

June 26, 2020

Via email: tim.walz@state.mn.us; nancy.leppink@state.mn.us

The Honorable Tim Walz
75 Rev. Dr. Martin Luther King Jr. Blvd., Suite 130
St. Paul MN 55155

Commissioner Nancy Leppink
443 Lafayette Road North
St. Paul MN 55155

Dear Governor Walz and Commissioner Leppink,

Our associations represent construction contractors of all sizes throughout Minnesota. We build Minnesota's transportation, transit, and building infrastructure. We are writing because the Department of Labor and Industry's (DLI) new updated requirements under the "[Preparedness Plan Requirements Guidance – Construction](#)," posted in accordance with EO-74 on June 25th, present serious compliance questions and challenges. These updated requirements present a moving target that provide little opportunity for the industry to fully understand its responsibility in accordance with the directives and achieve full compliance by the June 29th effective date. We respectfully request that your Administration and DLI:

- grant a construction industry extension of the enforcement requirements beyond the June 29th deadline;
- further clarify the guidance to address the construction industry's questions or concerns, and;
- work with industry to identify ways to improve the Guidance Requirements that better achieves the shared goal of having preparedness plans that are workable, understandable, and meaningful to all affected parties involved on construction projects.

We want to be clear that we share the goal of having effective preparedness plans in place for all businesses that are applicable to their respective work activities. We are concerned however, that the construction industry will be incapable of complying with the guidance requirements by June 29th, given the preponderance of new requirements, the significant change in focus the new order establishes and the very late issuance of new and changed requirement provisions. Additionally, construction employers will need to incorporate the new DLI requirements into their existing Preparedness Plans that were created based on the federal OSHA Guidance for COVID-19. Simply stated, the construction industry needs additional time to fully understand and prepare for such significant and shifting obligations that impact many thousands of projects and businesses across the state. We are deeply concerned about projects that are in progress, and how this guidance may interrupt them.

Safety for our employees and the public remains our number one priority. Our history demonstrates this commitment. Our success in creating protocols, enforcing best practices, containing COVID-19 spread, and keeping projects open demonstrate our ability, expertise, and interest to help manage this crisis. We want to partner with the State to continue this success.

We hope to have a conversation with you as soon as possible about these concerns. Thank you for your time and consideration.

Associated General Contractors of Minnesota
Association of Women Contractors
Carpentry Contractors Association
Concrete Paving Association of Minnesota
Independent Millwright Contractors Association
Minneapolis NECA (National Electrical Contractors Association)
Minnesota Asphalt Pavement Association
Minnesota Concrete & Masonry Contractors Association
Minnesota Drywall & Plasters Association
Minnesota Environmental Contractors Association
Minnesota Floorcovering Contractors Association
Minnesota Mechanical Contractors Association
Minnesota Painting and Wallcovering Employers Association
Minnesota Subcontractors Association
National Association of Minority Contractors- Upper Midwest
SMARCA, Inc. (Sheet Metal, Air Conditioning & Roofing Contractors Association)
St. Paul Chapter, NECA (National Electrical Contractors Association)
Thermal Insulation Contractors Association

Cc:

The Honorable Melissa Hortman
The Honorable Paul Gazelka
The Honorable Kurt Daudt
The Honorable Susan Kent
Chris Schmitter