

PORTABLE SANITATION and the AMERICANS WITH DISABILITIES ACT

PSAI Virtual Conference and Trade Show
November 2020



The Americans with Disabilities Act

- Passed in 1991
- Three sections or “titles” covering accommodation for people with disabilities in:
 - Employment
 - State and local government operations
 - Areas of public accommodation and commercial facilities



What Are Areas of Public Accommodation?



- Facilities, both public and private, used by the public are covered under ADA
 - **YES**: streets, sidewalks, parks, public buildings and transportation, private buildings used by the public such as doctor's offices and stores
 - **NO**: construction sites unless the public has access to them, private parties



Basics of Serving Users with Disabilities



- The spirit of the law is that people with disabilities must have substantially equal facilities and access
- Generally you need at least 1 ADA-compliant unit on site
- A 1:20 ratio after that is required
 - This is the bare minimum
 - Exceptions are everywhere – stay tuned
- All ADA-compliant units must be labeled with the accessibility symbol



Accessibility and Placement

Remember: it can't be harder to reach an accessible unit than it is to find and use other units

- The “path of travel” must also be accessible
 - Are there ramps? Hard, flat surfaces?
 - If not, determine who will provide them
 - Consider any extra costs in your bid
- Accessible units cannot be all clustered together if regular units are spread throughout the venue – plan for this



Exceptions

- One ADA-compliant unit is required per bank, regardless of how many banks
- More ADA-compliant units may be needed if required to ensure there is no undue burden on people who need them
 - Ask yourself, “Is it just as easy for a person with a handicap to enjoy this event?”
 - If not, the site isn’t compliant
- Local laws may require more ADA-compliant units



Portable Sanitation Challenges

- ADA-compliant units and “accessible units” are not the same thing
 - Accessible units are not ADA-compliant
- Hand wash stations often rely entirely on foot pumps and/or can’t be reached by a wheelchair
 - They are not compliant
- Trailers often are not ADA-compliant
 - When they are provided alongside a plastic ADA-compliant unit, this probably violates the spirit of the ADA



Steps to Consider



- Make sure you are aware of if/how your equipment complies
 - Consider ADA compliance when you purchase equipment
- Evaluate how you communicate with your customers
- Evaluate your legal exposure
 - Talk to an attorney in your state



Discussion

