ESA Program
Lead and Asbestos Safety Practices

Presentation to the
Low Income Oversight Board
February 26, 2014
San Francisco, CA

A Presentation by:

- Pacific Gas & Electric
- Southern California Edison
- Southern California Gas Company
- San Diego Gas & Electric
- RHA Inc.

Purpose

To provide an overview of how the following health and safety items are addressed in the Installation Standards and the Policies and Procedures documents for the ESA Program:

- Lead-based paint
- Asbestos
- Cal-OSHA
- Prop 65

Lead-Based Paint

- **Lead Policy**
  - Lead policies included in the IS and P&P are based on the following regulations:
    - EPA's *Renovation, Remodeling, and Painting (RRP) Rule*
    - HUD's *Lead-Safe Housing Rule*
    - Cal. Dept. of Public Health (DPH) Title 17
    - Cal-OSHA Section 1532.1
    - Cal-EPA
    - Local regulations (San Diego, San Francisco, Los Angeles County)

Lead-Based Paint

- **EPA RRP Requirements**
  - EPA Certified Firm
    - All ESA Program contractors are certified firms
    - List maintained by each IOU Program
  - EPA Certified Renovator
    - At least one individual from each "firm" is an EPA-Certified Renovator
    - Train crew members in lead-safe weatherization practices.
  - Enforced by EPA

CERTIFICATE OF TRAINING AND
SUCCESSFUL COURSE COMPLETION
RENOVATOR – INITIAL COURSE (ENGLISH)

This training course meets the requirements of 40 CFR Part 745.225

Awarded to

John Doe

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CERTIFICATION NUMBER: R-I-123456-XX-0000#

COURSE DATE: ##/##/201#
EXAMINATION DATE:
EXPIRATION DATE: ##/##/201# + 5 YEARS

TOM BARRETT, DIRECTOR OF TRAINING DATE ISSUED

RHA

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Get the Lead Out

Lead-Based Paint

- **HUD's *Lead-Safe Housing Rule***
  - Applies to:
    - Federally-funded housing
    - Pre-1978
    - Disturbing more than *de minimis* levels
  - Requires:
    - Lead-safe practices
    - Occupant protection
    - Clearance inspection by certified inspector/assessor
  - Enforced by
    - HUD and Public Housing Authorities (PHAs)

Lead-Based Paint

- **California DPH Regulations (Title 17)**
  - Applies to:
    - All pre-1978 housing
    - Lead-based paint and presumed lead-based paint
    - Any “lead activity” and any amount of disturbance
  - Requires:
    - Containment
    - Cleaning
    - Compliance
  - Enforced by:
    - DPH, code enforcement, building depts., and health depts.

California Department of Public Health CDPH

Lead-Based Paint

- **Local Lead Regulations**
  - City of San Diego
    - Requires lead documentation when working on pre-1979 homes.
    - Lead-safe practices at any level of disturbance
  - Los Angeles County
    - Lower lead-based paint threshold
  - San Francisco
    - Exterior work that disturbs paint requires permit and lead-safe practices.

Lead-Based Paint

- **ESA Program Lead Policy**
  - All ESA Program installation contractors, who may disturb paint on pre-1978 buildings during the installation of energy efficiency measures are required by law to:
    - Comply with all local, state, and federal lead regulations.
    - Be responsible for any and all required training and certifications for their employees and firm.
    - Equip their installation crews with all required tools, materials, and safety equipment to work in a lead-safe manner.

Lead-Based Paint

- **ESA Program Lead Policy Options**
  - ESA Program installation contractors, can opt to:
    - Install paint disturbing measures on pre-1978 residences using lead-safe practices and following all requirements; or
    - Consider a measure “non-feasible” if it cannot be installed without incurring substantial costs to comply with local, state, or federal lead regulations.

Lead-Based Paint

- **IS Appendix E – Lead Safe Weatherization**
  - Modified in latest revisions to include RRP Rule.
  - Risk Factors, each ESA measure is identified as:
    - High Risk – high potential to disturb lead
    - Low Risk – low potential to disturb lead
    - No Risk – will not disturb lead

Lead Paint Risk Factor
LOW - HIGH

Lead-Based Paint

- **IS Lead-Based Paint Risk Factors**
  - **High-Risk Measures**
    - Compliance with all lead regulations required in pre-1978 homes when:
      - >6 sq. ft. of interior or >20 sq. ft. of exterior painted surfaces disturbed, and/or
      - Painted surfaces are in deteriorated condition, and disturbance is inadvertent, and/or
      - Paint dust generating work activities.
      - High compliance costs.

