

DEPARTMENT OF INDUSTRIAL RELATIONS  
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH*Headquarters Office*

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*Juliann Sum, Chief*

November 03, 2016

William McCloud  
Deputy Fire Chief  
Leadership and Professional Standards Bureau  
County of Los Angeles Fire Department  
1320 North Eastern Avenue  
Los Angeles, CA 90063-3294  
William.McCloud@fire.lacountv.gov

Re: Title 8 Section 3364 – Clarification on Sanitary Facilities

Dear Chief McCloud:

This letter is provided in response to your inquiry to the Division of Occupational Safety and Health (Cal/OSHA) regarding sanitary facilities requirements in Title 8, section 3364. The content and conclusions of this letter are based only on the facts described below and responsive only to the initial requester. They may not be construed as a statement of general Cal/OSHA policy or general interpretation of the regulations referenced in this letter.

**QUESTION:**

In your letter dated August 3, 2016, you requested clarification regarding the minimum number of toilet facilities that are required within a particular facility. You explained that Fire Fighters work 24-hour shifts and each Fire Fighter is relieved or is free to go home as his/her counterpart arrives at the station at shift change. You asked whether the Fire Department should utilize the total number of employees (all three shifts combined) or number of employees per each shift at a particular Fire Station to determine the minimum number of toilet rooms.

**RESPONSE:**

The determination of how many toilet facilities to provide for each sex is based upon a specified number of employees at a worksite. Title 8 section 3364(a) states:

*Separate toilet facilities shall be provided for each sex according to the following table:*

<i>Number of Employees</i>	<i>Minimum Number of Water Closets*</i>
<i>1 to 15.....</i>	<i>1</i>
<i>16 to 35.....</i>	<i>2</i>
<i>36 to 55.....</i>	<i>3</i>
<i>56 to 80.....</i>	<i>4</i>
<i>81 to 110.....</i>	<i>5</i>
<i>111 to 150.....</i>	<i>6</i>
<i>over 150.....</i>	<i>1 additional for each additional 40 employees or fraction hereof.</i>

*\*Urinals may be installed instead of water closets in toilet rooms to be used only by men provided that the number of water closets shall not be less than two-thirds of the minimum number of toilet facilities specified. The length of trough urinals to equivalent number of individual urinals shall be based on the following:*

<i>Length of Trough Urinal</i>	<i>Equivalent Number of Individual Urinals</i>
<i>24".....</i>	<i>1</i>
<i>36".....</i>	<i>2</i>
<i>48".....</i>	<i>2</i>
<i>60".....</i>	<i>3</i>
<i>72".....</i>	<i>4</i>

**EXCEPTIONS:**

*(1) When there are less than five employees, separate toilet rooms for each sex are not required provided toilet rooms can be locked from the inside and contain at least one water closet. (Title 24, Part 5, Section 5-910 (a)(1))*

*(2) Employees engaged in hand-labor operations at agricultural establishments are subject to the sanitation provisions of Section 3457.*

Title 8 section 3361 defines "number of employees" as "the maximum number of employees present at any one time on a regular shift". Therefore, the minimum number of toilet facilities at a Fire Station would be determined by the maximum number of employees present per shift rather than the total number of employees at the particular station.

The Appeals Board determined that to be "present" at a workplace does not require performance of any work by the employee, much less assignment to a regular work station. Consequently, "number of employees" includes all workers who regularly spend appreciable time at a workplace during hours when the workplace is staffed with employees and functioning normally. (*Southern Pacific Transportation Co., Cal/OSHA App. No. 83-R5D2-416, Decision After Reconsideration (November 25, 1986).*)

You have stated that the Los Angeles County Fire Department will address the minimum number of shower that are required, consistent with Cal/OHSA's interpretation of the minimum number of water closets required. The provision of shower rooms is addressed in the Title 8 section 3366(f) which states;

*Where showering is required by the employer or these orders:*

*(1) Separate shower rooms shall be provided for each sex. One shower facility with hot and cold water feeding a common discharge line shall be provided for each ten employees, or numerical fraction thereof, who are required to shower during the same shift. When there are less than five employees, the same shower room may be used by both sexes provided the shower room can be locked from the inside. (Title 24, part 5, section 5-910(a)2(F))*

*(2) Body soap or other appropriate cleansing agents convenient to the shower shall be provided.*

*(3) Employees who use showers shall be provided with individual clean towels.*

The number of shower facilities for each sex is based upon the number of employees who are required to shower during the same shift and this may or may not be the same as the maximum number of employees present at the Fire Station at any one time.

I hope this provides you with information you need. If you have any further questions regarding this or related safety concerns, please contact me at 925-270-9791 or [eberg@dir.ca.gov](mailto:eberg@dir.ca.gov).

Sincerely,



Eric Berg  
Deputy Chief  
Research and Standards