

Window Cleaning Anchor TAG

Meeting Notes

Date: Thursday, November 18, 2021

Meeting Location: WebEx Event

Call to order:

Greg Metz called the meeting to order at 3:31 PM

Attendance:

TAG Members present: Greg Metz (DLI), Dan Kelsey (DLI), Kyle Berndt (MN Multi-Housing Association), Nancy Zentgraf (DLI/MNOSHA), Eric Crone (Columbia Building Services and SEIU Local 26), Larry Farris (BKV Group Architects & Engineers), and Wendy Rannenberg (City of Duluth)

TAG Members absent: Ken Hines (CBS Construction Services, Inc.)

Guests attending: Amanda Spuckler (DLI), Chad Payment (DLI), Jeff Lebowski (DLI), Brittany Wysokinski (DLI), Scott McKown (DLI), Kate Perushek (DLI), Robert Balsavich (DLI/MNOSHA), Sarah Strong, Clayton Talbot, and Brian Elliott

1. Call to order

- WebEx instructions/procedures

2. TAG member introductions.

3. Reviewed current statutory language, [Minnesota Statutes, Section 326B.106, subdivision 4\(m\)](#).

- The consensus of the TAG members is that ANSI/IWCA_I-14-01 Standard for Window Cleaning is a good standard.

4. Reviewed three potential revisions to statutory language.

- With rule writing authority:

m) **Window Cleaning Safety.** The commissioner of labor and industry 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 and (2) existing buildings where windows don't currently have a safe window cleaning method and the work area being altered can include provisions for safe window cleaning. Window cleaning anchors on roofs need only be installed on existing buildings

when alteration work includes the exposure of primary structural roof components. The rules shall require compliance with a nationally recognized standard for window cleaning.

- Without rule writing authority and refers to the building code:
m) **Window Cleaning Safety.** The code must require the use of safe cleaning methods for windows in accordance with ANSI/IWCA I-14 Standard for Window Cleaning. Window cleaning safety features shall be provided for all windows on (1) new buildings and (2) existing buildings where windows don't currently have a safe window cleaning method and the work area being altered can include provisions for safe window cleaning. Window cleaning anchors on roofs need only be installed on existing buildings when alteration work includes the exposure of primary structural roof components.

- Without rule writing authority or references to the building code:
m) **Window Cleaning Safety.** Window cleaning safety features shall be provided in accordance with ANSI/IWCA I-14 Standard for Window Cleaning. Window cleaning safety features shall be provided for all windows on (1) new buildings and (2) existing buildings where windows don't currently have a safe window cleaning method and the work area being altered can include provisions for safe window cleaning. Window cleaning anchors on roofs need only be installed on existing buildings when alteration work includes the exposure of primary structural roof components.

4. Reviewed different types of rulemaking, including exempt rulemaking. Exempt rulemaking must be authorized by law. Except procedures allow for a faster rulemaking process and less public comment.

5. Reviewed Pros & Cons of rulemaking:

- Pros to including rulemaking:
 - Flexible for future modification as necessary (every 6 years). So, if the standard changes, it won't take legislation to update the standard.
 - Allows for expanding requirements in the building code specific to building construction that may not be included in the Window Cleaning Safety Standard. E.g. working surface requirements and positioning requirements for ladders or building access.
 - Allows modifications over time that are specific to changes in industry or construction practices.
 - Allows building officials the flexibility of approving alternative designs through Minnesota Rules, part 1300.0110, subpart 13.
- Cons to including rulemaking:
 - Time consuming and labor-intensive process involving another Technical Advisory Group and significant staff time.
 - Open to stakeholder and public involvement in the process which means subject to input from special interest groups.
- Pros to not including rulemaking:
 - Statutory language can be very clear and specific.
 - Not subject to change without legislation (double edge sword).
 - Faster to the final result.
- Cons to not including rulemaking:

- Language must be perfect because it is very difficult to change.
- Not responsive to changes in the industry or changes in technology.
- No flexibility for building officials to exercise authority over alternative designs for special conditions.

6. TAG members discussed legislative language and rule writing options. TAG member comments are as follows.

- Consider removing window washing from the building code entirely because it is a building maintenance issue.
 - If the building is to have infrastructure for safe maintenance, then it should be in the code, so designers are aware of the requirement.
- MN OSHA has rules addressing window cleaning safety and equipment.
- The anchors are used for general maintenance in addition to window cleaning and the current language should not be changed.
- It is questionable that it is in the building code but there are other code provisions for the safety of those working on buildings. Building officials need flexibility but people also need to be safe.
- If rule writing authority is granted it should have a comment period so SEIU members can address equipment maintenance and training that is not in the ANSI/IWCA I-14 Standard for Window Cleaning.
 - Training and equipment maintenance is outside the scope of the building code.
 - MN OSHA rules address equipment that is in disrepair.
- The current statute does not allow for flexibility and rule writing authority will improve flexibility.

7. The TAG member's consensus is to recommend the following language, potentially with exempt rulemaking authority and a public comment period:

m) **Window Cleaning Safety.** The commissioner of labor and industry 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 and (2) existing buildings where windows don't currently have a safe window cleaning method and the work area being altered can include provisions for safe window cleaning. Window cleaning anchors on roofs need only be installed on existing buildings when alteration work includes the exposure of primary structural roof components. The rules shall require compliance with a nationally recognized standard for window cleaning.

- Brian Elliot, Executive Director of SEIU, commented that any proposed legislation will be opposed by SEIU unless it addresses maintaining existing window cleaning infrastructure and the lack of training on the window cleaning standard in order to receive SEIU support.
 - Equipment maintenance and training are not within the scope of the building code.

Meeting Adjourned: 4:45 PM

Prepared by: Greg Metz