

# 10 NYCRR Part 4 Subpart 4-1 *Protection Against Legionella*

Resources for Cooling Tower Owners

April 18, 2017

# Agenda

- New website
- Annual certification template
- Registry interface walk-through

***NYS Legionella***  
**regulation**  
**website**

# Website

- New dedicated website for the regulation
- Provides information and links to resources for:
  - Cooling Tower owners
  - Article 28 facilities
  - LHDs
  - General public

# Website: Landing Page

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## Protection Against *Legionella*

This web page provides information to comply with permanent regulatory requirements of the New York State Sanitary Code [Title: Part 4-Protection Against Legionella](#). This regulation was passed in July 2016, replacing the emergency regulations passed in August 2015. The information is primarily for:

- Cooling tower owners, operators, water treatment consultants and inspectors ([Subpart 4-1](#)).
- Operators of all general hospitals and residential health care facilities ([Subpart 4-2](#)).

### Cooling Tower Owners and Operators

All owners of cooling towers in New York State are required to register, maintain, sample, disinfect and notify local health departments and the public of elevated levels of *Legionella*.

- [Cooling Tower Requirements](#)
- [Register a Cooling Tower & Submit Reports](#) in New York State (NY.gov secure account).
  - Cooling towers in New York City must also be registered with the [City's Registry](#).

### Hospitals and Residential Health Care Facilities

All covered Article 28 general hospitals and residential health care facilities are required to assess and sample their potable water systems for *Legionella*, and to institute control measures in the event of an exceedance.

- [Hospital and Residential Health Care Facility Requirements](#)

### More Information

- [Title: Part 4- Protection Against Legionella](#)
- [New York State Cooling Tower Registry data](#) (View public data)
- [Legionella and Cooling Towers - Questions and Answers](#)
- [Legionellosis \(Legionnaires' disease\)](#)
- [Legionellosis \(Legionnaires' disease\) Fact Sheet](#)

# Website: Part 4-1 Page (top)

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## Register a Cooling Tower & Submit Reports

- [New York State Cooling Tower Registry](#)

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## Protection Against *Legionella*: Cooling Tower Requirements

A cooling tower is part of a recirculated water system incorporated into a building's cooling, industrial, refrigeration or energy production system. All owners of cooling towers in New York State are required to register their towers in the New York State Cooling Tower Registry, prepare and implement a Maintenance Program and Plan, test their towers for *Legionella*, clean and disinfect them, and notify their local health department and the public when they identify elevated levels of *Legionella* in their cooling tower water. Cooling towers are tested for *Legionella* to assess the effectiveness of routine disinfection and maintenance.

Resources for cooling tower owners, operators, water treatment consultants and inspectors are provided below. Please refer to [Title: Subpart 4.1 - Cooling Towers](#) for a full listing of regulatory requirements.

### Cooling Tower Registry

- [Register a Cooling Tower & Submit Reports](#)

All owners of cooling towers in New York State are required to register their towers and maintain their records on the New York State Cooling Tower Registry ([Subpart 4-1.3](#)). Registries must be updated every 90 days while the tower is operational.

- [Use the Cooling Tower Registry Change of Account Ownership Request](#) form if you need to change your cooling tower registry account to another NY.gov ID user, or if the building has been sold or leased to another party that is legally responsible for the cooling tower maintenance.
- Cooling towers in New York City must also be registered with the [City's Registry](#).

### Notification of Exceedance

Cooling tower owners must notify the [local health department](#) within 24 hours of receipt of a *Legionella* culture sample result that exceeds 1,000 colony forming units per milliliter (CFU/mL). Owners must also notify the public of test results in the manner determined by the local health department or the New York State Department of Health ([Subpart 4-1.6](#) and [Appendix 4-A](#)).

### Maintenance Program and Plan

Prior to the initial start-up of a newly installed cooling tower, the owner must obtain a Maintenance Program and Plan for each cooling tower. Each active cooling tower must have an updated Maintenance Program and Plan. ([Subpart 4-1.4](#)). This plan must be developed in accordance with ASHRAE Standard 188-2015 Legionellosis: Risk Management for Building Water Systems p. 7-8 ([Available for viewing at Read-Only Versions of ASHRAE Standards](#) under Current Popular Standards).

Department  
Health

# Website: Part 4-1 page (Bottom)

## **Legionella Culture Analysis**

All *Legionella* culture analyses must be performed by a laboratory certified by the New York State Environmental Laboratory Approval Program (ELAP) ([Subpart 4-1.5](#)). Please contact [ELAP@health.ny.gov](mailto:ELAP@health.ny.gov) or call (518) 485-5570 to find a certified laboratory.

