company name 2. Location of incident 3. Time of incident 4. Number of fatalities or hospitalized employees 5. Names of any injured employees 6. Estimate of property damage in excess of \$25,000 7. Company contact person and his or her phone number 8. Brief description of incident



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Indiana (IOSHA)	29 CFR 1904.39	Fatality or catastrophe incidents resulting in three or more employees being hospitalized must be reported by phone, within eight hours of the death or hospitalization. Reporting the incident by fax or email is prohibited. If reporting an accident or fatality during normal business hours (8:00 a.m. to 4:30 p.m., Monday through Friday), call IOSHA at (317) 232-2693. If reporting an accident or fatality after normal business hours or on holidays, call the federal OSHA Hotline at (800) 321- OSHA or (800) 321-6742.	<ol style="list-style-type: none"> 1. Establishment name 2. Location of incident 3. Time of incident 4. Number of fatalities or hospitalized employees 5. Names of any injured employees 6. Contact person and his or her phone number 7. Brief description of incident
Iowa (IOSHA)	29 CFR 1904.39	Work-related incidents resulting in the death of an employee or in-patient hospitalization of three or more must be orally reported by the employer in person or by phone within eight hours of the incident. Call (877) 242-6742 to make these reports. The line is available 24 hours a day, including weekends and holidays. To report in person, visit Iowa Division of Labor at 1000 East Grand Avenue, Des Moines, Iowa.	<ol style="list-style-type: none"> 1. Establishment name 2. Location of the incident 3. Time of the incident 4. Number of fatalities or hospitalized employees 5. Names of any injured employees 6. Contact person and his or her phone number 7. Brief description of incident
Kentucky (KY/OSHA)	803 KAR 2:180	<p>Employers shall orally report to the Kentucky Labor Cabinet, Department of Workplace Standards, Division of Occupational Safety and Health Compliance, at (502) 564-3070, any work-related incident which results in the death of any employee or the hospitalization of three or more employees. The report shall be made within eight hours from when the incident is reported to the employer, the employer's agent, or another employee. If the employer cannot speak with someone in the Frankfort office, the employer shall report the incident using the OSHA toll-free, central telephone number, (800) 321-OSHA ((800) 321-6742).</p> <p>Employers shall orally report to the Kentucky Labor Cabinet, Department of Workplace Standards, Division of Occupational Safety and Health Compliance, at (502) 564-3070, any work-related incident which results in an amputation suffered by an employee or the hospitalization of fewer than three employees within 72 hours from when the incident is reported to the employer, the employer's agent, or another employee.</p>	<ol style="list-style-type: none"> 1. The establishment name and address; 2. The date and time of the incident; 3. The location of the incident; 4. The number of fatalities or hospitalized employees; 5. The names of affected employees; 6. If an amputation, the type of machine and body part amputated; 7. A description of the incident; and 8. A contact person with his or her phone number.



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Maryland (MOSH)	29 CFR 1904.39 and COMAR 09.12.21.02	Employers are required to report the death of any employee from a work-related incident or the in-patient hospitalization of three or more employees as a result of a work-related incident within eight hours. Employers must orally report this information to the emergency phone number (888) 257-MOSH (6674) or the employer's local regional office.	<ol style="list-style-type: none"> 1. Establishment name 2. Location of the incident 3. Time of the incident 4. Number of fatalities or hospitalized employees 5. Names of any injured employees 6. Contact person and his or her phone number 7. Brief description of incident
Michigan (MIOSHA)	R408.22139, Rule 1139(1)	<p>Within 8 hours after the death of any employee from a work-related incident or the inpatient hospitalization of 3 or more employees as a result of a work-related incident, you must orally report the fatality/multiple hospitalization by telephone or in person to the Michigan Department of Consumer and Industry Services, Bureau of Safety and Regulation, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan, phone (800) 858-0397.</p> <p>If the motor vehicle accident resulting in a fatality or hospitalization of three or more employees occurs on a public street or highway, the employer must report it to MIOSHA. If a fatality or hospitalization of three or more employees occurs as the results of a commercial airplane, train, subway or bus accident, the employer must report it to MIOSHA. Heart attacks at work that result in a fatality fall within the reporting requirements and must also be reported to MIOSHA.</p>	<ol style="list-style-type: none"> 1. Establishment name 2. Location of the incident 3. Time of the incident 4. Number of fatalities or hospitalized employees 5. Names of any injured employees 6. Contact person and his or her phone number 7. Brief description of incident
Minnesota (MNOSHA)	29 CFR 1904.39	Employers are required by law to report occupational accidents in which an employee is killed or three or more are hospitalized to OSHA within eight hours. Contact Minnesota OSHA Compliance during business hours (8:00 a.m. to 4:30 p.m. Monday through Friday) at (877) 470-6742. After business hours, call the federal OSHA 24-hour toll-free number (800) 321-6742. Workplace fatalities and serious injuries must be reported to the Department of Labor and Industry within 48 hours via telephone at (651) 284-5041 or fax at (651) 284-5731.	<ol style="list-style-type: none"> 1. Establishment name 2. Location of the incident 3. Time of the incident 4. Number of fatalities or hospitalized employees 5. Names of any injured employees 6. Contact person and his or her phone number 7. Brief description of incident



