



Department of Energy
Washington, DC 20585

WEATHERIZATION PROGRAM NOTICE 22-7

ISSUED DATE: December 15, 2021

EFFECTIVE DATE: WAP Grantee Program Year 2022

SUBJECT: WEATHERIZATION HEALTH AND SAFETY

INTENDED AUDIENCE: Weatherization Grantee Program Managers, Weatherization Grantee Technical Monitors, Weatherization Subgrantee Program Managers/Coordinators and Weatherization Subgrantee Technical Monitors

PURPOSE: Provide Department of Energy (DOE) Weatherization Assistance Program (WAP) Grantees with minimum requirements for developing Health and Safety Plans related to the implementation and installation of Health and Safety (H&S) measures. This Weatherization Program Notice (WPN) and attachments supersede the following:

- WPN 17-7, Weatherization Health and Safety Guidance (and attachments)

SCOPE: The provisions of this program notice 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 all applicable law including regulations contained in 10 CFR Part 440, the Energy Policy Act of 2005, the Energy Independence and Security Act of 2007, the Occupational Safety and Health Act of 1970 (29 USC §651), 29 CFR Part 1910 & 1926, and 40 CFR Part 745, Lead-Based Paint Poisoning Prevention in Certain Residential Structures.

BACKGROUND: This program notice provides updates and further consolidates the Health and Safety requirements listed in WPN 17-7 and incorporates H&S approaches identified in the [Building Assessment of Radon Reduction Interventions with Energy Retrofits Expansion \(BEX\) Final Report \(ORNL/TM-2020/1769\)](#).

GUIDANCE: [10 CFR 440.18\(d\)\(15\)](#) defines allowable energy related H&S actions as those actions necessary to maintain the physical well-being of both the occupants and weatherization workers where:

- Costs are reasonable and are in accordance with the Grantee's approved Annual Plan.
- The actions must be taken to effectively and safely complete weatherization work or the actions are necessary as a result of weatherization work.

Grantees have two H&S budgetary options:

1. Create a separate budget category for H&S expenses that is not included in the Grantee's Average Cost Per Unit (ACPU) calculations nor the Savings to Investment Ratio (SIR) calculations for each project, or
2. Cost-justify all H&S expenses within the Program Operations budget, including them in the ACPU and SIR calculations for each project.

Universal Requirements

- The H&S Plan must be updated at least annually and either included in the Grantee's Master File, Section V.7 Health & Safety or attached to the SF-424 with a reference to such attachment in Section V.7.
- The Grantee's DOE-approved H&S Plan must be made available to Subgrantees and contractors who are required to adhere to its contents.
- Once the H&S Plan is approved by DOE, the determinations made in the plan must be applied consistently across the Grantee's entire service territory for the duration of the Program Year.
- All Grantees must have a comprehensive deferral policy which addresses all requirements outlined in the Annual Application Instructions and is included as part of the Master File (Section V.1.2, Box 5). When deferral is necessary, the Subgrantee, or Grantee for direct service providers, must provide the client information in writing describing conditions that must be met before weatherization can commence.
- Each client file must include documentation that separates all costs into the appropriate budget category and funding source, including H&S costs.
- Each client file must include documentation of the rationale for performing each H&S measure in an individual home and its relationship to the ECM that necessitated it.
- The installation of any H&S measures must adhere to all applicable codes, standards, and manufacturer instructions.
- Workers must follow all federal safety standards (OSHA, EPA, etc.) and adhere to all worker safety regulations in the local jurisdiction where required.
- Grantees must verify all Subgrantees, crews, and contractors follow all applicable safety standards.

Budgeting

- Regardless of which budget category of funding is chosen, pursuant to [10 CFR 440.16\(h\)](#), Grantees must establish H&S expenditure limits for their Program and provide justification for those limits by explaining the basis and related historical H&S expenditures. DOE acknowledges that it may be necessary for Grantees to deviate from historical expenditures when certain circumstances arise (e.g. funding source changes).
- Grantees must request a 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.
- WAP H&S funds may only be used to pay for the installation of H&S measures and related testing as detailed in the Grantee's DOE-approved H&S Plan and in accordance with guidance described in this WPN and its attachments.
- WAP H&S funds may not be used for training or client education materials, even if H&S related. These costs may be charged to the Training and Technical Assistance budget.
- Training activities related to H&S must be detailed in the Master File, Section V.8.4 Training and Technical Assistance of the annual application or as a separate document attached to the SF-424 with a reference to such attachment in section V.8.4.
- If during a grant period, it is determined that the DOE-approved H&S budget will be insufficient, the Grantee may submit a request with sufficient documentation to justify the increase to the Technical Project Officer for a higher limit.

H&S Expenditure Limits

- DOE encourages Grantees use an average H&S expenditure limit 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 the cost limitations and staying within the overall H&S budget for the program year.
- [10 CFR 440.16\(h\)\(2\)](#) requires that the H&S expenditure limit must be expressed as a percentage of the ACPU. DOE identified 15% of Program Operations as being a typical percentage of H&S expenditures within the WAP, however, 15% is not a maximum limit on H&S expenditures. DOE will conduct a secondary level of review on a H&S Plan if a Grantee requests more than 15 percent of Program Operations for H&S purposes.

