



Sanitary Conditions for Construction Workers Public Hearing

Chapter 296-155 WAC, Safety Standards for Construction Work,
Part B-1, Occupational Health and Environmental Control
WAC 296-155-140 Sanitation

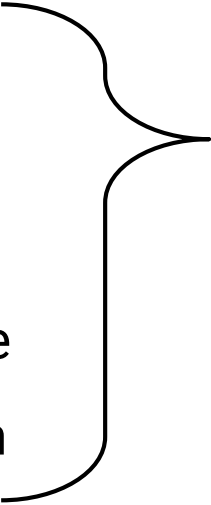


Washington State Department of
Labor & Industries
Division of Occupational Safety and Health

March 25, 2025

Agenda

- Rulemaking timeline
- Background
- Proposed rule overview
- Question & answer on language in proposed rule
- Submit written comments & contact information
- Public hearing starting at 10:00 a.m.



Pre-Hearing
Overview will
begin at
9:30 a.m.

Sanitary Conditions for Construction Workers Rulemaking Timeline

- June 6, 2024: Requirements of Engrossed House Bill (EHB) 2266 codified under RCW 49.17.530, and, became effective.
- September 17, 2024: Filed a Preproposal Statement of Inquiry (CR-101)
- October 29, 2024: Initiated Stakeholder Meetings
- February 18, 2025: Filed Proposed Rulemaking (CR-102)
- March 25 and 27, 2025: Virtual/In-Person Public Hearings
- April 3, 2025: Comment period ends 5:00 p.m.
- May 20, 2025: Anticipated date of Rule adoption (CR-103)
- July 1, 2025: Anticipated Rule update effective

Sanitary Conditions for Construction Workers Background and Purpose

- This rulemaking will implement the requirements of EHB 2266, codified under RCW 49.17.530, which became effective June 6, 2024.
- The new state law addresses sanitary conditions for construction workers performing construction activities who menstruate or express milk.
- The law designates the Department of Labor & Industries (L&I) as being responsible for the implementation and enforcement of the law.

Sanitary Conditions for Construction Workers

Summary of Requirements

The law requires employers in the construction industry to provide workers performing construction activities who menstruate the following:

Access to an adequate portable toilet or restrooms, accessible on the worksite, or access to a permanent structure with a restroom/bathroom.

Requirements include:

- Minimum size bathroom-equivalent to a standard sized portable chemical toilet;
- Internal latch (lock) to prevent inadvertent entry; and
- Adequate time to accommodate for multiple layers of clothing while using the bathroom.

Sanitary Conditions for Construction Workers

Summary of Requirements

The law and proposed rule requires employers in the construction industry to provide workers performing construction activities who menstruate the following:

Adequate and convenient supply of menstrual hygiene products at no cost to employees:

- Products must 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.

Sanitary Conditions for Construction Workers

Summary of Requirements

The law and proposed rule requires employers in the construction industry to provide workers performing construction activities reasonable accommodations to express milk after the child's birth each time such worker has need to express to include:

- Flexible scheduling, including breaks;
- Private dedicated space, other than a bathroom, lockable (if possible) and free from intrusion;
- Convenient hygienic refrigeration on the worksite for the storage of milk;
- Convenient water source in a private location near the location where milk is expressed for the worker to clean and wash hands and milk expression equipment.
- RCW 49.17.530 requires L&I's rules identify minimum reasonable accommodations for expressing milk that include alternatives for worksites of varying numbers of employees.

Additional Information

The law became effective June 6, 2024.

L&I may receive complaints, perform inspections, and issue citations with no assessed penalty.

L&I cannot impose any monetary penalties for violations of this section until 30 days after the date the adopted rule is filed, or July 1, 2025, whichever date is later.

Additional Information

The law requires L&I to partner with relevant labor organizations and the Office of Minority and Women's Business Enterprises to develop educational materials, and perform outreach to educate employers regarding new employer responsibilities under the law.

Resources developed during stakeholdering:

- Reference Guide/Frequently Asked Questions
- Pocket Guide for Employers

Question and Answers

- This is not formal testimony for the public hearing.
- Questions related to the proposed rulemaking from stakeholders may be answered, questions related to other topics may be answered outside the pre-hearing overview.

Submit formal, written comments to:

Cathy Coates, Administrative Regulations Analyst

- **Mail:** Department of Labor & Industries
Division of Occupational Safety and Health (DOSH)
PO Box 44620
Olympia, WA 98504-4620
- **Email:** Cathy.Coates@Lni.wa.gov
- **FAX:** 360-902-5619 Comments submitted by fax must be 10 pages or fewer

Comments must be received by: 5:00 p.m. on April 3, 2025

DOSH Sanitary Conditions for Construction Workers Technical Specialist

Steve Heist

DOSH Technical Specialist

(253) 878-0928

Email: Steven.Heist@Lni.wa.gov

Sanitary Conditions for Construction Workers rulemaking page-

LINK: <https://lni.wa.gov/safety-health/safety-rules/rulemaking-stakeholder-information/sanitation-in-construction>

Break/Transition to Public Hearing

Start Time: 10:00 a.m.

The hearing will continue until all oral comments are received.

Please submit your contact information using the “Sign In” sheets.

A chance to stretch your
legs and take a deep breath