

**WAC 296-155-140 Sanitation. (1) Potable water.**

(a) You must provide an adequate supply of potable water in all places of employment.

(b) Portable containers used to dispense drinking water must be capable of being tightly closed and equipped with a tap. Water must not be dipped from containers.

(c) You must clearly mark any container used to distribute drinking water as to the nature of its contents and not used for any other purpose.

(d) The common drinking cup is prohibited.

(e) Where single service cups (to be used but once) are supplied, you must provide both a sanitary container for the unused cups and a receptacle for disposing of the used cups.

(f) You must thoroughly clean all water containers used to furnish drinking water at least once each week or more often as conditions require.

(g) The requirements of this subsection do not apply to mobile crews or to normally unattended work locations as long as employees working at these locations have transportation immediately available, within the normal course of their duties, to nearby facilities otherwise meeting the requirements of this section.

(h) The following definitions apply:

(i) **Mobile crew.** A work crew that routinely moves to a different work location periodically. Normally a mobile crew is not at the same location all day.

(ii) **Normally unattended work location.** An unattended site that is visited occasionally by one or more employees.

(iii) **Nearby facility.** A sanitary facility that is within three minutes travel by the transportation provided.

(iv) **Potable water.** Water that is suitable for drinking by the public and meets the requirements of chapter 246-290 or 246-291 WAC.

**(2) Wash water.**

(a) You must provide clean, tepid wash water, between 70 and 100 degrees Fahrenheit, at all construction sites.

(b) You must provide individual hand towels. You must provide both a sanitary container for the unused towels and a receptacle for disposal of used towels.

(c) You must provide hand soap, industrial hand cleaner or similar cleansing agents. Cleansing agents must be adequate to remove any paints, coatings, herbicides, insecticides or other contaminants.

(d) The requirements of this subsection do not apply to mobile crews or to normally unattended work locations as long as employees working at these locations have transportation immediately available, within the normal course of their duties, to nearby facilities otherwise meeting the requirements of this section.

(e) You must not use gasoline or solvents for personal cleaning.

(f) Wash water areas will be maintained in a dry condition. You must eliminate slipping or other hazards from the wash water area before it is acceptable for use.

**(3) Nonpotable water.**

(a) You must identify outlets for nonpotable water, such as water for industrial or firefighting purposes only, by signs meeting the requirements of Part E of this chapter, to indicate clearly that the wa-

ter is unsafe and is not to be used for drinking, washing or cooking purposes.

(b) You must ensure that there is no cross-connection, open or potential, between a system furnishing potable water, a system furnishing nonpotable water or a system furnishing wash water.

(4) **Toilets.**

(a) The provisions of this section apply to both portable chemical toilets and to flush toilets, except where flush toilets are used the requirements of WAC 296-800-230 apply instead of (b) of this subsection.

(b) You must provide accessible toilets for employees according to the following table:

TABLE B-1

<u>Number of Employees</u>	<u>Toilets Required</u>
1 - 10	1
11 - 25	2
26 - 40	3
41 - 60	4
61 - 80	5
Over 80	one additional toilet for each additional 20 employees or any fraction thereof.

(c) When the employer provides both flush and portable chemical toilets, the number of employees allowed to be served by the flush toilets, per WAC 296-800-230 will be calculated. That number will be subtracted from the total number of employees and the employer will be required to provide an adequate number of portable chemical toilets for the number of remaining employees, as required by (b) of this subsection.

(d) You must maintain toilets in clean, sanitary and functional condition. You must provide internal latches to secure the units from inadvertent entry. Where there are 20 or more employees consisting of both sexes, you must provide facilities for each sex. Please see subsection (6) of this section for the requirements for workers who menstruate and perform construction activities. The requirements of subsection (6) of this section apply to both fixed and mobile crews.

(i) You must properly clean each unit on a routine basis.

(ii) You must maintain chemicals, toilet tissue and sanitary seat covers in a supply sufficient for use during the entire shift.

(iii) You must immediately remove any defective or inadequate unit from service.

(e) **Specifications.** The following specifications apply:

(i) A noncaustic chemical toilet (portable chemical toilet is) a self-contained unit equipped with a waste receiving chemical holding container.

(ii) Portable chemical toilets consisting of only a holding tank, commonly referred to as "elevator units" or "elevator toilets" are not acceptable. "Elevator units" may be used if they are individually located in a lockable room which affords privacy. When this type unit is used in a private individual lockable room the entire room will be considered a toilet facility, as such the room will meet all requirements of toilet facilities and be inspected in accordance with subsection (5) (b) (iii) of this section.

(iii) Rooms, buildings or shelters housing toilets must be of sound construction, easy to clean, provide shelter and provide privacy. The toilet rooms must be ventilated to the outside and adequately lighted. All openings into the toilet room must be covered with 16-mesh screen.

(iv) You must service toilets on a regular schedule. Servicing must include the use of a disinfectant for cleaning urinals and seats, removing waste from containers, recharging containers with an odor controlling chemical and installing an adequate supply of toilet tissue and seat covers.

