

**DEPARTMENT OF HUMAN SERVICES, PUBLIC HEALTH DIVISION**  
**DIVISION 39**  
**REGULATIONS GOVERNING HEALTH AND SAFETY AT**  
**OUTDOOR MASS GATHERINGS**

**333-039-0005 Purpose**

These rules govern health and safety at outdoor mass gatherings pursuant to Chapter 597 Oregon Law 1971 (Enrolled SB 611). Organizers of such gatherings must apply for a permit to the county governing body of the county in which an outdoor mass gathering is to take place. Applications for permits must be accompanied by sufficiently detailed plans, specifications, and reports from which it can be determined by the county governing body and other reviewing public officials and agencies that there is or will be compliance with these rules.

**333-039-0010 Definitions**

As used in these rules unless the context requires otherwise:

- (1) "Division" means Health Division of the Department of Human Services.
- (2) "Outdoor Mass Gathering" means an actual or reasonably anticipated assembly of more than 3,000 persons which continues or can reasonably be expected to continue for more than 24 consecutive hours but less than 120 hours within any three month period and which is held primarily in open spaces and not in any permanent structure.
- (3) "Organizer" includes any person who holds, stages, or sponsors an outdoor mass gathering and the owner, lessee, or possessor of the real property upon which the outdoor mass gathering is to take place.
- (4) "Oregon Physician" means a person licensed by the Oregon State Board of Medical Examiners or any other physician authorized to practice medicine and surgery in any part of Oregon.
- (5) "Nurse" means a licensed professional nurse.
- (6) "Ambulance" means any privately or publicly owned motor vehicle, aircraft or marine craft that is regularly provided or offered to be provided for the emergency transportation of persons suffering from illness, injury, or disability and which is equipped, staffed and licensed in accordance with OAR 333-028-0000 to 333-028-0065.
- (7) "Temporary Structure" includes tents, trailers, chemical toilet facilities and other structures customarily erected or sited for temporary use.

### **333-039-0015 Water Supply**

#### **(1) Required Amounts:**

- (a) A minimum of 12 gallons per person per day shall be available for the anticipated assembly;
- (b) Storage facilities equal to one day's total water usage shall be provided, unless a greater or lesser amount, with a minimum of 5 gallons per person per day, is determined by the Department as sufficient or necessary, based on the availability and quantity of the reserve water supply and the required water demands for toilets, food vendors, camping areas and other facilities.
- (c) A Department approved well or water system may be used as a source of water, or in addition to Department approved outside sources, to meet all requirements.
- (d) An amount of water equal to one day's total usage shall be kept in reserve at all times.

#### **(2) Bacteriological and Chemical Requirements:**

- (a) All water provided shall give a negative result for the presence of coliform bacteria when subjected to standard laboratory test procedures for detecting the presence of coliform bacteria and shall be from sources and in containers approved by the Division;
- (b) Water provided shall not contain the following substances in excess of amounts listed. The organizer shall provide a laboratory analysis report as evidence of this: Substance Concentration in mg/l:
  - (A) Arsenic -- 0.1;
  - (B) Cadmium -- 1.0;
  - (C) Chloride -- 250;
  - (D) Copper -- 1.0;
  - (E) Cyanide -- 0.01;
  - (F) Fluoride -- 1.7;
  - (G) Iron -- 0.3;
  - (H) Lead -- 0.05;
  - (I) Selenium -- 0.01;
  - (J) Nitrate (NO<sub>3</sub>) -- 45.0;
  - (K) Total Dissolved Solids -- 500.0;
  - (L) Zinc -- 5.0.

