

Fact Sheet :

Complying with New York's New Cooling Tower Registration Requirements

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The New York State Department of Health (NYS DOH) enacted an emergency regulation on August 17, 2015 addressing cooling tower registration. The emergency regulation was enacted in response to the recent outbreak of legionellosis associated with cooling towers in New York State. A cooling tower is defined as "a tower, 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".

The new regulation has many requirements for building owners of cooling towers to effectively monitor for and protect against legionellosis. The complete rule should be reviewed for all the components of the new regulation (see 10 NYCRR, Part 4). However, some key components of the new rule requiring more immediate action are outlined below:

Due by September 16, 2015

- All owners shall register all cooling towers with the New York State Department of Health (NYS DOH) using their electronic system;
- All owners shall ensure initial samples are collected from all cooling towers and culture tested. Perform immediate actions in response to such testing, including interpreting Legionella culture results, if any;
- All owners shall obtain an initial inspection of all cooling towers by a New York State Licensed Professional Engineer, Certified Industrial Hygienist, Certified Water Technologist, or Environmental Consultant with training and experience performing inspections in accordance with current standard industry protocols, including, but not limited to ASHRAE 188-2015;
- All owners shall ensure that all cooling towers are cleaned and disinfected when shut down for more than five days.
- All owners shall notify the department within 30 days after removing or permanently discontinuing the use of a cooling tower.



Due by March 1, 2016

- All owners shall obtain and implement a maintenance program and plan for all cooling towers in accordance with Section 7.2 of Legionellosis: Risk Management for Building Water Systems (ANSI/ASHRAE 188-2015), 2015 edition with final approval date of June 26, 2015, at pages 7-8).

Due by November 1, 2016

- All owners must obtain certification for each of their cooling towers and be reported to the NYS DOH

It should be noted that the new regulation requires that any person who performs cleaning and disinfection of a cooling tower shall be a commercial pesticide applicator or pesticide technician who is qualified to apply biocide in a cooling tower and certified in accordance with the requirements of Article 33 of the Environmental Conservation Law and 6 NYCRR Part 325, or a pesticide apprentice under the supervision of certified applicator. Only biocide products registered by the New York State Department of Environmental Conservation may be used in any disinfection. Additional requirements may exist for Health Care Facilities and facilities located in New York City.

If you have any questions or would like a copy of the new rule, please call either myself (Brendan Broderick ext. 327) or Kristen Gabriel (ext. 359) at our office (631) 584-5492.