



**Testimony**

of

**Mary T. Bassett, MD, MPH, Commissioner  
New York City Department of Health and Mental Hygiene**

before the

**New York City Council Committee on Housing and Buildings**

regarding

**Cooling Towers Registration, and Inspection and Testing for Microbes**

and

**Preconsidered Intro**

**August 11, 2015  
Council Chambers – City Hall  
New York City**

Good morning Chairperson Williams and members of the Committee on Housing and Buildings. I am Dr. Mary Bassett, Commissioner of the New York City Department of Health and Mental Hygiene. I am joined by Dan Kass, Deputy Commissioner for Environmental Health. Thank you for the opportunity to testify today on the proposed legislation, which will require the registration of the City's cooling towers as well as routine inspections and testing for the presence of microbes.

### **Background and Current Outbreak**

As you know, the Health Department is currently investigating an outbreak of Legionnaires' disease in the South Bronx. Legionnaires' disease, caused by the bacteria Legionella, is a severe respiratory illness similar to other community-acquired pneumonias. Groups at high risk for Legionnaires' disease include people who are middle-aged or older – especially cigarette smokers – people with chronic lung disease or weakened immune systems, and people who take immunosuppressive drugs. Most healthy people do not become ill even if exposed.

I am happy to report that we have no new deaths today, and no one in the past seven days has reported an onset of symptoms. To date, there have been 115 reported cases of individuals with Legionnaires' disease, 79 people have been discharged from the hospital, and tragically 12 people have died. In the impact zone, our disease detectives determined cooling towers were the likely source of exposure. Initially, we identified 17 cooling towers in the area and immediately tested them for Legionella. Five of these locations tested positive, and building owners were ordered to immediately disinfect the towers and undertake a longer-term remediation plan. As of yesterday evening, a total of 18 sites have tested positive for Legionella, 11 of these inside the impact zone. Regardless of test results, every cooling tower identified in the impact zone has been immediately ordered disinfected and remediated, and any site that has tested positive has been immediately ordered disinfected and remediated.

On August 6, in an effort to prevent any other outbreaks of Legionnaires' disease, I issued an order to all building owners to either disinfect their cooling towers within 14 days or provide evidence that their towers had been disinfected in the past 30 days. We do not know exactly how many cooling towers there are in the five boroughs, but we estimate that there could be several thousand. The City will conduct random audits to ensure compliance with this order, and failure to comply could result in notices of violation and fines. Every building owner has complied with our orders to date, and we expect broad cooperation going forward.

The decrease of reported new cases along with a decline in emergency department visits for pneumonia in the South Bronx signals the effectiveness of our efforts in collaboration with other city, state, and federal agencies in containing the outbreak. We should not be surprised to see sporadic cases in this or other parts of the city as the bacteria is normally found in the environment, but we are confident that through our established surveillance systems we will be able to respond quickly to all reports. .

Collaboration with partners and other experts has also played a key role in our response to this outbreak. We have taken several steps to provide clear, timely information to residents of the South Bronx. These include:

- Convening a panel of experts in the field of infectious disease to discuss the work the City has done so far and to ensure that all the appropriate steps were taken to find and eliminate the source of the outbreak;
- Sending teams of outreach staff and volunteer doctors with the Medical Reserve Corp to more than 85 clinics, residences and other locations in the South Bronx where vulnerable populations live, speaking to administrators and residents, and delivering nearly 9,000 copies of frequently-asked questions, or FAQs, in English and Spanish to ensure that critical information on symptoms and treatment of Legionnaires disease is communicated clearly and directly to residents in the impact zone;
- Distributing over 15,000 flyers and conducting 46,000 robocalls, in multiple languages, to residents of the South Bronx to educate them about this outbreak;
- Coordinating with the Department for the Aging, the New York State Nurses Association and the Medical Reserve Corp to offer clinic hours in 13 senior centers in the South Bronx;
- Working with the Human Resource Administration, Department for the Aging, Health and Hospitals Corporation, the NYC Housing Authority and other City agencies to distribute FAQs to their clients;
- Participating in a town hall meeting hosted by Council Member Gibson and the Mayor's Community Assistance Unit on August 3<sup>rd</sup> attended by nearly 400 people;
- Participating in a tele-town hall meeting with Bronx residents on August 7<sup>th</sup>; and
- Participating in a Spanish-language tele-town meeting with Bronx residents on August 10<sup>th</sup>.
- This evening, our First Deputy Commissioner Dr. Oxiris Barbot, and Bronx District Health Office Assistant Commissioner Dr. Jane Bedell will participate in another town hall meeting, and we will continue to meet with residents to answer their questions and provide information and assistance.