Lead Paint Risk Factor
HIGH

Lead-Based Paint

- **IS Lead-Based Paint Risk Factors**
  - **Low-Risk Measures**
    - Compliance with regs (lead-safe practices) may be required pre-1978 homes when:
      - Minor disturbance of painted surfaces, and/or
      - < 6 sq. ft. on interior surfaces disturbed as part of work activity, and/or
      - No significant paint dust generating activity or pulverizing work activity.
      - Low compliance costs.

Lead Paint Risk Factor
LOW

Lead-Based Paint

- **IS Lead-Based Paint Risk Factors**
  - **No-Risk Measures**
    - Compliance with regs not required:
      - Pre-1978 homes, if:
        - » No painted or coated surfaces disturbed.
        - » If tested, no lead-painted surfaces are disturbed.
        - » Certified lead-free by an inspection.
      - Post-1977 residential structures
      - Pre-1978 factory-painted mobile or manufactured homes

Lead Paint Risk Factor
NO

Asbestos

- **Installation Standards requirements:**
  - Duct systems
    - If asbestos or presumed asbestos containing materials are present in duct systems; duct testing and sealing is considered “non-feasible”.
  - Ceiling Insulation
    - The presence of vermiculite or asbestos insulation prohibits the installation of additional ceiling insulation.

Asbestos

- **Asbestos Policies**
  - Contractors are required to:
    - Take precautions to minimize exposure to asbestos fibers in any building materials.
    - Avoid disturbing asbestos or presumed asbestos.
    - Learn to recognize and avoid suspected asbestos-containing materials (ACMs).
  - Weatherization personnel or appointed representatives shall not remove or dispose of asbestos without proper training, certification, and authorization.

Cal-OSHA

- **Cal-OSHA Policies**
  - Contractors are required to follow all applicable Cal-OSHA Construction Safety Orders, including:
    - General Cal-OSHA Requirements
    - Code of Safe Practices (§1938)
    - Injury and Illness Protection Program (§1509)
    - Hazard Communication Program (§5194)
    - Respiratory Protection Program (§1528, §5144)
    - Airborne Contaminants (§5155)

Cal-OSHA

- **Cal-OSHA Policies**
  - Continued
    - Lead (§1532.1)
    - Asbestos (§1529)
    - Fiberglass Insulation (voluntary standard)
    - Ladder Safety (§1675)
    - Fall Protection (§1671.1)
    - Heat Illness Prevention (§3395)
    - Others as required.

Proposition 65

- **Prop 65 Requirements**
  - Businesses must provide a "clear and reasonable" warning before “knowingly and intentionally” exposing anyone to a Prop 65 listed chemical.
  - Reasonable warnings include:
    - Post Prop 65 labels on site
    - Notify IOU customers through newspaper ads
    - Include notification in utility bills flyers

Asbestos and Lead Awareness

- Asbestos
  - Through initial and periodic dialogue, contractors are made aware of the hazards of asbestos and the importance of not disturbing Asbestos Containing Material (ACM)
  - Some ESA Program contractors have taken the additional step of obtaining an Asbestos Certification from the Contractor's State License Board (CSLB)

- Lead
  - Through initial and periodic dialogue, contractors are made aware of the hazards of lead based paint and the importance of following lead safe work practices
  - The ESA Program addresses lead based paint in Appendix E (Lead Safe Weatherization Risk Factors) in the Installation Standards Manual
  - Each IOU verifies that their contractors are EPA certified firms and at least one field person is a certified renovator
  - Some ESA Program contractors have taken the additional step of certifying their entire field staff and have facilitated private training

Asbestos and Lead Awareness

- A joint IOU Lead Safe Practices Workshop was held last year for their respective ESA Program staffs
- IOUs periodically conduct field observations of installations to ensure contractors are complying with installation standards and program policies and procedures

ESA Program Requirements

- The IOUs have similar requirements in their contracts for contractors to be in compliance with all local, state and federal laws as they perform work related to the ESA Program
- In addition, contractors are required to be properly licensed, experienced and qualified to perform the contracted work