

CCAC Review and Comment

Legislative and/or Code Information

Bill number(s) description (if applicable) – Attach Bill language

SF 62 Window Cleaning Safety; and
 HF 165 Window Cleaning Safety

326B.106 Subd. 4(m) Window cleaning safety. The code must require the installation of dedicated anchorages for the purpose of suspended window cleaning on (1) new buildings four stories or greater; and (2) buildings four stories or greater, only on those areas undergoing reconstruction, alteration, or repair that includes the exposure of primary structural components of the roof.

The commissioner may waive all or a portion of the requirements of this paragraph related add words, etc. to reconstruction, alteration, or repair if the installation of dedicated anchorages would not result in significant safety improvements due to limits on the size of the project, or other factors as determined by the commissioner.

Dedicated anchorages are not required for new buildings that are six stories or less if the roof has a slope steeper than four units vertical by 12 units horizontal.

Subject/Building Code Section(s)

Minnesota Rule Chapter 1305, Section 3114 Window Cleaning Anchors

Technical Advisory Group (TAG)

TAG Formed Yes No

Title of TAG: Window Washing Anchors TAG

TAG Members

Kyle Berndt
 Eric Crone
 Larry Farris
 Ken Hines (CCAC Member)
 Dan Kelsey
 Greg Metz (TAG Leader)
 Wendy Rannenberg
 Nancy Zentgraf
 Robert Balsavich (Alternate)

Affiliations/Representing

MN Multi-Housing Assn. Mid/High rise housing developers
 SEIU Local 26; Columbia Building Services. Professional Window Cleaners.
 BKV Group Architects & Engineers; Multi-family and Mid/High rise commercial design
 CBS Construction Services; Contractors/ Professional installers
 MN DLI/CCLD; State structural engineer for plan review
 MN DLI/CCLD; State administrative manager for plan review
 City of Duluth Building Official; Municipal plan review and code enforcement
 DLI/MnOSHA; Worker safety rules and regulations
 DLI/MnOSHA; Worker safety rules and regulations

TAG Meeting Date(s)

11/4/2021; 11/18/2021

TAG Comments/Recommendations – Attachment Yes No

1. Modify statutory language to acknowledge window cleaning safety methods other than anchors that are recognized by the national standard. Craft language to adopt the national window cleaning safety standards by rule to leverage the flexibility of the rulemaking process. Rulemaking will allow for further clarification of window cleaning safety standard requirements and allow building officials to approve alternative methods in accordance with Minnesota Rules, part 1300.0110, subpart 13. TAG members unanimously agreed with this recommendation.

2. The TAG members discussed that building maintenance features, processes and procedures are beyond the typical scope of the Minnesota Building Code and that worker safety items are more appropriately addressed in MN OSHA rules and statutes so item (m) could be deleted from Minnesota Statutes, chapter 326B. A viewpoint strongly expressed during the meetings is that equipment maintenance and window cleaning training needs to be addressed but these concerns are outside the scope of the Minnesota State Building Code.
3. The TAG recommended that the legislature consider granting exempt rulemaking authority with a 30-day public notice and comment period after the final rule language is drafted. This will accelerate implementation of the revised rule, and the public comment period will ensure that interested parties have ample opportunity to provide input before final implementation. This recommendation was unanimous. Legal review of this proposal after the TAG meeting determined that an accelerated rule process with a notice and comment period would refer to the expedited rulemaking process rather than the exempt rulemaking process.

Recommended language as follows:

m) Window Cleaning Safety. The commissioner shall adopt rules requiring window cleaning safety features as part of the State Building Code. Window cleaning safety features shall be provided for all windows on (1) new buildings where determined by the code, and (2) existing buildings undergoing alterations where both of the following conditions are met: a) where windows don't currently have safe window cleaning features and b) the proposed work area being altered can include provisions for safe window cleaning. The rules shall require compliance with a nationally recognized standard for window cleaning.

Rulemaking authority language: The commissioner of the Department of Labor and Industry shall adopt rules, using the expedited rulemaking process in Minnesota Statutes, section 14.389, that set forth window cleaning safety features to conform with the changes to Minnesota Statutes, Chapter 326B.106, subd. 4, subsection (m), under this act.

Criteria Addressed (check all that apply)

- Eliminating inconsistencies
 Promoting coordination & consistency
 Making rules easier to understand & apply
 Streamlining construction regulation & construction procedures
 Improving procedures within and among jurisdictions
 Other: Reducing construction costs without reducing building or worker safety.

CCAC Comments & Recommendations

A motion was made by Pim, seconded by Grieve, to approve the Technical Advisory Group Report on Window Cleaning Equipment Anchors. The roll call vote passed with 16 votes in favor.

Date of CCAC Meeting: January 20, 2022

Prepared by/Name & Title

Scott McLellan, Construction Codes Advisory Council Chair

Date

January 21, 2022