

1 AMENDATORY SECTION

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

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

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

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

11 (d) The common drinking cup is prohibited.

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

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

18 (g) The requirements of this subsection do not apply to
19 mobile crews or to normally unattended work locations as long as
20 employees working at these locations have transportation

1 immediately available, within the normal course of their duties,
2 to nearby facilities otherwise meeting the requirements of this
3 section.

4 (h) The following definitions apply:

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

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

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

12 (iv) **Potable water.** Water that is suitable for drinking by
13 the public and meets the requirements of chapter 246-290 or 246-
14 291 WAC.

15 (2) **Wash water.**

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

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

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

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

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

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

16 (3) **Non-potable water.**

17 (a) You must identify outlets for non-potable water, such
18 as water for industrial or firefighting purposes only, by signs
19 meeting the requirements of Part E of this chapter, to indicate

1 clearly that the water is unsafe and is not to be used for
2 drinking, washing or cooking purposes.

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

7 (4) **Toilets.**

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

12 (b) You must provide accessible toilets for employees
13 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.

14 (c) When the employer provides both flush and portable
15 chemical toilets, the number of employees allowed to be served

1 by the flush toilets, per WAC 296-800-230 will be calculated.
2 That number will be subtracted from the total number of
3 employees and the employer will be required to provide an
4 adequate number of portable chemical toilets for the number of
5 remaining employees, as required by (b) of this subsection.

6 (d) You must maintain toilets in clean, sanitary and
7 functional condition. You must provide internal latches to
8 secure the units from inadvertent entry. Where there are 20 or
9 more employees consisting of both sexes, you must provide
10 facilities for each sex.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (5) **Employer responsibilities.**

19 (a) On multiemployer worksites, the prime contractor must
20 ensure that the requirements of this section are met. Each

1 employer is responsible for seeing that facilities for their own
2 employees are provided.

3 (b) You must ensure, at the beginning of each shift, that
4 the sanitation facilities required by this section are
5 inspected. If any facility or unit fails to meet the following
6 requirements, you must take immediate corrective action. You
7 must document and maintain such action at the site for at least
8 72 hours. Inspection must establish:

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

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

17 (iii) **Toilets:** Sufficient supply of toilet tissue and
18 sanitary seat covers, capacity and condition of chemical agent,
19 capacity and condition of holding tank, cleanliness of unit and
20 area without the presence of physical hazards, physical and

1 structural condition of unit, condition of lock, condition of
2 toilet seat and tissue holder, absence of all foreign debris.

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

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

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

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

16
17 (6) Employers in the construction industry must provide
18 workers who menstruate and perform construction activities
19 the following:

20 (a) A minimum size bathroom:

21 (i) Accessible on the worksite, that is equivalent to a
22 standard size chemical toilet, or

23 (ii) Access to a permanent structure with a bathroom.

24 (iii) The bathroom must have an internal latch to
25 prevent inadvertent entry.

26 (b) Adequate time to accommodate for multiple layers of
27 clothing.

1 (c)An adequate, convenient supply of menstrual hygiene
2 products at no cost.

3 (i) The menstrual hygiene products can be located in
4 both facilities for each sex if shared, in all gender-
5 neutral bathrooms; or:

6 (ii) Employers may provide kits for each worker who
7 needs such products.

8
9 (7) Employers must provide reasonable accommodations for
10 workers performing construction activities to express milk.

11 (a) This requirement applies to all worksites and employer
12 sizes.

13 (b) Reasonable accommodations must include:

14 (i) Flexible work schedules, including breaks that
15 provide enough time for the expression of milk.

16 (ii) Convenient and sanitary location that is private
17 and secure from entry of others (does not include a
18 bathroom or portable toilet). Examples for employers
19 on how to comply with this section will be available
20 in guidance documents on the department website.

21 (iii) Convenient, hygienic refrigeration for storage
22 of milk.

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

25 (c)The department will publish on its website a list of
26 resources to assist employers in identifying products that
27 will comply with the rule taking into consideration
28 alternative worksites and varying number of workers.
29

30 **(8) Food handling.** All employees' food service facilities

31 and operations must meet the applicable laws, ordinances and

32 regulations of the jurisdictions in which they are located.

33 **(79) Temporary sleeping quarters.** When temporary sleeping

34 quarters are provided, they must be heated, ventilated and

35 lighted.

36 [Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050,

37 49.17.060. WSR 16-09-085, § 296-155-140, filed 4/19/16,

1 effective 5/20/16. Statutory Authority: RCW 49.17.010,
2 49.17.040, 49.17.050, 49.17.060 and chapter 49.17 RCW. WSR 12-
3 24-071, § 296-155-140, filed 12/4/12, effective 1/4/13.
4 Statutory Authority: RCW 49.17.010, [49.17].040, and
5 [49.17].050. WSR 01-11-038, § 296-155-140, filed 5/9/01,
6 effective 9/1/01. Statutory Authority: Chapter 49.17 RCW. WSR
7 94-15-096 (Order 94-07), § 296-155-140, filed 7/20/94, effective
8 9/20/94; WSR 89-11-035 (Order 89-03), § 296-155-140, filed
9 5/15/89, effective 6/30/89. Statutory Authority: RCW 49.17.040
10 and 49.17.050. WSR 86-03-074 (Order 86-14), § 296-155-140, filed
11 1/21/86; Order 74-26, § 296-155-140, filed 5/7/74, effective
12 6/6/74.]
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