

Minnesota Department of Labor and Industry

Construction Codes and Licensing Division

NOTICE OF INTENT TO ADOPT PROPOSED EXPEDITED PERMANENT RULES WITHOUT A PUBLIC HEARING

Proposed Amendment to Rules Governing Window Cleaning Safety Features, *Minnesota Rules*, Part 1305.3114; Revisor's ID Number 4876

Introduction. The Department of Labor and Industry intends to adopt rules under the expedited rulemaking process following the rules of the Office of Administrative Hearings, *Minnesota Rules*, part 1400.2410, and the Administrative Procedure Act, *Minnesota Statutes*, section 14.389. You may submit written comments on the proposed expedited rules until October 9, 2024.

Agency Contact Person. Submit any comments or questions on the rules to the agency contact person. The agency contact person is Amanda Spuckler at the Minnesota Department of Labor and Industry, 443 Lafayette Rd. N., St. Paul, Minnesota 55155, telephone (651) 284-5006, and email: dli.rules@state.mn.us.

Subject of the Expedited Rules and Statutory Authority. The proposed expedited rules update the requirements for building features and elements in support of safe window cleaning methods. Specifically, the rule amendments require all windows in new commercial buildings and windows in existing commercial buildings undergoing alteration that do not have safe window cleaning features to be provided with a safe window cleaning method in compliance with ANSI/IWCA I-14.1-2001 Standard for Window Cleaning (“ANSI/IWCA I-14.1-2001”) and building and site development features that support that method. ANSI/IWCA I-14.1-2001 is the latest edition of a national recognized industry standard for professional window cleaners, identifies accepted safe practices for window cleaning, and is a referenced standard in *Minnesota Rules*, chapter 1305. The proposed expedited rules also update requirements for anchors used for purposes of suspended window cleaning. A Proposed Rule Memorandum which provides background information and context for the proposed rule amendments is available on the Department’s rulemaking website at: <https://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-part-13053114>.

The statutory authority to adopt the rules and to adopt the rules under the expedited rulemaking process is *Minnesota Statutes*, section 326B.106, subdivision 4 (m). A copy of the proposed rules is published in the State Register and attached to this notice as mailed. The proposed expedited rules may be viewed at: <https://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-part-13053114>.

Comments. You have until 4:30 p.m. on Wednesday, October 9, 2024, to submit written comment in support of or in opposition to the proposed expedited rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. The Department encourages comment. Your comment should identify the portion of the proposed expedited rules addressed and the reason for the comment. In addition, you are encouraged to propose any change desired. You should also make any comments that you have on the legality of the proposed rules during this comment period.

Modifications. The agency may modify the proposed expedited rules using either of two avenues: The agency may modify the rules directly so long as the modifications do not make them “substantially different” as defined in *Minnesota Statutes*, section 14.05, subdivision 2, paragraphs (b) and (c): or the agency may adopt substantially different rules if it follows the procedure under *Minnesota Rules*, part 1400.2110. If the final rules are identical to the rules originally published in the *State Register*, the agency will publish a notice of adoption in the *State Register*. If the final rules are different from the rules originally published in the *State Register*, the agency must publish a copy of the changes in the *State Register*. If the proposed expedited rules affect you in any way, the agency encourages you to participate in the rulemaking process.

Alternative Format. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You may direct questions regarding this requirement to the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

Adoption and Review of Expedited Rules. The agency may adopt the rules at the end of the comment period. The agency will then submit the rules and supporting documents to the Office of Administrative Hearings for review of legality. You may ask to be notified of the date that the agency submits the rules for this legal review. If you want to be so notified, want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, then please submit your request to the agency contact person listed above.

August 21, 2024

Date



Nicole Blissenbach, Commissioner
Minnesota Department of Labor and Industry