(3) Construction, Maintenance, and Design:

- (a) All parts of the water supply system shall be constructed of non-toxic materials;
- (b) All water distribution lines and fittings shall be constructed of galvanized wrought iron, galvanized steel, copper, or NSF approved plastic pipe. All plastic pipe and fittings must bear the NSF seal;
- (c) Pressure tanks and storage tanks shall be constructed of non-toxic materials. Tanks which have previously been used to contain toxic substances shall not be used;
- (d) Prior to placing the water supply system into use, all portions of the system including storage tanks and distribution system shall be disinfected by adding a chlorine solution of not less than 50 mg/1 and retaining the mixture within all portions of the system for at least 24 hours. Following disinfection, the system is to be thoroughly flushed of the chlorine solution;
- (e) Hydrants equipped with self-closing faucets shall be provided at a ratio of not less than one for every 250 persons or fraction thereof anticipated;
- (f) Each faucet shall be mounted on a minimum 36 inch riser. The riser is to be securely fastened to a supporting structure equal in strength to a four inch by four inch timber which is securely anchored in the ground;
- (g) Each faucet and riser shall be accompanied by a seepage pit located directly beneath the faucet which shall have a minimum inside diameter of 12 inches and a minimum depth of three feet and shall be backfilled with clean coarse rock;
- (h) All water distribution lines shall be installed at a minimum depth of 12 inches in the soil and shall be covered;
- (i) If camping and activity areas are separately designated, 60 percent of the total required faucets shall be located within the area designated for camping, and 40 percent of the total required faucets shall be located in the area designated for activities;
- (j) A minimum of one faucet shall be located not more than 25 lineal feet from each food service facility and a minimum of one faucet shall be located not more than 25 lineal feet from any emergency medical facility;
- (k) Garden hoses, flexible lines, pipes, or similar devices shall not be connected to any faucet or any other portion of the water supply system for personal convenience or any other reason;
- (l) A minimum pressure of 20 pounds per square inch shall be maintained at all times and at all points within the water distribution system.

### **333-039-0020 Drainage**

(1) The site selected for the outdoor mass gathering shall have good natural drainage. Areas which are swampy, or areas known to be susceptible to flash flooding are not acceptable.

(2) Roads at the outdoor mass gathering site shall be provided with culverts, tiles, and ditching wherever needed to protect such roads from erosion due to precipitation.

### **333-039-0025 Sewerage Facilities**

(1) Non-Water Carried Sewage Facilities:

(a) The construction and maintenance of earth pit privies shall comply with the following requirements:

(A) They shall be located at least 50 feet from a well, spring, or other source of domestic water supply, and at least 50 feet from any stream, river or lake, and at least ten feet from any property line;

(B) The pit shall have a minimum capacity of 50 cubic feet, and shall be at least five feet deep and shall be lined with lumber, concrete, steel, or other equivalently substantial material to prevent caving. The pit shall be covered by a building of substantial construction located on either a concrete or wood sill to make it as fly-tight and rodent-proof as possible from the outside. The floor and riser shall be built water impervious and fly-tight of wood, concrete, ceramic, stainless steel, or other equivalently substantial material;

(C) The seat opening shall be equipped with a self-closing lid hinged and so constructed that when closed it will exclude flies from the pit. Vents connected to the pit shall be covered with 16 mesh copper, aluminum, or plastic wire screen and shall have a total effective cross section of at least 50 square inches. The building shall be equipped with a tight fitting, self-closing door and shall be weather-proof;

(D) The contents of the pit shall not be permitted to overflow onto the surface of the ground or be exposed to flies or rodents;

(E) A minimum of one-half pound of chlorinated lime shall be deposited in each pit once every 24 hours;

(F) At the conclusion of the outdoor mass gathering, the contents of the pit shall be covered by backfilling with at least a two foot depth of earth.

(b) In areas where high water tables are encountered, concrete vault privies, pail privies, chemical toilets or incinerator toilets shall be used in place of earth pit privies for disposal of human excreta. All vaults and receptacles of such privies

shall be water-tight and constructed of reinforced concrete, plastic, fiberglass or metal:

(A) The contents of vault privies, pail privies, and chemical toilets shall be removed by a registered sewage cesspool operator in accordance with state and local laws, ordinances, and regulations;

(B) Chemical toilets shall be serviced daily with respect to sanitation, removal of contents, and recharging of chemical solution;

(C) All earth pit privies, privies with water-tight receptacles, chemical toilets, and incinerator toilets shall be maintained in a sanitary condition at all times.

