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San Wong, Director

*IOWA WEATHERIZATION PROGRAM NOTICE 12-03*

TO: Executive Directors and Weatherization Coordinators

FROM: Gwen Howe, Bureau of Weatherization

DATE: November 27, 2012

RE: Program Changes

**Purpose**

Notice of changes in Policies and Procedures

**5.36 Lead Paint**

All contractors and crews working on targeted housing (Pre-1978 construction) or child-occupied facility (see Chapter 69 for definition of child-occupied facility) must take the Iowa Department of Public Health Lead-Safe Renovator training program. The training must be provided by a trainer certified with the IDPH. The Lead-Safe Renovator course consists of eight hours of instruction time with two of those hours, hands on training and a 40 question test that the participants must score at least 80 percent (32 questions correct) in order to pass. If a person has already taken the Lead-Safe Work Practice course and can show proof they passed the course, he or she will need to take the four hour Lead-Safe Renovator course with two of those hours being hands on training.

- **Evaluators** – All agency evaluators at each agency must take the lead renovation course within 60 days of hire. DCAA recommends that all agency evaluators be certified renovators.
- **Inspectors** – All agency inspectors must be certified renovators within 60 days of hire.
- **Contractors** – Every contractor must have a certified renovator on staff within 60 days of contracting with the agency (usually the on-site supervisor). All contractor employees must be either certified renovators, or pass the 4 or 8-hour renovator course, or receive on-the-job training in lead safe work practices by the on-site certified renovator.
- **Crew Supervisors** – All crew supervisors must be certified renovators within 60 days of hire.
- **Crew Members** – All crew members must take the lead renovator course within 60 days of hire. All employees must be either certified renovators, or pass the 4 or 8-hour renovator course.

The course is designed for workers who perform renovation, remodeling and repainting or standard treatment for federally assisted activities pursuant to 24 Code of Federal Regulations (CFR) Part 35. Students successfully completing this course meet the performance standard of HUD's Lead Paint Regulation 24 CFR Part 1330 (a) (4).

The course does not train people to perform lead-paint abatement, although it will prepare workers to perform Lead Safe Work Practices and LSW (Lead Safe Weatherization). Persons completing this course are not qualified to perform lead-base paint abatement. Courses for these activities are available from accredited lead training providers.

DOE does not allow funding for lead-base paint abatement.

The Occupational Safety and Health Administration (OSHA) have regulations governing work involving lead containing material. Included in the regulations are action levels and permissible exposure limits (PEL) for exposure to lead concentrations. An exposure in excess of the PEL requires the use of safety equipment such as respirators, protective clothing, head covering (hat, hood), eye and ear protection and hand and feet protection.

### **5.37 Slate-Sided Dwellings**

#### **Training Subsection**

Workers who will be removing and reinstalling the slate siding must be properly trained. This includes asbestos awareness training and training on the Iowa Weatherization Program's work standards for removing and reinstalling slate siding. Agencies that use crew workers to remove and reinstall slate siding must keep documentation the workers have received this training. This is an OSHA requirement.

- **Evaluators** – All agency evaluators must take the slate safe work practices training within 60 days of hire.
- **Contractors**
  - *Weatherization Contractors* – all weatherization contractors and their employees must take slate safe work practices training within 60 days of hire.
  - *All Other Contractors* – all other contractors and their employees must take slate safe work practices training within 60 days of hire if they will be removing and/or reinstalling slate siding in order to complete their jobs.
- **Crew Supervisors** – All crew supervisors at each agency must take slate safe work practices training within 60 days of hire.
- **Crew Members** – All crew members at each agency must take slate safe work practices training within 60 days of hire.

The DCAA has developed training material that, we believe, is sufficient to educate crew workers about asbestos, including the dangers of exposure to asbestos. The training also includes the work standards that must be followed when removing and reinstalling slate siding. Anyone who has successfully passed the training course may provide training using the DCAA training curriculum which is available on the Members Only page of the website [www.weatherization.iowa.gov](http://www.weatherization.iowa.gov). DCAA must be notified by the agency when a training session will be offered. Test results must be forwarded to DCAA.

Agencies can also stipulate, in their bids for work on slate-sided dwellings, that the contractor's workers have received asbestos awareness training.

### **5.38 Other Health and Safety Measures and Issues**

#### **Asbestos/Slate Siding**

Weatherization work will not be completed on homes where friable asbestos may pose a health threat to weatherization workers. The program does not pay for total asbestos abatement; however it may pay for minor abatement such as removal of asbestos tape on the furnace if completed by an AHERA qualified contractor. Some slate siding may contain asbestos. See Section 5.37 for policies regarding slate-siding and the Weatherization General Appendix for slate siding safe work practices. Clients will be provided with the Asbestos in Homes handout anytime materials with presumed asbestos are present in the house. The handout can be found on the Members Only page of [www.weatherization.iowa.gov](http://www.weatherization.iowa.gov).

### **5.71 Evaluator/Crew/Contractor Health and Safety**

Agencies must comply with Occupational Safety and Health Administration (OSHA) requirements in all activities. This is an agency responsibility, as OSHA requirements apply to all agency personnel - not just weatherization. The portion of OSHA standards which apply to weatherization field staff can be found in Construction Industry OSHA Safety and Health Standards (29 CFR 1926/1910). A Health and Safety Plan should be developed by each agency, using agency specific information.

