

March 15, 2001

ACCSH2001-1

Ex. 7

From: Jane Williams

For: Advisory Committee on Construction Safety and Health

Subject: Sanitation Work Group Meeting

Addendum: For Sanitation Work Group Meeting March 14, 2001
Department of Labor Building Room N5437- A

1. Page 2 after "Referenced Report," change reference to announced notice of "Proposed Rulemaking" to "Advance Notice of Proposed Rulemaking."
2. At the second paragraph from the bottom of page 2, strike the second sentence in its entirety. Insert: Co-chairs will recommend proponents send their questions to the Director of the Directorate of Construction, Mr. Russell B. Swanson.

Sanitation Workgroup Meeting
March 14, 2001
DOL – Room 5437A

The sanitation workgroup was called to order by Co-Chair Jane Williams at 9:00 am with 14 members in attendance; welcome, self-introductions and emergency response was the first order of business.

Williams presented an overview of the history of the workgroup since its inception at the April 1998 ACCSH Meeting. In summary Williams noted the following:

The sanitation workgroup was charged to review Title 29 CFR 1926.51 Sanitation Language contained in Subpart D and present its findings to ACCSH for consideration.

The workgroup responded back to ACCSH that the language was in need of revision, that although the issue of women in construction is a key concern, the workgroup strongly believed the focus should be on sanitary, accessible, private and available upon need facilities for all workers; and also include the appropriateness of hand washing facilities. The workgroup received unanimous support from the ACCSH committee and began its charge.

Multiple meetings have been conducted and included participants from various department of OSHA, NIOSH, the Center for the Protection of Workers Rights, construction employers, industry representatives, employee representatives and the portable sanitation industry who presented multiple investigative analyses for consideration.

Having presented multiple progressive reports to ACCSH, a draft of the proposed language was presented to ACCSH at its December 1998 meeting where it was unanimously adopted for presentation to the Asst. Secretary, reference draft dated January 1999 attached hereto.

The consideration of rulemaking for the Sanitation Standard appeared on the Construction Regulatory Agenda as a Long Range Planning Item that later progressed to an Announced Notice of Proposed Rulemaking target date of December 2000.

The Standards Development office of the Directorate of Construction succeeded in support of the ANPR and presented questions to begin the process to the Solicitors Office in December 2000.

At this time, the language is under review by the Solicitors office pending assignment by the Administration.

Two questions were discussed that have been presented to Co-Chairs Cooper & Williams since the adoption by ACCSH of the drafted language; those being lack of service by others and quantity versus project site feasibility. The workgroup agreed with Williams that the co-chairs would forward such questions to the Directorate of Construction for inclusion in their case files without presentation to ACCSH each question upon its receipt.

The workgroup concluded with all attendees asked to support the revision of the sanitation standard during the process period with the anticipation that this revision will proceed as a priority item for the 7.5 million construction workers who are anxiously awaiting its development. The workgroup will next meet upon call by the Chairs.

Submitted:

Steve Cooper Co-Chair
Jane Williams Co-Chair

Cc: Robert Krul, ACCSH Chair

Attachment (2) Workgroup Sign-In
Workgroup Agenda
Draft Language dated Jan. 99

<u>NAME</u>	<u>ORGANIZATION</u>	<u>PHONE</u>	<u>E-MAIL OR FAX</u>
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Elaine Papp	OSHA	(602)693-1991	elaine.papp@osha.gov
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Tom Braderick	Construction Safety Council	708 544-2082	tbraderick@buildsafe.org
SARAH SHERRILL	DOL - OFF. OF THE SOLICITOR	202-693-5445	sherrill-sarah@dol.gov
ANG WILLIAMS - COCHAIR	A-Z RESOURCES	602-569-6330	AWILLIAMS@AZRES.COM

AGENDA
SUBPART D
1926.51 SANITATION WORKGROUP
MARCH 14, 2001

WELCOME & SIGN-IN

EMERGENCY EXITS

INTRODUCTIONS

STATUS OF ADVANCE NOTICE OF PROPOSED
RULEMAKING

ADDITIONAL LANGUAGE

COMMENTS

ADJOURN

OSHA Regulations (Standards - 29 CFR) - 1926.51 - Sanitation.

SubPart Number: D

SubPart Title: Occupational Health and Environmental Controls

Applicable Standard: 1910.141(a)(1)

Applicable Standard: 1910.141(a)(2)(v)

Applicable Standard: 1910.141(a)(5)

Applicable Standard: 1910.141(d)(1)

Applicable Standard: 1910.141(d)(2)

Applicable Standard: 1910.141(d)(3)

"1926.51(a)"

(a)"Potable water."