## **Disinfection**

Any person who disinfects a cooling tower must be a certified commercial pesticide applicator or pesticide technician who is qualified to apply biocide in a cooling tower. Only biocide products registered by the New York State Department of Environmental Conservation for use in cooling towers or pesticidal devices produced in a USEPA registered establishment may be used in disinfection ([Subpart 4-1.7](#) and [Appendix 4-A](#)).

## **Variations and Waivers**

An owner may submit a written application to a [local health department](#) for a variance for a period not exceeding 90 days from any provision. It must include an explanation of why the variance will not present a danger to public health ([Subpart 4-1.11\(a\)](#)).

The New York State Department of Health may issue a waiver for any provision of the regulation if staff are satisfied that the waiver would not present a danger to public health. Waivers may also be revoked upon determination that the waiver may present a danger to public health ([Subpart 4-1.11\(b\)](#)). To apply for a waiver, please email [cooling.tower@health.ny.gov](mailto:cooling.tower@health.ny.gov).

## **Inspections and Certification**

All cooling towers must be inspected prior to seasonal start-up and every 90 days while in use. Cooling towers also need to be inspected following maintenance ([Subpart 4-1.8\(a\)](#)).

All cooling towers must obtain a certification by November 1 of each year. The certification should attest that the cooling tower has a maintenance program and plan, and that all activities within that plan or required by the regulation were implemented ([Subpart 4-1.8\(b\)](#)). You may use this [template](#) for the annual certification documentation.

## **More Information**

- [Title: Part 4- Protection Against Legionella](#)
- [Legionella and Cooling Towers - Questions and Answers](#)
- [New York State Cooling Tower Registry data](#)
- [Legionellosis \(Legionnaires' disease\)](#)
- [Legionellosis \(Legionnaires' disease\) Fact Sheet](#)
- [Contact Your Local Health Department](#)

# Annual Certification Template



# Annual Certification Template

- Includes all components that should be included in an annual certification document:
  - Facility information
  - Maintenance program and plan, certification, inspections
  - Bacteriological and Legionella sampling results
  - Cooling tower disinfection events
  - Attestation of certification
- Guidance only. Owners and Consultants are welcome to use their own formats, as long as the key components are included
- Template contains attestation statement to also meet requirements of NYC regulation

# Cooling tower registry interface

# Cooling Tower Registry

- All cooling tower owners are required to update their registry account every 90 days while towers are operational
- Interface updates completed
  - User guide will be available on registry site

# CT Registry Notable Changes

- User friendly navigation
- Less duplication of information
- Multiple owner tabs available
- No building linking / missing contact data
- Buttons for state-owned and healthcare facility towers
- Simplification of terminology
- Clearer Save buttons
- Exit out / leaving page warning
- Improved help pop-ups
- User guide accessible directly from the registry

# CT Registry Live Demonstration

# Questions?

## *Email*

Subpart 4-1, the Registry or related questions:

[cooling.tower@health.ny.gov](mailto:cooling.tower@health.ny.gov)

**(518) 402-7650**

Regulation text: <https://regs.health.ny.gov/content/part-4-protection-against-legionella>

# Cooling Tower Registry

**COOLING TOWER REGISTRATION AND REPORTING**

[ACCOUNT OVERVIEW](#) [HOW TO REGISTER](#) [REGULATIONS](#) [CONTACT](#) [SIGN OUT](#)

**PREPARER ACCOUNT OVERVIEW**

**Jane Smith**  
jane.smith@email.com

[Add Owner](#)

# Cooling Tower Registry

Henry James | Sam King | Al Lee

## Property Owner Info

123 Main St  
Albany, NY 12204

Edit Owner Info

## Equipment

Add Equipment

Equipment Id: 2345  
tower 1

Enter Updates

Delete

Equipment Id: 2352  
tower 2

Enter Updates

Delete





# Cooling Tower Registry

## Equipment Inspection and Maintenance

Tower Operation Duration \*   Year-round  
 Seasonal


If the equipment is in operation the start-up date must be later than the shut-down date. If the equipment is not in use, the shut-down date must be later than the start-up date. Documenting start-up and shut-down dates is required under the regulation.

Seasonal Start-Up Date    Clear Date

Seasonal Shutdown Date    Clear Date

Last Annual Certification \*   Clear Date

Last Inspection \*    Clear Date

Findings, Deficiencies and Corrective Actions 



Department  
of Health



# Cooling Tower Registry


Last Routine Bacteriological Sample Collection Date \*    [Clear Date](#)


Last Routine Bacteriological Sample Test Result 



Date Remediation Action Initiated (if indicated)    [Clear Date](#)

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Last Legionella Sample Collection Date \*    [Clear Date](#)

Last Legionella Sample Test Result 

Did you notify the LHD? \* 

Date Remediation Action Initiated (if indicated)    [Clear Date](#)

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Date Last Emergency Disinfection and Cleaning    [Clear Date](#)

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Date Decommissioned    [Clear Date](#)

[Save Equipment](#)

[Cancel](#)