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Nevada (NVOSHA)	29 CFR 1904.39	Employers must report to NVOSHA all workplace accidents involving a fatality of one or more employees, or involving hospitalization of three or more employees, within eight hours after learning of the accident. To report an incident to NVOSHA, call (702) 486-9020 (Southern Nevada) or (775) 824-4600 (Northern Nevada).	<ol style="list-style-type: none"> 1. Establishment name 2. Location of the incident 3. Time of the incident 4. Number of fatalities or hospitalized employees 5. Names of any injured employees 6. Contact person and his or her phone number 7. Brief description of incident
New Mexico (NMOSHA)	29 CFR 1904.39	Within eight hours after the death of any employee from a work-related incident or the inpatient hospitalization of three or more employees as a result of a work-related incident, the employer must report the event to OSHA. For incidents within New Mexico, you contact the New Mexico Occupational Health and Safety Bureau in person by visiting our offices at: 525 Camino de los Marquez, Suite 3 in Santa Fe, NM. You may also fax the information to our fax number at (505) 476-8734. Or you may call (505) 476-8700 during work hours or (800) 321-OSHA ((800) 321- 6742) outside of normal working hours.	<ol style="list-style-type: none"> 1. Establishment name 2. Location of the incident 3. Time of the incident 4. Number of fatalities or hospitalized employees 5. Names of any injured employees 6. Contact person and his or her phone number 7. Brief description of incident
North Carolina (NCDOL)	29 CFR 1904.39	An employer must notify NCDOL within eight hours of a worker's fatality or the hospitalization of three or more workers. During working hours (8:00 a.m. to 5:00 p.m.), call (919) 779-8560 or (800) 625-2267. After working hours (5:00 p.m. to 8:00 a.m.), weekends or holidays, call State Capitol Police at (919) 733-3333.	<ol style="list-style-type: none"> 1. Establishment name 2. Location of the incident 3. Time of the incident 4. Number of fatalities or hospitalized employees 5. Names of any injured employees 6. Contact person and his or her phone number 7. Brief description of incident



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Oregon (OR-OSHA)	OAR 437-001-0700 - (21) (a-c)	Report the following to Oregon OSHA at (800) 922-2689 or (503) 378-3272 within the given time limits: (a) Fatalities eight hours after occurrence or employer knowledge You must report a fatality caused by a heart attack at work. You must report a fatality resulting from motor vehicle accidents that happen during the employee's work shift. The local OR-OSHA field office safety or health manager will decide whether to investigate the incident, depending on the circumstances of the heart attack or motor vehicle accident. Report a fatality only if it occurs within 30 days of the accident. (b) Catastrophe eight hours after occurrence or employer knowledge. For the ease of the reader the Definition for Catastrophe is – An accident in which two or more employees are fatally injured, or three or more employees are admitted to a hospital or an equivalent medical facility. (c) Overnight Hospitalization 24 hours after occurrence or employer knowledge of one or more employees. Overnight hospitalization is for medical treatment only. Hospitalization for observation is not reportable, nor is emergency room treatment. You must report injuries related to a heart attack or motor vehicle accident as well as other work related injuries. Report overnight hospitalizations to the nearest Oregon OSHA field office (Portland, Salem, Bend, Eugene or Medford).	<ol style="list-style-type: none"> 1. Establishment name 2. Location of the incident 3. Time of the incident 4. Number of fatalities or hospitalized employees 5. Names of any injured employees 6. Contact person and his or her phone number 7. Brief description of incident
South Carolina (SCOSHA)	29 CFR 1904.39	Requires employers to report a fatality or a catastrophe – resulting in patient hospitalization of three or more workers -- to the state OSHA office within eight hours of its occurrence. Employers should call (803) 896-7672. The number is answered 24 hours a day, every day of the year.	<ol style="list-style-type: none"> 1. Establishment name 2. Location of the incident 3. Time of the incident 4. Number of fatalities or hospitalized employees 5. Names of any injured employees 6. Contact person and his or her phone number 7. Brief description of incident



