



Department of Energy
Washington, DC 20585

WEATHERIZATION PROGRAM NOTICE 17-7
EFFECTIVE DATE: August 9, 2017

SUBJECT: WEATHERIZATION HEALTH AND SAFETY GUIDANCE

PURPOSE: To clarify, update and provide additional information related to the implementation and installation of health and safety (H&S) measures as part of the Department of Energy (DOE) Weatherization Assistance Program (WAP). This guidance also provides required components for Grantees to include in their Health and Safety Plans. This Weatherization Program Notice (WPN) and attachments supersede the following:

- WPN 11-6a, Supplemental Health and Safety Guidance
- WPNs 11-6, Health and Safety Guidance
- WPN 09-6, Lead Safe Weatherization (LSW) Additional Materials and Information
- WPN 08-6, Interim Lead-Safe Weatherization Guidance
- WPN 08-4, Space Heater Policy
- WPNs 02-6, Weatherization Activities and Federal Lead-Based Paint Regulations
- WPN 02-5, Health and Safety Guidance

It is DOE's intent that this guidance will better assist Grantee decision-making during H&S Plan development.

Grantees may create more stringent requirements as long as those requirements do not conflict with this guidance. The information in this guidance is available at <http://energy.gov/eere/wipo/weatherization-program-guidance>.

SCOPE: The provisions of this guidance apply to all Grantees applying for financial assistance under the DOE WAP.

LEGAL AUTHORITY: Title IV, Energy Conservation and Production Act, as amended, authorizes the Department of Energy to administer the Weatherization Assistance Program. All grant awards made under this Program shall comply with applicable law including regulations contained in 10 CFR Part 440, the Energy Policy Act of 2005, the Energy Independence and Security Act of 2007, and the Occupational Safety and Health Act of 1970 (29 USC §651), 29 CFR Part 1900, 1926, general industry and construction respectively.

BACKGROUND: Questions and concerns regarding guidance requirements listed in WPN 11-6 have been submitted to DOE. This guidance consolidates all related Health and Safety notices and updates the requirements listed in WPN 11-6. This is based on feedback from the WAP network and the WAP National Evaluation Report. Documentation of comments received by stakeholders and DOE's responses to those comments are available on the DOE WAP website.

GUIDANCE: Allowable energy related H&S actions are those actions necessary to maintain the physical well-being of both the occupants and weatherization workers where:

- Costs are reasonable, as determined by DOE, and are in accordance with the Grantee's approved Annual Plan; **AND**
- The actions must be taken to effectively perform weatherization work; **OR**
- The actions are necessary as a result of weatherization work.

No H&S measures can be performed in a home unless ECMs are also part of the scope of work.

Grantees have two options when drafting their H&S Plans. Grantees may:

- Create a separate budget category to cover H&S expenses, or
- Not create a separate budget category for H&S measures, and cost-justify all H&S expenses as is required with Incidental Repair Measures (IRM).

Here is a list of universal considerations and requirements, applicable whether a separate budget category is created or not, followed by a list of requirements and considerations for each of the budget options.

Universal Considerations/Requirements:

- All Grantees must update their H&S Plans in the master file of their Annual Plan submittal. Items listed as *required* or *restricted* **must** be incorporated in the Grantee H&S Plan. Where items are listed as *allowable*, the Grantee can decide whether or not to include the item based on the conditions in their state. Once determined, that determination must be applied consistently across the Grantee's entire service territory.

- The Grantee H&S Plan may address additional H&S hazards specific to their program. The Plan must include the measures, testing, client education and training requirements for these specific hazards.
- The Grantee's DOE-approved H&S Plan establishes the requirements Subgrantees and contractors must follow. It must be made available to those parties for their reference. DOE will hold the Grantee accountable to the H&S Plan requirements during monitoring.