(v) You must perform service in accordance with local codes by approved servicing organizations. You must dispose of or discharge waste in accordance with requirements of local health department regulations.

(vi) Waste containers must be fabricated from impervious materials, e.g., plastic, steel, fiberglass or their equivalent. Containers must be water tight and capable of containing the chemical waste in a sanitary manner. The container must be fitted to the building in a manner so as to prevent insects from entering from the exterior of the building. Containers must be adequate in size to be used by the number of persons, according to the schedule for minimum requirements, without filling the container to more than half of its volume before regularly scheduled servicing.

(vii) Removal of waste must be handled in a clean and sanitary manner by means of a vacuum hose and received by a leak-proof tank truck. All valves on the tank must be leak-proof.

(viii) You must make provisions so service trucks have a clear approach and convenient access to the toilets to be serviced.

(ix) Disposal of waste from tank trucks must be in accordance with local health department requirements. In the absence of provisions by local health departments, waste must be disposed of through municipal or district sanitary sewage systems. Municipal or area sanitary sewage districts must provide sewage disposal locations and facilities which are adequate and convenient for duly authorized toilet service organizations.

(f) The requirements of this subsection do not apply to mobile crews or to normally unattended work locations as long as employees working at these locations have transportation immediately available, within the normal course of their duties, to nearby facilities otherwise meeting the requirements of this section.

**(5) Employer responsibilities.**

(a) On multiemployer worksites, the prime contractor must ensure that the requirements of this section are met. Each employer is responsible for seeing that facilities for their own employees are provided.

(b) You must ensure, at the beginning of each shift, that the sanitation facilities required by this section are inspected. If any facility or unit fails to meet the following requirements, you must take immediate corrective action. You must document and maintain such action at the site for at least 72 hours. Inspection must establish:

(i) **Potable water:** Sufficient supply of water, sufficient supply of cups, container integrity, cleanliness of unit and area, capacity of trash receptacle (empty).

(ii) **Wash water:** Sufficient supply of clean water, proper temperature, sufficient supply of towels, sufficient supply of cleansing agents, container integrity, cleanliness of unit and area without the presence of physical hazards, capacity of trash receptacle (empty).

(iii) **Toilets:** Sufficient supply of toilet tissue and sanitary seat covers, capacity and condition of chemical agent, capacity and condition of holding tank, cleanliness of unit and area without the presence of physical hazards, physical and structural condition of unit, condition of lock, condition of toilet seat and tissue holder, absence of all foreign debris.

(c) The location of the facilities required by subsections (1), (2) and (4) of this section must be as close as practical to the highest concentration of employees.

(i) On multistory structures they must be furnished on every third floor.

(ii) At all sites they must be located within 200 feet horizontally of all employees.

(iii) The requirements of subsection (5)(c)(i) and (ii) do not apply to mobile crews or to normally unattended work locations as long as employees working at these locations have transportation immediately available, within the normal course of their duties, to nearby facilities otherwise meeting the requirements of this section.

(6) Menstruation and expression of milk. The scope of this subsection applies to employers in the construction industry, whether a fixed or mobile location. Please see subsection (5)(a) of this section for the requirements on multiemployer worksites.

(a) Employers must provide to workers performing construction activities, who menstruate, the following:

(i) A minimum size bathroom accessible on the worksite or a permanent structure when used to meet toilet requirements for mobile crews under subsection (4)(f) of this section, that is:

(A) Equivalent to a standard size chemical toilet;

(B) Has an internal latch to prevent inadvertent entry;

(ii) Adequate time to accommodate for multiple layers of clothing;

(iii) An adequate and convenient supply of menstrual hygiene products at no cost to the workers. Menstrual hygiene products must either be located in all gender-neutral bathrooms and bathrooms designated for workers who menstruate, or provided in kits for each worker who needs such product.

(b) Upon notification from the worker, employers must provide reasonable accommodations for workers performing construction activities to express milk.

(i) This requirement applies to all worksites and employer sizes, whether a fixed or mobile location.

(ii) Reasonable accommodations must include:

(A) Flexible work schedules, including breaks that provide enough time for the expression of milk;

(B) A location that is convenient and sanitary for the worker. The location must be private and secure from entry of others and is not a bathroom or portable toilet;

(C) Convenient, hygienic refrigeration for storage of milk;

(D) Convenient source of potable water for workers to clean and wash hands and milk equipment.

(iii) Employers may have additional responsibilities and requirements under state or federal pregnancy and lactation laws.

(iv) Employees may have additional rights and protections under state or federal pregnancy and lactation accommodation laws.

(v) The department will publish on its website a list of resources to assist employers and workers in identifying the requirements as

well as products that will comply with the rule taking into consideration alternative worksites and varying number of workers.

(7) Food handling. All employees' food service facilities and operations must meet the applicable laws, ordinances and regulations of the jurisdictions in which they are located.

~~((7))~~ (8) Temporary sleeping quarters. When temporary sleeping quarters are provided, they must be heated, ventilated and lighted.