

Smokin' In the Boy's Room

By Joseph P. Guzzo

When I was in High School the band Brownsville Station had a hit song "*Smokin In The Boys Room.*" It reached the top of the charts right about the time I was graduating. Although I did not smoke, I can vividly remember the smell of thick smoke in the boy's room. Smoking in the boy's and girl's room was a normal routine. Yes, the rules were being broken, but it wasn't that bad. Teachers would come by and just tell us to clear out and get to class. After all do you remember walking by the teacher's room? Some say the song glorified smoking in school, this may be true but it is also true that smoking was more acceptable back then, as were many other bad habits, only to be replaced with new bad habits. The serious health issues had not yet been completely realized and brought forward into the public eye. Today we do and should take smoking and second hand smoke very seriously. We have become wiser over the years, about some things anyway.

It seems many Cities and Towns have gone to extreme measures to stop students from smoking in school by locking and eliminating toilet rooms. This practice does not only deprive students of their basic human rights, it is unhealthy, and a clear violation of our Plumbing Code. 248 C.M.R section 2.10, 19 and table #1 will dictate how many fixtures are required for each building based on the use and maximum occupancy load of the building. In 1994 this section of the code was revised and rewritten to provide even more fixtures per person because of complaints for many years of long lines waiting to use toilet facilities, especially in women's and girl's rooms. Once the number of toilet rooms and fixtures have been determined, that is what is required for the use of its occupants. This number of toilet rooms and or fixtures cannot be reduced or eliminated, it is only pure common sense. For example, before a movie theater is built plans are submitted to the Building Department, upon review the total number of seating and employees are determined. The Plumbing Inspector will then determine the total amount of plumbing fixtures for men and women according to table #1. It is the same procedure for every building.

Some school leaders have devised complex rules deciding where and when students are allowed to use a bathroom. For example, a student would first have to ask permission, then go to the office and ask for a key and may use the bathroom only if it is not being used by another student. Or, opening toilet rooms only at certain times of the day, like once at 10:00 am and once at 2:00 pm. Then forming a line and only allowing one student to enter at a time. Maybe I'm not up on the latest medical technology, but I have not heard of any new procedure where you can program when it would be a convenient time to go. Here are toilet rooms filled with plumbing fixtures not being used, why build them in the first place? Why have a code? What if this happened to you as an adult, would you complain? Imagine this, your family goes out to dinner at a popular restaurant, it is a busy night and everyone is enjoying themselves. Someone in the group excuses themselves to go to the bathroom, they proceed to the door and find it's been locked. The customer asks the waiter, why is the door locked? I need to use the bathroom. They explain, we have had many problems with the bathrooms, customers making a mess, etc, etc, so you will have

to take a number and we will call you when the bathroom will become available. The customer goes back to their seat astonished. Twenty minutes later a voice comes over the loud speaker “number 25 for the bathroom.” What if in your place of employment you had to ask permission from your boss to go to the bathroom. Or better yet, how about if the Fleet Center or Fenway Park decided to close all toilet facilities except one. I will tell you right now there would be no lines because the doors would be broken down and there would be a riot. So if we don’t do these ridiculous things in the real world, why do some schools deprive students of their basic right to use a toilet room whenever they want to? Schools... of all places where students are trying to get a positive learning experience.

A few years ago I pressured the Plumbing Board to act on this issue. Although I was not able to get an official interpretation, a difficult if not impossible task, my persistence did get three (3) major Boards to come together and write a joint memo that was sent to all schools in the Commonwealth public and private, and all local Boards of Health. Following are some excerpts from the memo written by David Driscoll, Commissioner Mass. Dept. Of Education, Howard Koh, Commissioner Mass. Dept. of Public Health, and Louis Visco, Executive Secretary, Board of State Examiners of Plumbers And Gas Fitters.

“The lack of adequate and available rest room facilities (including liquid soap, water and paper supplies) poses several health risks.”

“At least 20% of young women develop urinary tract infections by adulthood. Requiring students to delay urination may increase their symptoms and worsen this condition.”

“Students with certain special health conditions require access to bathrooms on a regular basis.”

“Failure to provide access may raise questions of possible violations of The Americans with Disabilities Ac.”

“For all students, the discomfort and poor hygiene resulting from lack of rest room facilities, at the very least is demeaning. It also may impede learning because of an inability to maintain attention. A further consideration is that failure to make available all facilities required by the Plumbing Code may constitute a violation of that code.”

During many discussions about locking and eliminating toilet facilities someone's deduction was that this issue did not come under the Plumbing Inspectors jurisdiction. That after a final inspection and the occupancy permit has been signed and issued the job is over and they have no control or authority. This again is a common sense issue. The Plumbing Inspector or any Inspector does not have the authority to just walk in to any house or building and order all existing plumbing to be brought up to code, unless of course there is a code violation that constitutes a health hazard, nuisance, or safety concern. The code provides for this, and certainly if you have a complaint and you are aware of a code violation it cannot be ignored, it must at the very least be investigated. That's the Inspectors job. A good example of this would be, let's say the Principle of a school decides to lock and chain all exit doors because students were sneaking in and out for whatever reason. Do you think if the Building Inspector was aware of this he would simply say “they have the proper amount of exits that's all I care about,” of course not. The Building Inspector would probably cut the chains himself, and then sign a complaint in court against the Principle. Like exit doors, a certain amount of toilet facilities have been installed for a reason, **to be used, anytime you want to, or anytime you have to.**

If an existing building does not have the proper amount of toilet facilities to start with, that would be a different situation than locking or eliminating toilet rooms that do exist. In such a

building first you would have to evaluate the problem, have there been any complaints etc., and perhaps additional toilet facilities may be required, again the code provides for this. But there is no gray area for toilet rooms that do exist, they must be able to be used, period.

Section 2.10,19 and Table #1 is the most important part of our code. Along with backflow protection, toilet facilities are the foundation of our code to ***‘Protect the Health of The Nation.’*** Where would we be without proper and adequate toilet facilities, and a progressive uniform Plumbing Code? Dying younger for starters, ending up in Port a-Potty Land, or a new football stadium. And without question it is the duty and responsibility of the Plumbing Inspector to enforce the code.

As far as students and all citizens’ right to breathe clean smoke free air, I am in complete agreement. I do not like smoke, have never smoked, and wished smoking was banned in more places. However I believe there are laws in place that prohibit smoking in school and many other places. My suggestion would be to enforce those laws without breaking other laws, or infringing on anyone's basic human rights.

As an Inspector if you are having difficulty interpreting the code, or making an important decision, and it will be your decision, get someone else's opinion, try to determine the intent of the code, and above all, common sense shall prevail.

Copy Rights 2002