(2) Water Carried Sewage Disposal Facilities: If water carried subsurface sewage disposal facilities are provided, they shall be governed by OAR 333-041-0001 through 333-041-0040, and by this reference are incorporated herein and made a part hereof.

(3) Number and Location of Toilets and Privies:

(a) Seven privies or toilets or any combination thereof shall be provided for each 800 persons or fraction thereof anticipated;

(b) If camping and planned activity areas are separately designated, sixty percent of the total required toilets or privies shall be located within the designated camping area and forty percent of the total required toilets or privies shall be located in the designated planned activity area. If areas are not designated, location and spacing of toilets and privies shall be in accordance with anticipated crowd clustering or grouping, or spaced uniformly throughout the entire mass gathering site;

(c) All chemical toilets, if provided, shall be located so as to be easily and readily serviced by servicing vehicles.

(4) Liquid Wastes not Containing Human Excreta:

(a) Facilities shall be provided for the disposal of all liquid wastes not containing human excreta such as, but not limited to, kitchen or cooking waste water, grease, dishwater, wash water, and bath water. These facilities shall be specifically identified by means of a sign which states "**Waste Water Disposal**";

(b) Such facilities shall consist of a seepage pit having a minimum depth of three feet and a lateral area of not less than 32 square feet. The pit shall be backfilled with clean, coarse rock and be protected by a one-fourth inch screen which is removable and will effectively trap food particles and prevent other wastes from entering the backfilled rock;

(c) All food particles and other waste material shall be removed from the facilities at least once every 24 hours or at more frequent intervals if necessary to prevent fly and insect attraction;

- (d) Such facilities shall be located or spaced so as to uniformly serve the participants of the outdoor mass gathering;
- (e) One facility shall be provided for each 3,000 persons or fraction thereof anticipated;
- (f) At least one facility shall be located not more than 50 lineal feet from each food service facility.

### **333-039-0030 Refuse Storage and Disposal**

- (1) All refuse and solid waste shall be stored in fly-tight containers constructed of impervious material.
- (2) Containers for refuse and solid waste storage shall be provided at a minimum ratio of one 30 gallon container for each 16 persons or fraction thereof anticipated or one cubic yard of container capacity for each 125 persons or fraction thereof anticipated.
- (3) All refuse and solid waste shall be removed from storage containers at least once every 24 hours and transported and disposed of in a manner which is authorized and complies with state and local laws, ordinances and regulations.

### **333-039-0035 Food and Sanitary Food Service**

- (1) Food service facilities, if supplied, shall be located in clean surroundings and shall be maintained in a clean and sanitary condition.
- (2) Food service facilities, if supplied, shall be so constructed and arranged that food, drink, utensils, and equipment will not be exposed to rodents, insects, dust, dirt, or other contamination. If flies are present, screening shall be required.
- (3) The water supply for food service facilities shall be adequate in amount to serve the requirements of the facility and shall be safe for human consumption. Storage tanks or containers, when used, shall be of smooth, easily cleanable material, and shall be cleaned and sanitized each time they are refilled. Water shall not be dipped from a receptacle for drinking or culinary purposes.
- (4) Toilet or privy facilities which comply with these rules shall be available within the immediate area for use by the food service facility personnel.
- (5) Hand washing facilities shall be made available for the food service facility personnel. In lieu of a handwashing sink, there shall be provided a pan with soap and water for washing of hands, and a pan of water containing a bactericidal solution of 50 mg/l of available chlorine or its equivalent for rinsing of hands. Sanitary paper towels shall be provided. The use of a common-type towel is prohibited. Utensil washing vats shall not be used for handwashing.

(6)(a) All multi-use utensils and all display cases or windows, counters, shelves, tables, refrigeration equipment, sinks, and other equipment used in connection with the operation of a food service facility shall be constructed as to be easily cleaned and shall be kept in good repair;

(b) Utensils containing or plated with cadmium or lead shall not be used, provided, however, that solder containing lead may be used for jointing;

(c) Food containers with seams which are not sealed flush with the surface shall not be re-used. Single service containers and utensils shall not be re-used.

