

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

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- **Standard Number:** 1926.51
- **Standard Title:** Sanitation.
- **SubPart Number:** D
- **SubPart Title:** Occupational Health and Environmental Controls

(c) "Toilets at construction jobsites."

(c)(1) Toilets shall be provided for employees according to the following table:

Table D-1

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Number of employees	
20 or less.....	1
20 or more.....	1 toilet seat and 1 urinal per 40 workers.
200 or more.....	1 toilet seat and 1 urinal per 50 workers.

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(c)(2) Under temporary field conditions, provisions shall be made to assure not less than one toilet facility is available.

(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:

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

..1926.51(c)(3)(ii)

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

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

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

(f)(3) "Lavatories."

(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.

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

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

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

sections of continuous cloth toweling, convenient to the lavatories, shall be provided.

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**OSHA Standard Interpretations 06/07/2002 - Mobile crews must have prompt access to nearby toilet facilities.**

June 7, 2002

[ DELETED TEXT ]

Re: § 1926.51(c)(4); sanitation, mobile crews

This is in response to your letter of October 1, 2001, to the Occupational Safety and Health Administration (OSHA) in which you ask for an interpretation of the construction sanitation standard, specifically the provision pertaining to mobile crews. We apologize for the long delay in providing this response.

**Question:** The requirements of § 1926.51(c) for sanitation facilities states that they do not apply to mobile crews "having transportation readily available to nearby toilet facilities." What does "nearby" mean?

**Answer:**

***Construction sanitation standard; mobile crews***

OSHA's construction sanitation standard is codified at 29 CFR 1926.51. Paragraph (c) of § 1926.51, "*Toilets at construction jobsites,*" states:

*Toilets shall be provided for employees according to the following table:*

*Table D-1*

<i>employees</i>	<i>Minimum number of facilities</i>
<i>20 or less . . .</i>	<i>1.</i>
<i>20 or more . . .</i>	<i>1 toilet seat and 1 urinal per 40 workers.</i>
<i>200 or more . . .</i>	<i>1 toilet seat and 1 urinal per 50 workers.</i>

However, as you are aware, § 1926.51(c)(4) makes the provisions of paragraph (c) inapplicable to "*mobile crews having transportation readily available to nearby toilet facilities.*"

When determining whether paragraph (c)(4) applies to a work crew, employers must evaluate the nature of the site and job functions of the crew. Workers who continually or frequently move from jobsite to jobsite on a daily or hourly basis would be considered a "mobile crew." Workers who report to a conventional construction project, where they work for more extended periods of time (days, weeks, or longer), would not be considered a "mobile crew" for purposes of the sanitation standard.

***Definition of "nearby"***

As noted above, the requirements of (c)(4) are inapplicable when a mobile crew has transportation readily available to "nearby" toilet facilities. As explained below, for purposes of this standard, "nearby" means prompt access -- sufficiently close so that employees can use them when they need to do so.

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Mobile crew employees relying on "nearby" facilities must be afforded access equivalent to that provided by the general provision for employees at fixed worksites. Read together, the two provisions make clear that mobile crews must have prompt access to nearby toilet facilities. For example, in general, toilets would be considered "nearby" if it would take less than 10 minutes to get to them.

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