



NEW YORK CITY DEPARTMENT OF

HEALTH AND MENTAL HYGIENE

Mary T. Bassett, MD, MPH

Commissioner

ORDER OF THE COMMISSIONER

TO: ALL PERSONS WHO OWN, MANAGE OR OTHERWISE CONTROL BUILDINGS WITH WATER-RECIRCULATING COOLING TOWERS WITHIN THE CITY OF NEW YORK

Respondents.

WHEREAS, during July and August 2015, the New York City Department of Health and Mental Hygiene (the “Department” or “DOHMH”) received multiple reports of legionellosis, a communicable disease reportable to the Department pursuant to §11.03 of the New York City Health Code (the “Health Code”) and §2.1 of the New York State Sanitary Code [10 N.Y.C.R.R. Part 2] (the “Sanitary Code”), occurring in persons residing in South Bronx who may have been exposed to aerosolized water containing *Legionella* organisms from the above referenced cooling tower; and

WHEREAS, samples taken by DOHMH from several cooling towers in the vicinity of the residences of people who have developed Legionellosis detected *Legionella* organisms at concentrations the Department has determined may present public health risk; and

WHEREAS, pursuant to § 11.03 of the Health Code, the Department is authorized “to...take such steps as may be necessary to prevent morbidity and mortality” from such communicable disease; and

WHEREAS, pursuant to Health Code § 3.07, “no person shall do or assist in any act which is or may be detrimental to the public health or to the life or health of any individual...or fail to do any reasonable act or take any necessary precaution to protect human life and health.”

IT IS HEREBY ORDERED, pursuant to Health Code § 3.09, upon service of this Order that you shall take the following actions and provide the Department with the following documents:

(1) Obtain the services of an environmental consultant with demonstrated experience performing disinfection in accordance with current standard industry protocols including, but not limited to, American Society of Heating, Refrigeration

and Air-Conditioning Engineers (ASHRAE) Standard 188P and Cooling Technology Institute Guidelines WTB-148; and

(2) Under supervision of the environmental consultant, evaluate the cooling tower and associated equipment for the presence of organic material, biofilm, algae and other visible contaminants; and

Regardless of the outcome of the evaluation required by item (2) above, direct the environmental consultant to carry out a disinfection/treatment sufficient to remove organic material, biofilm, algae and other contaminants and disinfect in a manner sufficient to control for the presence of *Legionella* organisms within 14 days of receipt of this letter; and

(3) Maintain records on-site of the consultant's inspection and remediation, and make them available upon request to the City of New York in person, or by fax or email as requested.

(4) If an identical assessment and any disinfection procedure has been conducted at this building within the past 30 days, in lieu of the items ordered in numbers 1-3, above, maintain records on-site of the consultant's inspection and remediation, and make them available upon request to the City of New York in person, or by fax, or email as requested.

For information about how to comply with this Order, you may contact 311 or go to <http://www.nyc.gov/html/doh/html/diseases/cdlegi.shtml>.

If you wish to contest (object to) the order, please write or fax Thomas G. Merrill, General Counsel, New York City Department of Health and Mental Hygiene, 42-09 28th Street (WS 14-38) Long Island City NY 11101-4132; tmerrill@health.nyc.gov telephone: 347-396-6116; fax: 347-396-6087, within three business days of receiving the order, and provide a statement of the reasons for your objection to the order.



Dated: August 6, 2015

Mary T. Bassett, MD MPH
Commissioner

WARNING

Failure to comply with an Order of the Commissioner is a violation of the Health Code and a misdemeanor for which you may be subject to civil and criminal penalties, including fines, forfeitures and imprisonment.