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April 27, 2016

Katherine Ceroalo  
DOH  
Bureau of House Counsel, Reg. Affairs Unit, Room 2438  
ESP Tower Building  
Albany, NY 12237

*Re: Notice of Permanent Rulemaking – Protection against Legionella (I.D. No. HLT-16-16-00007-P)*

Dear Ms. Ceroalo:

Thank you for the swift actions taken by the state in response to the outbreak of Legionnaires' disease last summer. Now that the moment of crisis has passed and the emergency actions have been implemented, more needs to be done to protect the community against future outbreaks. **I write to respectfully urge the New York State Department of Health to support amending *Protection against Legionella (I.D. No. HLT-16-16-00007-P)* to extend the requirements to the entire building water system as recommended by and defined in ANSI/ASHRAE Standard 188-2015.**

I also respectfully request that the New York State Department of Health consider having a hearing in order to hear the testimony and consider the data provided by experts in the field including those from the ASHRAE Standard 188 project committee.

After nearly a decade of investigation into the primary causes of the growth and proliferation of *legionella* bacteria in the environment, Standard 188-2015 was created by ASHRAE in conjunction with a diverse group of national experts including representatives from the federal Centers for Disease Control and Prevention (CDC), the American Society of Healthcare Engineers (ASHE), and the Association for Professionals in Infection Control and Epidemiology (APIC). A guiding principle of Standard 188-2015 is to treat the growth of the bacteria at its source and at all points of distribution or proliferation throughout the water system. This is supported by peer reviewed literature and national agencies including the World Health Organization, Environmental Protection Agency, CDC, Occupational Safety & Health Administration and the Veterans Health Administration which all identify potable water as the primary source of the disease.

By focusing on cooling towers, *Protection against Legionella (I.D. No. HLT-16-16-00007-P)* leaves the public exposed to the bacteria through shower heads, faucets, fountains, hot tubs, ice machines, misters and other devices that are connected to building water systems. These known sources of the disease are being ignored by the narrow focus of the regulations.

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I believe that *Protection against Legionella (I.D. No. HLT-16-16-00007-P)* does not go far enough; it is treating a symptom, not the illness itself. A complete system approach is necessary. If the water system which supplies the cooling tower has been contaminated, maintaining and cleaning only the water in the cooling tower will not prevent the growth of bacteria in other areas of the building nor will it ensure that the cooling tower remains free of contamination.

For these reasons, I respectfully urge the Department's support for expanding *Protection against Legionella (I.D. No. HLT-16-16-00007-P)* to require the proper management of the entire building water system for "high risk" buildings pursuant to the code enforceable requirements in ASHRAE's Standard 188-2015. High risk buildings are defined by the Standard as all hospitals/healthcare facilities where patient stays exceed 24 hours, buildings that are more than 10 stories high, and multiple housing units with centralized potable water-heater system(s). All buildings with cooling towers, whirlpools, fountains, misters and humidifiers require attention to those systems or devices per ASHRAE Standard 188-2015. Only then can the State and the public rest assured that this public health threat has been resolved and future outbreaks can be prevented.

ASHRAE, founded in 1894, is a global society advancing human well-being through sustainable technology for the built environment. The Society and its more than 56,000 members worldwide focus on building systems, energy efficiency, indoor air quality, refrigeration and sustainability. Through research, standards writing, publishing, certification and continuing education, ASHRAE shapes tomorrow's built environment today. More information can be found at [www.ashrae.org/news](http://www.ashrae.org/news).

Thank you for your consideration of my comments. If you would like copies of Standard 188-2015 to review please let us know. You can also read the standard for free at [www.ashrae.org/previewstandards](http://www.ashrae.org/previewstandards). If I can provide any information or assistance in the future, please do not hesitate to contact me or to contact Jim Scarborough ([jscarborough@ashrae.org](mailto:jscarborough@ashrae.org)) at ASHRAE's Government Affairs office. Thank you for your work to keep New Yorkers safe in the buildings where they live and work.

Sincerely,



T. David Underwood, P.Eng., Fellow ASHRAE, CPMP  
President, ASHRAE

CC: William P. Bahnfleth, Chair – Grassroots Government Advocacy Committee – ASHRAE  
Paul Lindahl, Chair – Standard 188 – ASHRAE  
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