Incidental Repair Measures

- Some measures identified as H&S measures in this program notice could be identified and treated as Incidental Repair Measures (IRMs) by the Grantee. If this is done, the measure must fit the regulatory definition of an IRM ([10 CFR 440.3](#)) and be cost justified along with the associated energy conservation measure and/or package of measures.
- Once a Grantee's H&S Plan is approved by DOE, it must be applied consistently for the full grant period throughout the Grantee's Weatherization program. WAP crews must follow the protocols in the approved H&S Plan unless a modification is granted by DOE.

Required H&S Client Forms

- Grantees must develop a policy that includes, at a minimum, the following documentation relating to H&S Plan implementation and maintain signed copies in each client file.
- Each notification must include the occupant(s) (and landlord if applicable) name and address, be signed and dated by the occupant (and landlord if applicable) indicating that they understand and have been informed of their rights and options, and signed by the Subgrantee personnel collecting the information. Required topics are:
 - **Occupant Pre-existing or Potential Health Condition Screening**
 - Provides documentation that allows occupant(s) to self-report known or suspected health concerns as part of initial application for weatherization, during the energy audit, or other part of the weatherization process as specified. Must minimally contain the following:
 - Any known risks associated with the measures and materials being installed
 - Subgrantee point of contact information for occupant(s)
 - Date of screening
 - **Hazard Identification Notification**
 - Provides documentation that the occupant and landlord (if applicable), have been informed of any potential hazards identified during the energy audit or intake process. Must minimally contain the following:
 - Date(s) of the energy audit/assessment and when the occupant(s) (and landlord, if applicable) was informed of a potential H&S issue
 - A clear description of the problem, including any testing results
 - A statement indicating if, or when weatherization could continue
 - **Radon Informed Consent Form**
 - Provides documentation that the occupant(s) (and landlord if applicable) have been informed of any potential hazards associated with radon in weatherized dwellings. The form must minimally contain the following:
 - An explanation on the potential small risk of increasing radon levels when building tightness is improved. This is based on the results of the [Buildings Assessment of Radon Reduction Interventions with Energy retrofits Expansion Study \(The BEX Study\)](#)
 - A list of precautionary measures WAP will install based on [EPA Healthy Indoor Environment Protocols](#).
 - Some of the benefits of Weatherization including energy savings, energy cost savings, improved home comfort, and increased safety.
 - Confirmation that EPA's [A Citizen's Guide to Radon](#) was received and radon related risks were discussed with the client.

Health and Safety Categories

- For each of the identified H&S categories contained within the Table of Issues, Grantees must adhere to the following:
 - All items listed as “required” in the Table of Issues must be explicitly detailed in the H&S Plan regardless of funding source.
 - Items listed as “allowable” must be addressed in the H&S Plan only if DOE WAP funds are used to implement them.
 - Items listed as “prohibited” are not allowed using DOE WAP H&S funds and do not need to be specifically addressed in the H&S Plan but may be addressed with alternative funding that does not follow DOE rules.
 - If a Grantee is proposing an alternative action/allowability for a “required” item, the alternative requires comprehensive explanation of how it meets the intent of the DOE program notice.
 - If a “required” item/category will not be addressed with any funding source and will always result in deferral, the H&S Plan must state that.
 - If the identified H&S issues cannot be addressed as required by this program notice with any funding source available, the home must be deferred.
 - Any activities that result in deferral/referral must contain the H&S reasons specified within the Master File, Section V.1.2, Box 5 Deferral/Referral.
 - The Table of Issues contains certain terms that must be defined in the Grantee’s plan. Any plan that does not adequately define and/or quantify these terms will be rejected.
 - Grantees must define/quantify the terms “minor”, “major”, or “limited” wherever they exist in the Table of Issues if the measure will be included in the Grantee’s DOE-approved H&S Plan.
 - Grantees that allow Air Conditioning installation/replacement utilizing H&S funds must define “at-risk” occupant(s) and identify minimum documentation requirements for them.
 - Grantees must define the criteria and procedure to make “case-by-case” decisions.
 - The Grantee H&S Plan may address additional H&S hazards specific to their program that are not included in the Table of Issues. If a Grantee chooses to include additional measures as DOE WAP funded H&S costs, the H&S Plan must include details pertaining to the measures allowed, testing required, and client education for these specific hazards.
 - All required “Testing/Inspection” related items must be documented in the client file to verify completion and results.

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 program notice, DOE has developed an H&S Plan and T&TA Plan and Reporting Templates for Grantee's optional use. Updates, training materials, best practices information, and a list of frequently asked questions can be found at <https://www.energy.gov/eere/wap/articles/weatherization-program-notice-22-7-weatherization-health-and-safety>.

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.

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Anna Maria Garcia

Director

Office of Weatherization and Intergovernmental Program

Energy Efficiency and Renewable Energy

Attachments:

Health & Safety – Table of Issues