"1926.51(a)(1)"

(a)(1)An adequate supply of potable water shall be provided in all places of employment.

"1926.51(a)(2)"

(a)(2)Portable containers used to dispense drinking water shall be capable of being tightly closed, and equipped with a tap. Water shall not be dipped from containers.

"1926.51(a)(3)"

(a)(3)Any container used to distribute drinking water shall be clearly marked as to the nature of its contents and not used for any other purpose.

"1926.51(a)(4)"

(a)(4)The common drinking cup is prohibited.

"1926.51(a)(5)"

(a)(5)Where single service cups (to be used but once) are supplied, both a sanitary container for the unused cups and a receptacle for disposing of the used cups shall be provided.

"1926.51(a)(6)"

(a)(6)"Potable water" means water which meets the quality standards prescribed in the U.S. Public Health Service Drinking Water Standards, published in 42 CFR part 72, or water which is approved for drinking purposes by the State or local authority having jurisdiction.

Note: moved to (j) definitions

"1926.51(b)"

(b)"Nonpotable water".

"1926.51(b)(1)"

(b)(1)Outlets for nonpotable water, such as water for industrial or firefighting purposes only, shall be identified by signs meeting the requirements of Subpart G of this part, to indicate clearly that the water is unsafe and is not to be used for drinking, washing, or cooking purposes.

"1926.51(b)(2)"

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(b)(2) There shall be no cross-connection between a system furnishing potable water and a system furnishing nonpotable water.

"1926.51(c)"

(c) "Toilets at construction job sites."

"1926.51(c)(1)"

(c)(1) Employers shall provide toilets for employees according to the following tables:

Table D-1 Fixed Toilet Facilities

Number of Employees	Number of Toilet Facilities
—20 or less—	†
—20 or more—	1 toilet seat and 1 urinal per 40 workers
—200 or more—	1 toilet seat and 1 urinal per 50 workers
1 to 9	1
10 or more	1 toilet seat and 1 urinal per 10 workers

Table D-2 Portable Toilet Facilities

Number of Employees	Number of Toilet Facilities
1 to 9	1
10 or more	1 toilet seat and 1 urinal per 10 workers

Provisions shall be made to ensure waste water tank maintenance on portable toilets.

"1926.51(c)(2)" Sanitation

(c)(2) Under temporary field conditions, provisions shall be made to assure not less than one toilet facility is available. Job site toilet facilities shall be inspected and maintained in a clean, sanitary, and well stocked condition at all times.

"1926.51(c)(3)"

~~(c)(3) Job sites, not provided with a sanitary sewer, shall be provided with one of the following toilet facilities unless prohibited by local codes:~~

"1926.51(c)(4)" Employees shall be allowed to use the toilet facilities on an as needed basis.

~~"1926.51(c)(3)(i)"~~

~~(c)(3)(i) Privies (where their use will not contaminate ground or surface water);~~

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~~"1926.51(c)(3)(ii)"~~

~~(c)(3)(ii)Chemical toilets;~~

~~"1926.51(c)(3)(iii)"~~

~~(c)(3)(iii)Recirculating toilets;~~

~~"1926.51(c)(3)(iv)"~~

~~(c)(3)(iv)Combustion toilets.~~

Note: moved to (j) definitions

(c)(3)Toilet facilities shall be able to be locked from the inside

"1926.51(c)(4)"

~~(c)(4) The requirements of this paragraph (c) for sanitation facilities shall not apply to mobile crews having transportation readily available to nearby toilet facilities.~~

(c)(4) Limited Access Worksites

The employer shall ensure transportation is available to toilet/wash facilities when facilities are unavailable at the site.

[Items moved to end of document - see 1926.51 (j)] -

NOTE items below need to have section letters adjusted to proper order.

"1926.51(f)"

(f)"Washing facilities."

"1926.51(f)(1)"

(f)(1) Hand washing facilities shall be provided in near proximity to toilet facilities.

(f)(2)The employer shall provide adequate washing facilities for employees engaged in the application of paints, coating, herbicides, or insecticides, or in other operations where ~~contaminants~~ substances may be harmful to the employees. Such facilities shall be in near proximity to the worksite and shall be so equipped as to enable employees to remove such substances.

"1926.51(f)(3)"

(f)(3)"General." Washing facilities shall be maintained in a clean, sanitary, and well stocked condition at all times.

