

HAZARD EVALUATIONS, INC.

REGULATORY BULLETIN

Attention: NYS Emergency Legionella Regulations Effective Immediately!

REGULATION OVERVIEW

Statewide emergency regulations (Public Health Law Section 225, Article 4, Title 10) were made effective on August 17, 2015 to prevent the spread of Legionella, an aquatic bacteria that causes pneumonia and is often found in water cooling towers and other water systems. This regulation was fast-tracked after a recent outbreak caused multiple fatalities in New York City and impose various initial and reoccurring requirements, many of which have to be completed by **September 17, 2015**.



SUBJECT FACILITIES

Human-occupied commercial, institutional, multi-unit residential, and **industrial** buildings utilizing cooling towers are regulated under this law. The regulation defines a "Cooling Tower" as "a cooling tower or evaporative condenser or fluid cooler that is part of a recirculated water system incorporated into a building's cooling, industrial process, refrigeration or energy production system." According to ASHRAE Standard 188-2015, building water systems include all potable and non-potable water systems at a facility. This includes systems that provide hot or cold water intended for direct and indirect human contact and consumption and other non-potable water systems that release water aerosols into the building or site. However, per NYSDOH guidance, this does not extend to units beyond what is defined in the regulation and above as a "cooling tower."

STEPS TOWARD COMPLIANCE

1. **Registration** – Owners must ensure their cooling towers have been registered by September 17, 2015. Registration is submitted via an online system that is currently operational and available through the NYSDOH website.
2. **Initial Sampling** – Owners must ensure samples have been collected, cultured, and tested by September 17, 2015. Dependent on the results, cleaning and disinfection may be necessary.
3. **Initial Inspection** – An initial inspection of each regulated system must be completed by September 17, 2015 by a qualified professional. All inspection findings must be reported to NYSDOH. The purpose of the inspection is to identify any system deficiencies and implement corrective actions.
4. **Quarterly Inspections** – An inspection of cooling tower systems must be conducted every 90 days by a qualified professional. The first quarterly inspection is due December 17, 2015. These inspections must be conducted in accordance with standard industry protocols which includes ASHRAE 188-2015 standards as well as specific NYSDOH inspection requirements, described in the regulation.
5. **Maintenance Program & Plan** – A program and plan compliant with the ASHRAE 188-2015 Standards (Section 7.2: Cooling Towers and Evaporative Condensers), as well as the additional requirements listed in the NYSDOH regulations, must be developed by March 1, 2016.
6. **System Certification** – The annual certification of each system must be obtained by November 1, 2016 and each year thereafter, pursuant to the inspection criteria. This certification is to be completed by a qualified professional and reported to NYSDOH.

NEW COMPLIANCE DEADLINES!

Initial NYS
Registration
9/17/15

Initial
Sampling/
Analytical
9/17/15

Initial System
Inspection
9/17/15

First Quarterly
Inspection
12/17/15

Establish
Maintenance
Program &
Plan
3/1/16

System
Certification
11/1/16

How HEI Can Help:

Non-compliance with this regulation can result in legal action being taken by NYSDOH and local health departments. HEI provides assistance in facility compliance under this regulation. In addition to applicability determination, HEI provides sampling and inspection services, and maintenance plan development as required by ASHRAE 188-2015 and NYSDOH regulations. Contact us today for more information and look for an update in our next newsletter, "Practical Solutions" to be released in October 2015.

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