In the coming weeks we will continue to monitor for new cases and work in close collaboration with area hospitals, as well as provide updates to elected officials and Bronx residents. I want to take a moment to thank Speaker Mark-Viverito, Borough President Diaz Jr., Council Member Gibson, and other local elected officials for their leadership and engagement of Bronx residents. In addition, I want to thank the State Health Department, whose lab at Wadsworth has provided incalculable assistance and the Centers for Disease Control and Prevention, which has offered crucial advice and staff support in recent days.

Before turning to the legislation before us, I want to reiterate some key messages that the Council and others have helped us disseminate. New York City's drinking water supply is safe and unaffected by Legionella. In addition, water tanks and home air conditioner units are also unaffected by Legionella. And walking into air conditioned environments is safe, as well.

With respect to the proposed legislation, the Administration strongly supports the registration of cooling towers and routine inspection and testing for microbes in order to help prevent and investigate future outbreaks of Legionnaires' disease. The scale of this outbreak has shown us that the risk of

Legionnaires' disease is one that we can no longer accept and long term action is needed. In regards to the airborne release of Legionella bacteria, cooling towers represent a source of particular concern because they are outdoors and can produce mist that can contain bacteria, such as Legionella. When conducting our epidemiological investigations in the South Bronx related to this recent outbreak, we quickly realized the number and location of cooling towers in the impact zone was unknown and required intensive leg work by City staff to determine. A registry of cooling towers maintained by the Department of Buildings will improve our response to future outbreaks.

The proposed legislation also addresses two other issues – ensuring adherence to industry standards for maintenance, cleaning, application of biocides and testing for microbes, and reporting samples with elevated levels of microbes to the Health Department – that are intended to reduce the risk of future outbreaks.

Specifically, this bill will:

- Require owners to develop and follow a maintenance program and plan that is in accordance with the American Society of Heating, Refrigeration and Air-conditioning Engineers (ASHRAE) standard;
- Require inspections and testing of cooling towers on a quarterly basis while a building's cooling tower is in use, and within 15 days before the initial use of the cooling tower during any year;
- Require that all inspections be performed by a person qualified in applying the relevant industry standards related to microbial testing and evaluating cooling systems for the presence of Legionella bacteria; and
- Include in each inspection a test for the presence of microbes in the water of the cooling tower. The Health Department will establish by rules the targets and acceptable methods of microbial testing and laboratory analysis; the acceptable methods of cleaning and disinfecting cooling towers; the levels of microbes in cooling towers that require mitigation to prevent health risks; and the levels of microbes in cooling towers that present a serious health threat and require immediate reporting to the department and cleaning and disinfecting.

In order to ensure compliance with these requirements, the proposed legislation allows the Health Department to enter any property to inspect the cooling tower for compliance and levy significant penalties for violations. In cases where an owner fails to disinfect or otherwise remediate as ordered, the Health Department would clean the tower and bill the owner.

This is groundbreaking legislation. Currently, no other large city or state in the country has passed a law regulating cooling towers, despite the fact that they have been implicated in Legionnaires' disease outbreaks across the United States. It is clear that this bill will advance our certainty of the location of cooling towers, improve our ability to rapidly investigate potential sources of outbreaks, and most importantly, reduce the potential for exposure to pathogens associated with respiratory illness.

Legionella exists in the environment, and we will continue to see sporadic cases of Legionnaires' disease in New York City. But we believe that this important legislation will go a long way towards reducing the number and severity of these outbreaks.

Thank you again for the opportunity to testify and also for your support and assistance during this outbreak. We are happy to answer any questions.