

**OREGON OCCUPATIONAL SAFETY AND HEALTH DIVISION  
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES**

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**PROGRAM DIRECTIVE**

Program Directive A-97  
Issued: September 1, 1980  
Revised: July 3, 2018

**SUBJECT:** Toilet Facilities: Reasonable Accessibility

**AFFECTED CODES/**

**DIRECTIVES:** Division 2/J, [Additional Oregon Sanitation Requirements, 437-002-0141\(4\)](#)  
Division 3/D, [Toilets, 437-003-0020](#) and [Sanitation, 1926.51\(c\)](#)  
Division 7/C, [437-007-0245, Field Sanitation for Reforestation Activities](#)  
Oregon Revised Statute (ORS) [654.150](#)

**PURPOSE:** To provide guidance in interpretation of rules pertaining to location and accessibility of toilet facilities.

**BACKGROUND:** This program directive replaces other interpretations on the location and accessibility of toilet facilities.

Permanent Worksites

“Reasonable accessibility” has been interpreted by Oregon OSHA to mean that toilet facilities at permanent worksites be no further than a person can walk at a unhurried pace in three minutes. The path of travel must be free of obstructions, and may not involve walking through extensive accumulations of mud, debris, or other obstacles. Where employees are allowed ample time to reach toilet facilities as needed, allowing walking distance to the toilet facilities of up to five minutes may be considered acceptable. The following factors must exist to justify distance in excess of three minutes of travel:

- A. Physical conditions at the worksite make installation of closer facilities impractical.
- B. The installation of closer facilities would be economically infeasible or impractical for the margin of accessibility gained. Where conditions exist which require employees to pass through restricted areas or the walk is obstructed by other hazards or obstacles to employees, facilities may be required to be located at walking distances less than three minutes from work stations.

## Temporary Worksites

At temporary work locations, toilet facilities must also be reasonably accessible. The required access to toilet facilities may be met in several ways:

- A. Chemical toilets or privies may be provided and maintained by the employer. These facilities must be within the three-minute travel distance previously mentioned except as noted below.
- B. A firm may arrange with a neighboring establishment to use their toilet facilities. For example: a road crew may use the toilet facilities of a nearby service station.
- C. Under 437-003-0020(1), construction sites involving projects estimated to cost \$1,000,000 or more must have flush toilet facilities on site in accordance with CFR 1926.51(1)(c) and washing facilities that include wash basins, warm water and soap, per HB 3114 (Section 2, 1993 Session). However, 437-003-0020(1) does not apply to highway construction or maintenance projects or to electricity transmission facility, water transmission facility, sewer transmission facility or gas transmission facility construction or maintenance projects.

The inability to connect flush toilet facilities to a sewer does not exclude employers from the requirement since self-contained flush toilets are acceptable. Furthermore, the director may, by order, exempt or partially exempt, individual or classes of construction projects from the requirements of 437-003-0020(1) when conditions are such that compliance is impractical or impossible.

- D. For construction sites involving projects with estimated costs under \$1,000,000, the use of a nearby establishment's toilet facilities is acceptable if all the following conditions are met:
  - 1. The firm must make arrangements with, and be granted permission from, the owner or operator of a neighboring establishment to use their toilet facilities.
  - 2. All employees at the firm's worksite must be aware of this arrangement and know that they can use the facilities at any time.
  - 3. All employees must be allowed to use and have access to transportation for travel to these facilities if needed.

4. The use of another establishment's toilet facilities must not place a burden on their maintenance to the extent that sanitary conditions cannot be maintained. The firm will be responsible to ensure that toilet facilities use by their employees are properly maintained and meet the requirements of 1926.51(c).
  5. Toilet facilities must be within a 5-minute travel distance of the worksite for the method of travel available and used.
- E. Conditions may arise at a temporary worksite that precludes having the toilet facilities within the 5-minute travel distance limit.

Such conditions might be encountered in weigh stations, scaling stations, road work sites, reforestation and logging sites, and similar locations.

1. Highway weigh stations, or log scaling stations, etc., which are only open part time may not need to provide a toilet facility if the operator may, at reasonable times, shut the operation down to travel to an available toilet facility.
2. For reforestation activities, toilet and hand washing facilities must be provided by the employer when it is feasible for employees to use them, per 437-007-0245(1). Where it is infeasible to use toilet and hand washing facilities, employers must provide, at no cost to employees, suitable substitutes such as sanitary kits, per 437-007-0245(2). Sanitary kits would include moist towelettes and hand towels for hand washing.
3. 437-007-0004, Applicability of Rules, states: "*Any situation or condition not specifically addressed will be subject to other applicable provisions of the Oregon Administrative Rules, Chapter 437, Oregon Occupational Safety and Health Standards.*" Since Division 7 does not specifically address toilets and hand washing facilities for non-reforestation activities, violative conditions regarding toilets and hand washing facilities for non-reforestation activities can be addressed under Division 2/J, 437-002-0141(4). Where it is infeasible for employers to provide, or for employees to use, toilet and hand washing facilities, employers may provide at no cost to employees, suitable substitutes such as sanitation kits or allow all employees to use and have access to transportation for travel to such facilities. Allowing employees to leave the site to use toilet

facilities must not be in conflict with other applicable Division 7 standards, such as Working Alone requirements under 437-007-0215.

**ACTION:** Compliance officers will use the guidelines provided by this directive in determining the reasonable accessibility of toilet facilities. Where facilities and suitable substitutes do not meet these interpretations, a violation of 437-002-0141(4), 1926.51(c), and/or 437-003-0020, or 437-007-0245 may be alleged.

**EFFECTIVE DATE:** This directive is effective immediately and will remain in effect until cancelled or superseded.

**History:** Issued 9-1-1980 Revised 4-17-2008 and 7-03-2018