

Testimony of Representative Steve Cohen
Hearing on H.R. 4869
The Restroom Gender Parity in Federal Buildings Act
Wednesday, May 12, 2010

Chairman Towns, Ranking Member Issa, and members of the Committee. Thank you for inviting me to testify today about this important legislation. It's also a pleasure to sit next to Congresswoman Clarke, who worked so hard on this issue in New York.

As the author of Tennessee's restroom gender parity laws, I'm pleased to see this issue brought to the federal level. About half the States have passed some sort of restroom parity law and it's about time that the federal government caught up.

Mr. Chairman, talking about so-called "potty parity" sounds like a joke, but this is actually no laughing matter. We've all seen the long lines at women's public restrooms while men sprint in and out of the men's room. It's simply a fact that, on average, women take longer to use the restroom. There are many reasons for this including the use of stalls, removing clothing and simple biology. But no matter the reason, we should ensure that our public buildings are properly equipped to accommodate these differences.

I first recognized the need for a restroom parity law in Tennessee while standing in line at the Starwood Amphitheatre in Nashville. The women's line was tremendously long and the men's line was barely noticeable. I thought, "This just isn't fair. This is really an issue of discrimination."

It's not conscious discrimination in most cases, of course. Many of our public facilities were simply built before we became attuned to this issue as a society. They were primarily designed by male architects, generally constructed by male engineers, and most of the regulators who set the building codes were male. Gender parity just did not

occur to them, especially when designing federal buildings that would house a workforce that was overwhelmingly male as well. But even many newer buildings suffer from a lack of restroom parity. That's why this legislation is so important.

And this isn't just a question of convenience. There can be serious health consequences if someone is forced to wait too long to use a restroom. These include abdominal pain, cystitis, and urinary tract infections. That's why we need the federal government to step in and ensure proper access for women.

As this Committee considers restroom parity legislation, I would note that it's useful to keep a degree of flexibility and discretion rather than mandating a set ratio of men's to women's restrooms. I learned this from my experience writing Tennessee's restroom parity laws.

The Tennessee Equitable Restrooms Act, which was enacted in 1994, requires any publicly or privately-owned facilities where the public congregates – like sports and entertainment arenas, convention centers, and amusement parks – to be equipped with sufficient restrooms. It also requires that more restrooms be provided for women than men at a ratio to be determined by the state building commission.

When the regulations were issued, they called for a ratio of two women's rooms for every one men's room, but this strict ratio did not allow for enough flexibility. When the new Adelphia Coliseum, now called LP Field, was built in Nashville for the Tennessee Titans in 1999, we found that the number of men at the games so surpassed the number of women that a two-to-one ratio ended up causing problems for the men. We had to go back and amend the law to convert certain restrooms in that arena for men. If possible, restroom parity laws should allow for adjusting the required ratio depending

on the event and the ratio of women to men expected to attend, though I recognize that this may be difficult to administer.

Of course, the legislation before this Committee applies only to federal buildings and not to the whole range of facilities covered under Tennessee's law. However, where possible it is useful to allow for some measure of flexibility and discretion to allow for special circumstances.

Mr. Chairman, we have made great strides in reducing gender discrimination in this country, but this is one area where we still have work to do. I think your bill takes an important first step toward achieving fairness by requiring at least a one-to-one ratio. I appreciate your legislation and I stand ready to help you in any way I can to see that it becomes law. Thank you and I would be pleased to answer any questions you may have.