(7)(a) Single service paper plates, cups, and plastic or wood knives, forks, and spoons are recommended but not required. If multiple use dishes, utensils, or equipment are used, they must be subjected to one of the following methods of bactericidal treatment after cleaning and washing:

(A) Immersion for at least two minutes in clean, hot water at a temperature of at least 170° Fahrenheit. If hot water is used, a dependable thermometer shall be available at all times and shall be used. The pouring of scalding water over washed utensils is not acceptable as a satisfactory bactericidal treatment;

(B) Immersion for at least two minutes in a lukewarm chlorine bath. This bath shall be made up at a strength of at least 100 mg/1 of available chlorine. The bath shall not be used after its strength has been reduced to 50 mg/1;

(C) Immersion for at least two minutes in an approved quaternary ammonium bath containing at least 25 mg/1 as determined by a suitable field test.

(b) In machine dishwashing, the hot water rinse shall be at least 170° Fahrenheit and shall be for a minimum of ten seconds;

(c) In hand dishwashing, a three compartment sink shall be required. The first compartment shall be used for washing with a soap or detergent solution. The second compartment shall be used for clear water rinse, and the third compartment shall be used for the bactericidal solution and sanitizing bath.

(8) If ice cream or frozen desserts are dipped and served at the food service facility, all scoops and dippers shall be kept in running water dipper wells.

(9)(a) All refuse and solid waste shall be stored or collected in tightly covered, water impervious containers until removed from the food service facility. Such containers when emptied shall be washed to prevent them from attracting flies and rodents;

(b) All dishwater and liquid wastes not containing human excreta shall be disposed of in accordance with OAR 333-039-0025(4)(a) to (f) of these rules.

(10)(a) All readily perishable food shall be kept at or below 45° Fahrenheit except when being prepared or actually served. Readily perishable foods shall be stored in shallow containers under refrigeration until cooled below 45° Fahrenheit. When such foods have been cooled below 45° Fahrenheit, they may be stored in deep containers. Food shall not be served which has been stored, handled, or otherwise cared for in a manner not in compliance with these rules;

(b) A dependable indicating thermometer shall be provided in each refrigerator;

(c) All ice shall be stored and handled in such a way as to prevent contamination. Ice scoops or tongs shall be used to place ice in glasses or cups. Ice shall be obtained only at sources which are licensed under ORS Chapter 624 or 627.

(11) All food products, raw, cooked, canned, or otherwise, shall be wholesome and free of spoilage during storage, preparation, and serving. All milk and milk products shall come from a source which is licensed and approved by the Oregon State Department of Agriculture. Home canned or home processed foods shall not be stored, prepared, or served by the food service facility.

(12) Pre-cooked foods or meats must be kept at or below 45° Fahrenheit at all times and subjected to continuously applied heat which will sustain the internal temperature of the food item to not less than 140° until such time as it is served.

(13) Bottled soda or fruit drinks may be cooled in tanks with water and ice provided the tanks contain not less than 50 mg/1 available chlorine. The tops of the containers shall not be submerged. Milk and milk products shall be kept at or below 45° Fahrenheit in dry refrigeration.

(14) Canned soda or fruit drinks may be cooled in tanks of ice and water provided that the water contains not less than 50 mg/1 available chlorine.

(15) All persons within the food service facility shall wear clean outer garments and shall keep their hands clean at all times while engaged in preparing or serving food and drink, or washing and storing utensils and equipment.

(16) All persons while within a food service facility shall refrain from any personal action or conduct which would directly or indirectly harm the quality or wholesomeness of the food.

(17) No live animals or fowl shall be permitted within the confines of any food service facility.

