



Summary

An amendment to the *Public Health Regulation 2012* was published on 1 December, with the new requirements to commence on 1 January 2018. Under this amendment the occupier of premises that contain a water-cooling system must ensure that:

- All water-cooling systems undergo monthly testing for *Legionella* count and heterotrophic colony count
- Reportable test results of *Legionella* count ≥ 1000 cfu/mL and heterotrophic colony count $\geq 5,000,000$ cfu/mL are notified to the local government authority for that area.

The first monthly test must be completed by 1 February 2018. Additional amendments are expected to commence in early 2018 and intend to introduce risk management plans, independent auditing, notification to local governments, and unique identification numbers. These proposed amendments are outlined on the NSW Health website: www.health.nsw.gov.au/environment/legionellacontrol

Why is monthly testing being required?

Monthly testing of water-cooling systems for *Legionella* and total bacteria (or heterotrophic colony count) is an important way to prevent outbreaks of Legionnaires' disease. The *Australian Standard 3666 Air-handling and water systems of buildings—Microbial control* describes good practice in the management of water-cooling systems, including monthly testing.

Who is responsible for monthly testing?

The occupier of premises that contain a water-cooling system is responsible for ensuring that the monthly sampling takes place. The occupier may engage a duly qualified person to perform this role on their behalf. A laboratory is also involved in testing the samples collected by the duly qualified person.

Who is the occupier?

The occupier is ultimately responsible for managing their water-cooling system. The occupier is defined in the *Public Health Act 2010* as:

- The owner of the premises that contains the water-cooling system or
- The person entitled to occupy the premises (such as a leaseholder) or
- The owners corporation under a strata scheme.

Who is the duly qualified person?

The duly qualified person is defined in the *Public Health Act 2010* as a person who might reasonably be expected to be competent to install, operate or maintain a water-cooling system. This can refer to people who work for water treatment companies, mechanical services companies, and other industry organisations that manage water-cooling systems on a day to day basis. The occupier may have contractual agreements with more than one duly qualified person to manage different aspects of their water-cooling system.

What is the laboratory's role?

Samples collected by the duly qualified person are tested by laboratories. Under the *Public Health Regulation 2012* laboratories must be accredited by the National Association of Testing Authorities (NATA). Laboratories may provide test results to the duly qualified person on behalf of the occupier, and may provide reportable test results directly to local government authorities based on contractual arrangements with the occupier or duly qualified person.

What is a reportable test result?

The *Public Health Regulation 2012* requires the occupier and duly qualified person to operate the water-cooling system to ensure *Legionella* count < 10 cfu/mL and heterotrophic colony count $< 100,000$ cfu/mL. Any increase over these levels must be corrected as a priority. The reportable test result is a new safeguard that will provide an additional level of oversight in the management of water-cooling systems.

Reportable test results are high levels which must be notified to the local government authority for that area. A *Legionella* count ≥ 1000 cfu/mL and heterotrophic colony count $\geq 5,000,000$ cfu/mL indicates that the

management of the water-cooling system needs to be reviewed urgently in order to prevent an outbreak of Legionnaires' disease.

Who should notify local government of a reportable test result?

The occupier is ultimately responsible for notifying the local government for that area of any reportable test results. The occupier may engage a duly qualified person to perform this role on their behalf. The occupier or duly qualified person may also have a contractual arrangement with a laboratory to directly notify the local government authority of any reportable test results.

When and how should a reportable test result be notified?

Under the amended *Public Health Regulation 2012*, the occupier is required to notify the local government authority within 24 hours of receiving a reportable test result.

Notification to the local government authority should be provided in writing, for example, by including the laboratory report. It is good practice for the occupier or duly qualified person to also notify the local government authority over the phone, and for local government authorities to make the number of their environmental health team available for contact.

How should the occupier and duly qualified person respond to a reportable test result?

Australian Standard 3666 Part 3 contains practical guidance on managing high levels of *Legionella* count and heterotrophic colony count. In particular, the occupier and duly qualified person should follow the control strategies provided in Table 3.1 and Table 3.2 of Australian Standard 3666 Part 3.

How should the local government authority respond to a reportable test result?

The local government authority should respond to a reportable test result by confirming that control strategies have been put in place and, where necessary, issuing improvement notices or prohibition orders (along with any associated fees).

Who can provide further information and support?

NSW Health provides support on public health matters through twelve Public Health Units, which can be contacted on 1300 066 055. Further information and guidance is also provided on the NSW Health website: www.health.nsw.gov.au/environment/legionellacontrol