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Tennessee (TOSHA)	0800-1-3-.05	Within eight hours after the death of any employee from a work-related incident or the in-patient hospitalization of three or more employees as a result of a workrelated incident, you must orally report the fatality/multiple hospitalization by telephone or in person to the Area Office of TOSHA, Tennessee Department of Labor and Workforce Development, that is nearest to the site of the incident. You may also use the TOSHA toll-free central telephone number, (800) 249-8510.	<ol style="list-style-type: none"> 1. Establishment name 2. Location of the incident 3. Time of the incident 4. Number of fatalities or hospitalized employees 5. Names of any injured employees 6. Contact person and his or her phone number 7. Brief description of incident
Utah (UOSH)	UAC R614-1-4 A(3)	Each employer shall within eight hours of occurrence, notify the Division of Utah Occupational Safety and Health of the Commission of any workrelated fatalities, of any disabling, serious, or significant injury and of any occupational disease incident. Call (801) 530-6901.	<ol style="list-style-type: none"> 1. Establishment name 2. Location of the incident 3. Time of the incident 4. Number of fatalities or hospitalized employees 5. Names of any injured employees 6. Contact person and his or her phone number 7. Brief description of incident
Vermont (VOSHA)	29 CFR 1904.39	Within eight hours after the death of any employee from a work-related incident or the inpatient hospitalization of three or more employees as a result of a work-related incident, you must orally report the fatality/ multiple hospitalization by telephone during normal working hours by calling (800) 287-2765 or by contacting a 24-hour toll-free Hotline at (800) 321-OSHA.	<ol style="list-style-type: none"> 1. Establishment name 2. Location of the incident 3. Time of the incident 4. Number of fatalities or hospitalized employees 5. Names of any injured employees 6. Contact person and his or her phone number 7. Brief description of incident



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Virginia (VOSH)	Virginia Code § 40.1-51.1.D	All employers, regardless of how many individuals they employ, are required to report any work related incident resulting in a fatality or a catastrophe (catastrophe is defined as the in-patient hospitalization of three or more persons) within eight hours to the Virginia Department of Labor and Industry (DOLI). All reports are required to be made by telephone or in person at a DOLI office. Under no circumstances are fatality or catastrophe reports to be made by the use of email or website. During normal business hours (8:15 a.m. - 5:00 p.m.) an incident should be reported to the closest regional or field office (www.doli.virginia.gov/workplace_fatality/workplace_fatality.html). Before or after normal business hours or on weekends and holidays, incidents can be reported by calling the appropriate pager number for the nearest office (www.doli.virginia.gov/workplace_fatality/workplace_fatality.html .) If unable to reach the local phone numbers, the State Police Duty Sergeant in Richmond, VA should be contacted at (804) 674-2026.	<ol style="list-style-type: none"> 1. Establishment name 2. Location of the incident 3. Time of the incident 4. Number of fatalities or hospitalized employees 5. Names of any injured employees 6. Contact person and his or her phone number 7. Brief description of incident
Washington (L&I and WISHA)	WAC 296-800-32005	The employer must report to Washington Labor and Industries within eight hours of an incident that causes a fatal or possibly fatal injury and/ or causes injury requiring in-patient hospitalization of any employee. To report, contact the nearest labor and industries office by phone ((800) 423- 7233) or in person (www.lni.wa.gov/Main/ContactInfo/OfficeLocations/), or call the OSHA toll-free hotline (800) 321-6742.	<ol style="list-style-type: none"> 1. Establishment name 2. Location of the incident 3. Time of the incident 4. Number of fatalities or hospitalized employees 5. Names of any injured employees 6. Contact person and his or her phone number 7. Brief description of incident



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Wyoming (WY/OSHA)	29 CFR 1904.39	Within eight hours after the death of any employee from a work-related incident or the inpatient hospitalization of three or more employees as a result of a work-related incident, the employer must orally report the fatality/multiple hospitalization by telephone or in person to the Area Office of the Occupational Safety and Health Administration (OSHA), U.S. Department of Labor, that is nearest to the site of the incident (http:// wyomingworkforce.org/contact/Pages/occupational-health-and-safety. aspx). The employer may also use the OSHA toll-free central telephone number, (800) 321-OSHA ((800) 321-6742).	<ol style="list-style-type: none">1. Establishment name2. Location of the incident3. Time of the incident4. Number of fatalities or hospitalized employees5. Names of any injured employees6. Contact person and his or her phone number7. Brief description of incident