All H&S Plans Must Include:

- Parameters for performing specific H&S measures, including what to do if a H&S item cannot be addressed.
 - For example, if exterior drainage issues may be addressed only where work can be completed with hand tools and a maximum of 4 labor hours, this should be described in the Plan.
- Procedures for informing clients of the aspects of weatherization that may put a client with pre-existing health conditions at risk during installation of measures. This screening may occur as part of the initial application for weatherization and/or during the audit. Procedures must include what steps will be taken and/or available to the client to ensure that weatherization work will not aggravate pre-existing health conditions. (See Attachments for sample documents).
- The review process for measures to be approved on a "case-by-case" basis.
- How training will be provided to meet the requirements for each H&S issue. This portion of the plan should include all training required within this guidance and any additional H&S training the Grantee chooses to provide.
- Testing protocols and action levels including the tests *required* in this guidance; any testing that will be allowed by the Grantee; and, a description of when testing is or is not to be conducted.
- Protocols for Air Conditioning and Heating System installation and repair, including what justifications are required, and a definition of "at-risk" occupants which justifies installation of cooling systems.
- Procedures detailing how crews will handle problems discovered during testing of Combustion Gases or when other life threatening hazards are observed, with specific protocols for addressing serious hazards that require immediate response.
- Process for verifying safe work practices (e.g., EPA's Renovation, Repair and Paint [RRP] Program for lead-safe work, Occupational Safety and Health Administration [OSHA] standards, DOE's Standard Work Specifications [SWS], building codes). Grantees must develop a process that periodically monitors in-progress work or describe another method used to ensure safe work practices are being followed. Results of the monitoring must be made available to DOE upon request.

When Measures, Testing, Client Education, and Training are *required or allowed*, DOE WAP funds may be used unless specified otherwise.

Hazard Identification and Notification:

- An H&S assessment must be performed to identify hazards in the home.
 - Where hazards are identified, appropriate testing must be performed when required by this guidance. The client/landlord/property manager must be informed in writing of all testing results, including identification of any hazards revealed by the testing that will lead to deferral.
- The notification must be signed by the client and the assessor/auditor and a copy maintained in the client file.

Hazardous Materials Disposal:

- When hazardous materials (refrigerant, mercury thermostats, lead paint dust/chips, etc.) are generated in the course of weatherization work, proper disposal is required, and removal/disposal costs must be included within the cost category specified in the H&S Plan.

Installation of H&S Measures:

- All applicable codes must be followed and manufacturer approved materials and instructions must be used while installing any H&S measures.

Training and Client Education:

- Workers shall be trained to know when the performance of a certain task requires a licensed professional to meet the requirements of the authority having jurisdiction (AHJ). Workers must be qualified and adequately trained to implement the DOE Standard Work Specifications and codes specific to the work being conducted, such as electrical or plumbing.
- Client education, as outlined in the table, is required only when an issues exists. For example, client education regarding drainage issues is only required where drainage problems are identified.

ASHRAE 62.2 and Variances:

- Implementation of ASHRAE 62.2-2016 is required. Client refusal of mechanical ventilation, when evaluated and called for pursuant to the Standard, **must** result in deferral. Grantees may request a variance to ASHRAE 62.2.
- If the Grantee chooses to request a variance, they must provide scientific justification specific to their housing stock and local considerations in their Annual Plan submittal for DOE to consider during plan review. Plans lacking sufficient justification, or containing inadequate justification (as determined by DOE), shall not be approved and must be amended.

If Grantee Creates Separate H&S Budget Category:

Creating a separate H&S budget category allows for accurate program performance evaluation by isolating H&S costs from “regular” program operations. Items defined as H&S measures and paid for from the H&S budget:

- Need not be cost-justified by the energy audit, and
- Are not included in the average cost per unit (ACPU) calculation.

