

Weatherization Assistance Program (WAP—POI)

Coverage Overview

POI - Pollution Occurrence Insurance Coverage Outline

A. Lead

1. Most activities in older housing can disturb lead.
2. Lead Safe Work Practices (LSWP)
 - a. Decreases the number of poisonings.
 - b. Improves “defense” options in the event of a claim if lead safe work practices were followed completely. On the job training (OJT) will also be a determining factor as far as the efficiency of LSWP.
3. There is significant vicarious liability issues when LSWP and OJT are performed by subcontractors on your behalf.
4. An “accusation” will still generate high defense claims costs.
5. A “poisoning” claim will generate insurmountable defense claim costs, and liability judgements.

B. Mold

1. Mold litigation expenses can be significant.
2. Most activities involving house envelope or plumbing can create mold conditions.
 - a. Window installation (if done incorrectly)
 - b. Appliance water hook ups (if done incorrectly)
 - c. Changing air flow characteristics of house can trap moisture.
 - d. Water damage repairs.
 - e. Correction of moisture and mold-creating conditions.
3. Moisture intrusion “arrangements” can create vicarious liability

C. Asbestos Containing Material (ACM) & Presumed Asbestos Containing Material (PACM)

1. Asbestos can be found in roof tiles, floor tiles, insulation, pipes, furnaces, covered surfaces, siding, walls, ceilings, vermiculite, etc.
2. Significant Vicarious Liability from ACM and PACM when work is subcontracted out.



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[Coverage Outline Continued](#)

D. Radon

1. Testing & vapor barrier installation

E. Formaldehyde

1. Used in glue that binds particle boards together.

F. Residential heating oil tank replacements, hooking and unhooking of tanks.

G. Sampling or testing for lead creates significant liabilities. Many EPA trainers will concede that the test kit training as part of the EPA RRP certification is probably not comprehensive enough to preclude errors.

H. Loading and unloading of lead-based paint (LBP) residential waste, ACM, or PACM.

I. Transportation-upsets and overturns on public roads of LBP, ACM, or PACM debris.

J. Disposal Site- “household waste” exemption, ACM, PACM– lawsuit related to misclassification of waste.



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