

NYS Department of Health Emergency Regulations - Cooling Tower

In response to the recent outbreak of Legionnaires' disease in New York City, emergency regulations requiring testing and inspection of building cooling towers statewide became effective on Monday, August 17, 2015 (the Effective Date). The emergency regulations will have broad applicability and require specific action to be taken within 30 days of the Effective Date, or by Wednesday, September 16, 2015.

Under the Department of Health (DOH) regulations, any owner of a building with an existing cooling tower must register the tower with the DOH within 30 days of the Effective Date. 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." In addition, building owners must collect samples and obtain culture testing within 30 days of the Effective Date. Thereafter, testing must be performed every 90 days. If needed, immediate disinfection is required. All cooling towers must be inspected within 30 days of the Effective Date and thereafter every 90 days. By March 1, 2016, building owners must implement a maintenance program containing a schedule for routine sampling and procedures for emergency testing and disinfection to destroy Legionella bacteria. All cooling towers must be certified as complying with regulation requirements by November 1, 2016. Any violation of the regulations is subject to both civil and criminal penalties. Each day a building owner remains in violation of any provisions of the regulations will be considered a separate violation.

The emergency regulations will remain effective for 90 days. After that time, permanent regulations will be adopted. If you have questions regarding the emergency regulations, please contact [Kevin M. Bernstein](mailto:kbernstein@bsk.com) (315.218.8329; kbernstein@bsk.com) or [Robert R. Tyson](mailto:rtyson@bsk.com) (315.218.8221; rtyson@bsk.com).



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