H&S vs. Incidental Repair Measures (IRM):

- Certain H&S measures may be removed from the H&S budget category and performed as IRMs following the guidance outlined in WPN 12-9. Examples include: moisture repairs, vapor retarder installation, flue repair and electrical repairs. The Grantee may choose to specify in the H&S Plan the specific conditions under which the measure is to be considered an IRM. For example, repairing a small roof leak could be considered an H&S measure because it remediates mold-creating conditions or an IRM because it protects installed measures when attic insulation is installed. The default budget category for all issues listed in the table is H&S.
- Once the Plan is approved by DOE, it must be applied consistently for the full grant period. The decision to charge these measures as H&S or IRM may not be made in the field; WAP crews must follow the protocols in the approved H&S plan.

H&S vs. ECM:

- There are some instances where, depending on circumstances, the measure can qualify as either an H&S measure **OR** an energy conservation measure (ECM), such as a heating or cooling system replacement. When the measure can be cost-justified, the measure **must** be treated as an ECM. Program staff must conduct a site-specific audit in order to cost-justify ECMs that are not included in their DOE-approved priority list. The measure may be considered for H&S repair or replacement only after it is determined that the measure is not cost-effective.

Budget Management:

- Grantees should request an H&S budget amount that accurately reflects their need to address weatherization-related H&S issues. Justification must be provided in the H&S Plan regardless of the amount requested. See the H&S Plan Template for a helpful budget calculator.
- H&S funds cover the cost of testing and the installation of measures.
- Client education or training costs can be charged to Training and Technical Assistance budget and be included in the budget justification or in the Master File.
- The client file must include documentation that separates all costs into the appropriate budget category, including H&S.

- The rationale for performing each H&S measure in an individual home and its relationship to the ECM that necessitated it must be clearly documented in the client file.
- The Grantee must identify all funding sources that will be used to pay for H&S measures to ensure that adequate funds are allocated to this category.
- DOE considers Grantees' proposed H&S Plans individually and determines whether submitted costs are reasonable. As a general rule, budgets that exceed 15% percent of Program Operations may be approved but will require justification.
- Grantees must set H&S expenditure limits for their Subgrantees. These limits may vary by Subgrantee depending upon selected H&S measures, availability of alternate funding sources, and conditions found in different geographical areas.
- An average H&S expenditure limit should be used rather than a per unit cap so that costs can be adjusted based on the need for each home. The Grantee is responsible for developing mechanisms for managing their cost limitations and staying within the overall H&S budget for the program year.
- In the event, during a grant period, it is determined that approved H&S budgets will be insufficient, the Grantee must submit a request for a higher limit to the Project Officer.

If Grantee Does NOT Create Separate H&S Budget Category:

- Related H&S costs must be included in the ACPU calculation, charged to the Program Operations budget, and cost-justified through the audit, and/or, if applicable, incorporated into all savings-to-investment ratio (SIR) calculations for all priority lists. The H&S Plan must include this language.
- If H&S issues cannot be addressed as required by this guidance within the SIR or with other funding sources the home must be deferred.

The following H&S Guidance Table is based on DOE legislative and regulatory requirements. While not every possible H&S issue is addressed in the Table, the guidance contains examples and direction to answer questions posed to DOE in comments received regarding H&S. Grantees may, at their discretion, include additional hazards that may be particular to their locality.

CONCLUSION: The Weatherization Assistance Program continues to make progress in addressing H&S issues, ensuring weatherization workers and clients are adequately protected. In addition to this guidance, DOE has developed an H&S Plan Template for optional use. Updates, training materials, best practices information, and a list of frequently asked questions can be found at <http://energy.gov/eere/wipo/weatherization-assistance-program>.

Grantees are strongly encouraged to use the H&S Plan Template. Its use reduces the likelihood of providing incomplete information, and typically will expedite DOE approval.

A handwritten signature in black ink that reads "Anna Maria Garcia". The signature is written in a cursive style with a large, sweeping initial "A".

Anna Maria Garcia

Director

Office of Weatherization and Intergovernmental Program
Energy Efficiency and Renewable Energy

Attachments

Health and Safety Guidance – Table of Issues

Attachment A – Additional Health and Safety Guidance Related to Heating Systems