Because of the wide range of activities involved in weatherizing a house, ensuring crew health and safety requires a broad knowledge of the appropriate OSHA requirements. Some of these requirements include, but are not limited to: personal protective equipment, techniques for safe lifting, electrical equipment safety, ladder safety, and general worker protection. OSHA standards should be consulted for further details. OSHA Standards can be obtained by contacting:

Iowa Division of Labor  
1000 East Grand  
Des Moines, Iowa 50319

Local agencies must have a written safety plan in effect. A copy of the safety plan must be provided to all weatherization personnel. All agency weatherization personnel must receive orientation training on the agency's safety plan. DOE requires all weatherization workers to have an OSHA Construction Safety course. Team leaders or on site supervisors must complete the 30 hour course. Other crew members must complete the 10 hour course. New crew employees must receive the required OSHA training within 90 days of hire.

Local agencies must provide personal protective equipment to agency weatherization personnel on operations in which there is a known hazard. Personal protection equipment includes, but is not limited to, eye and face protection and respirator protection. The agency is responsible for requiring the wearing of appropriate personal protective equipment in all operations where there is an exposure to hazardous conditions.

Crew based agencies must have Material Safety Data (MSD) Sheets on all weatherization materials used by their crews on file at the agency. MSD Sheets can be obtained by requesting them from the material supplier or by contacting the manufacturer of the material. Contractor based agencies should stipulate in their contracts with contractors that the contractors will be responsible for supplying Material Safety Data Sheets to the agency upon request by the agency.

HEAP Equipment/Training funds may be used for weatherization-related OSHA compliance and other weatherization-related health and safety training.

### **Contractor Health and Safety**

Contractors, employed by local agencies, are also expected to comply with OSHA requirements. DOE requires all weatherization workers to have an OSHA Construction Safety course. Team leaders or on site supervisors must complete the 30 hour course. Other crew members must complete the 10 hour course. If a current contractor hires a new employee, that new employee must take, at a minimum, the 10-hour course, within 90 days of hire.

All new contractors must have the required OSHA training before they are eligible to receive a bid.

## **5.76 Other Issues**

### **Production**

Agencies must complete homes within 6 months of the date the home was evaluated. If the work cannot be completed within 6 months of evaluation, the home must be re-evaluated before proceeding. Agencies must also ensure they do not evaluate more homes than they can reasonably weatherize in a year.

## **5.81 Final Inspections by Agencies**

### **Final Inspection Form**

The final inspector is to complete the Final Inspection Form only after the final inspection is completed, including the satisfactory completion of any and all re-work. The form must have a clear pass/fail line with an explanation about required rework. The Final Inspection Form should, ideally, be signed by the client or landlord. The Final Inspection Form must contain the name of the person conducting the final inspection and the date(s) of the final inspection. Either the person conducting the inspection or the Weatherization Coordinator certifying the following must also sign the form: *"I have completed an on-site inspection of this weatherized unit. I certify that the Weatherization measures were followed, quality work was performed, materials meet minimum standards listed in the state plan, and a post weatherization safety check was completed on this unit."*

It is recommended that the final inspection form have a client "sign-off" section and efforts are made to get a client signature on the form.

A copy of the Final Inspection Form must be filed in the house file.

## **6.11 Client (or House) Files**

Each client file must contain a check list of all required documentation. Documentation in the files must be in the order of the check list. A sample copy of the required documentation is available on the Members Only page of the website, [www.weatherization.iowa.gov](http://www.weatherization.iowa.gov).

## **6.12 Contractor Files**

Each contractor file must contain a check list of all required documentation. Documentation in the files should be in the order of the check list. A sample copy of the required documentation is available on the Members Only page of the website, [www.weatherization.iowa.gov](http://www.weatherization.iowa.gov).

## **9.32 Contract Content Requirements**

### Statement of Federal Stewardship

DOE and its representatives will exercise normal Federal stewardship in overseeing the project activities performed under this award. Stewardship activities include, but are not limited to, conducting site visits at the Agency and the Contractor's/Subcontractor's Business and/or work site; reviewing performance and financial reports; providing technical assistance and/or temporary intervention in unusual circumstances to correct deficiencies which develop during the project; assuring compliance with terms and conditions; and reviewing technical performance after project completion to ensure that the award objectives have been accomplished.

### Site Visits

DOE authorized representatives have the right to make site visits, with or without notice, at the Agency and Contractor's/Subcontractor's Business and/or work site at reasonable times to review project accomplishments, management control systems, and to provide technical assistance, if required. The Agency and Contractor/Subcontractor must provide reasonable access to facilities, office space, resources, and assistance for the safety and convenience of the government representatives in the performance of their

duties. All site visits and evaluations must be performed in a manner that does not unduly interfere with or delay the work.

#### Contractor Payment Process

Contracts must include a description of the method and conditions of payment to the contractor. This would include a statement that contractors will not be paid for work on a home until all work has been satisfactorily completed, as verified by the agency. The contractor must present any warranties, guarantees, or rebates owed the homeowner or agency at the time the invoice is submitted. The contractor must submit an itemized invoice, as described below, to the agency. The invoice must break out costs into labor and materials categories. The elements of an invoice include:

1. Original Invoice

- A copy of the invoice that any customer would normally receive from the vendor/contractor. The acceptable invoice received from the vendor/contractor may be labeled “customer’s copy”, “original invoice”, “payee copy”, or any other designation to denote the invoice is presented by the vendor to the customer.
- The original invoice shall indicate in detail the items of service, expense, goods furnished, or contract upon which payment is sought, as well as the date the goods/services were received.
- If the claimant submits a “generic invoice” (i.e. no typeset letterhead, no company name and address), the invoice must be signed and dated, in ink, by the claimant.

2. Materials List

A materials list which has been properly certified by the vendor/contractor may be substituted for the original invoice. “Properly certified” includes original signature and title of the person signing the materials list as well as the date the claim is certified. The materials list should also contain the name, address of the vendor/contractor, and dates of service.

### **9.33 Recommended Contract Provisions**

#### **Lien Waivers**

Agencies may want to include in their contracts a statement requiring the contractor to provide lien waivers signed by all material suppliers.