

June 30, 1998

Chad Couvillion  
R&H Construction  
1530 SW Taylor St  
Portland OR 97205

Dear Mr. Couvillion:

The following is our response to your letter requesting information about flush toilets on construction sites.

To answer your questions, we must start with OAR 437-003-0020(1) that says in part, "provide flush toilet facilities in accordance with subparagraph (1) of 29 CFR 1926.51(c)."

When you refer to subparagraph (1) you find table D-1 and thus the requirement is that all toilets required by that table be flushable. Flush means that a liquid washes the waste from the toilet bowl into a sewer line or enclosed holding tank. The non-flushing, "Porta-potty" type are not acceptable.

Technology has made self contained, flush toilets commonly acceptable and thus paragraph (3)(ii) or (iii) would allow the use of the self contained units.

In summary, your ability to connect to a sewer should have no effect on your ability to provide "flush" toilets. Because the requirement refers back to table D-1, all toilets on the site must be "flush" except those in excess of the minimum required number.

For further information contact Ron Preece at 1-503-378-3272. You're invited to see the OR-OSHA pages on the Internet at [www.cbs.state.or.us/external/osha/index.html](http://www.cbs.state.or.us/external/osha/index.html).

Sincerely,

Marilyn K. Schuster, Manager  
Standards & Technical Resources Section  
Oregon Occupational Safety & Health Division