### **333-039-0040 Emergency Medical Facilities**

(1) There shall be present at the outdoor mass gathering site for emergency medical services, physicians and nurses in the following ratios:

(a) Daylight Hours -- At least one Oregon physician plus sufficient other physicians (licensed to practice medicine and surgery in any of the 50 states of the

United States) to provide a ratio of one for each 10,000 persons attending or fraction thereof and one nurse for each 7,500 persons attending or fraction thereof;

(b) Nighttime Hours - (1 a.m. to 7 a.m.) -- At least one Oregon physician plus sufficient other physicians (licensed to practice medicine and surgery in any of the 50 states of the United States) to provide a ratio of one for each 20,000 persons attending or fraction thereof and one nurse for each 15,000 persons attending or fraction thereof.

(2) Facilities shall be provided in which physicians can provide patient care and treatment. The facility shall be enclosed, protected from the elements, and shall have chairs, examining tables with stirrups, and locked cabinets for equipment and medicine. All necessary medicine and instruments for conducting minor surgery and examinations shall be available.

(3) Lighting within the emergency medical facilities shall be provided and shall be not less than 200 foot candles in areas where treatment and minor surgery are conducted.

(4) Attending physicians shall keep accurate records of patients and treatment, and shall notify the local health officer of all cases involving a communicable disease.

(5) Temporary holding facilities shall be provided for the sick and injured while awaiting transport to a hospital. The facility shall be enclosed, protected from the elements, and shall be furnished with one cot or bed for each 1,000 persons anticipated or fraction thereof.

(6) Communication, either telephone or radio-telephone, shall be provided to summon aid or notify the nearest hospital, law enforcement, or fire protection agency, as required.

(7) Ambulances shall be provided at the outdoor mass gathering for emergency evacuation of sick and injured persons at a ratio of one ambulance for each 10,000 persons anticipated or fraction thereof.

### **333-039-0045 Fire Protection**

(1) Each camping space shall be a minimum of 1,000 square feet or large enough to accommodate a parked camping vehicle, tent vehicle or tent, as the case may be, and to maintain at least 15 feet separation from any other camping vehicle, tent vehicle or tent, building, structure, or property line.

(2) The organizer shall secure a written statement from the local fire protection agency having jurisdiction that fire protection complies with state and local laws, ordinances, and regulations, and is satisfactory with respect to anticipated crowds and location of the outdoor mass gathering.

### **333-039-0050 Security Personnel**

(1) The organizer shall maintain an accurate count of persons attending the outdoor mass gathering and shall provide adequate security arrangements to limit further admissions to the outdoor mass gathering when the anticipated number of persons have been admitted.

(2) The organizer shall secure a written statement from the chief law enforcement officer of the county in which the outdoor mass gathering is to take place that arrangements for security and the orderly flow of traffic to and from the outdoor mass gathering complies with state and local laws, ordinances, and regulations, and is satisfactory with respect to anticipated crowds and location of the outdoor mass gathering.

### **333-039-0055 Traffic**

(1) The organizer shall provide easily accessible roads of all-weather construction at the outdoor mass gathering site.

(2) All roads shall be graded so as to be self-draining and shall be maintained in such condition that emergency and other required vehicles can move upon them unencumbered and can carry out their functions at all times.

(3) An ungraveled dirt road shall not be considered as being an all-weather road.

(4) No road or portion of any road constructed shall exceed a maximum grade of 12 percent.

(5) The organizer shall acquire approval from the local agency having jurisdiction for fire safety that the minimum width of all roads complies with state and local laws, ordinances, and regulations, and is satisfactory with respect to anticipated crowds and locations of the outdoor mass gathering.

(6) The organizer shall provide and designate a suitable area at the outdoor mass gathering for parking of motor vehicles:

(a) The total area provided for motor vehicle parking shall be based on the following ratio: 300 square feet for every four persons anticipated;

(b) Each motor vehicle parking space shall have a minimum width of ten feet and a minimum length of twenty feet and shall be clearly marked with lime;

(c) The motor vehicle parking spaces shall be arranged to eliminate blockage of parked vehicles and allow vehicles free access to exits at all times.