~~"Lavatories."~~

~~"1926.51(f)(3)(i)"~~

~~(f)(3)(i)Lavatories shall be made available in all places of employment. The requirements of this subdivision do not apply to mobile crews or to normally unattended work locations if employees working at these locations have transportation readily available to nearby washing facilities which meet the other requirements of this paragraph.~~

~~"1926.51(f)(3)(ii)"~~

~~(f)(3)(ii)Each lavatory shall be provided with hot and cold running water, or tepid running water.~~

~~"1926.51(f)(3)(iii)"~~

~~(f)(3)(iii)Hand soap or similar cleansing agents shall be provided.~~

~~"1926.51(f)(3)(iv)"~~

~~(f)(3)(iv)Individual hand towels or sections thereof, of cloth or paper, warm air blowers or clean~~

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~~individual sections of continuous cloth toweling, convenient to the lavatories, shall be provided.~~
Note: moved to (j) definitions

"1926.51(f)(4)"

(f)(4)"Showers."

"1926.51(f)(4)(i)"

(f)(4)(i)Whenever showers are required by a particular standard, the showers shall be provided in accordance with paragraphs (f)(4)(ii) through (v) of this section.

"1926.51(f)(4)(ii)"

(f)(4)(ii)One shower shall be provided for each 10 employees of each sex, or numerical fraction thereof, who are required to shower during the same shift.

"1926.51(f)(4)(iii)"

(f)(4)(iii)Body soap or other appropriate cleansing agents convenient to the showers shall be provided, ~~as specified in paragraph (f)(3)(iii) of this section.~~

"1926.51(f)(4)(iv)"

(f)(4)(iv)Showers shall be provided with hot and cold water feeding a common discharge line.

"1926.51(f)(4)(v)"

(f)(4)(v)Employees who use showers shall be provided with individual clean towels.

"1926.51(g)"

(g)"Eating and drinking areas." No employee shall be allowed to consume food or beverages in a toilet room nor in any area exposed to a toxic material.

"1926.51(h)"

(h)"Vermin control." Every enclosed workplace shall be so constructed, equipped, and maintained, so far as reasonably practicable, as to prevent the entrance or harborage of rodents, insects, and other vermin. A continuing and effective extermination program shall be instituted where their presence is detected.

1926.51(i)

"1926.51(i)"

(i)"Change rooms." Whenever employees are required by a particular standard to wear protective clothing because of the possibility of contamination with toxic materials, change rooms equipped with storage facilities for street clothes and separate storage facilities for the protective clothing shall be provided. **Contaminated protective clothing shall be placed in sealed bags or closed containers, which are labeled.**

"1926.51(j)"

(j)"Food handling."

"1926.51(j)(1)"

(j)(1)All employees' food service facilities and operations shall meet the applicable laws, ordinances, and regulations of the jurisdictions in which they are located.

"1926.51(j)(2)"

(j)(2) ~~All employee food service facilities and operations shall be carried out in accordance with~~

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~~sound hygienic principles.~~ In all places of employment where all or part of the food service is provided, the food dispensed shall be wholesome, free from spoilage, and shall be processed, prepared, handled, and stored in such a manner as to be protected against contamination.

"1926.51(e)"

(j)"Temporary sleeping quarters." When temporary sleeping quarters are provided, they shall ~~be heated, ventilated, and lighted.~~ meet the requirements of 29 CFR 1910.142.

"1926.51(k)"

(k)"Definitions"

"Potable water" means water which meets the quality standards prescribed in the U.S. Public Health Service Drinking Water Standards, published in 42 CFR part 72, or water which is approved for drinking purposes by the State or local authority having jurisdiction.

"Toilet facility" means a fixed or portable facility designed for the purpose of adequate collection and containment of the products of both defecation and urination which is supplied with toilet paper adequate to employee needs. Toilet facility includes biological, chemical, flush and combustion toilets and sanitary privies. Portable toilet facilities shall be ventilated, screened, have self-closing doors that lock from the inside, and constructed to ensure privacy.

"Limited Access Worksite" means a site so isolated, or where toilet maintenance is restricted by means of access.

"Hand washing facility" means a facility providing either a basin, container, or outlet with an adequate supply of cold and/or hot (*hot where practicable*) potable water, appropriate handsoap, and single towels or drying appliance. Where potable water can not be provided, effective alternative cleansing materials shall be provided and used in accordance with manufactures directions.