

3. BETTER LEGIONELLA CONTROL MEASURES

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8462
Officer responsible:	Environment Policy & Approvals Manager
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PURPOSE OF REPORT

1. The purpose of this report is to report on the findings of a Coroner's report on a Legionella outbreak that occurred in Christchurch in 2005. The incident affected 19 people all of whom were hospitalised and three died. The report also seeks approval from the Regulatory and Planning Committee to send a letter of support for the Coroner's recommendations to the Department of Building and Housing and to the Department of Health supporting an amended Compliance Schedule regime for industrial cooling towers which are not presently covered by the Building Warrant of Fitness system (BWOF)

EXECUTIVE SUMMARY

2. In 2005 a Legionella outbreak in Christchurch affected 19 persons all of whom were hospitalised. Three of the patients subsequently died.
3. At the time of the outbreak the Regional Public Health Officers and Christchurch City Council Building and Health Officers participated in seeking to find the source of the outbreak. One of the likely source of the outbreak was industrial water cooling towers which are not controlled under the BWOF regime administered by Council. Subsequently the Coroner's inquest into the death of the three persons concluded that based on probabilities there was a common source for the outbreak and it was likely to be an industrial cooling tower (of a type not controlled under the Building Warrant of Fitness system)
4. The Coroner made a number of recommendations which would alter the compliance regime around such towers and these recommendations are being considered by the Department of Building and Housing and the Department of Health.
5. The Christchurch City Council would seek to support the proposed initiatives and be involved in the future control of industrial water cooling towers, so as to further protect the citizens of Christchurch from the potential for this to occur again.

FINANCIAL IMPLICATIONS

6. The Building Warrant of Fitness system works on a user-pays basis. There is provision in the Building Act for fees to be charged. It is likely therefore that the proposed compliance changes to the Building Act would come at no cost to the Council.

Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?

7. Yes.

LEGAL CONSIDERATIONS

8. The amendments to the Building Act and Public Health Act proposed by the Coroner would be enacted by the Government and accordingly there are no legal considerations from a Council point of view.

STAFF RECOMMENDATION

It is recommended that the Committee agree to the preparation of a letter of support addressed to the Department of Building and Housing and the Department of Health, supporting the Coroner's recommendations around changes to the Building Act and Public Health Act.

BACKGROUND (THE ISSUES)

9. Legionellosis, commonly referred to as Legionnaires' Disease, is a serious and sometimes fatal form of pneumonia. In 2005 there were 19 cases of Legionella contracted between April and August and in three cases the disease proved fatal, hence the Coroner's investigation. People most susceptible are adults over the age of 50, smokers, people prone to lung disease and other people with low immunity.
10. Cooling towers used in heating and ventilating systems are part of the building and are required to be inspected as part of a BWOFF regime which requires the owner to arrange for maintenance and inspection to be done and to certify that the work has been carried out correctly. At the time of the outbreak investigations concluded that cooling towers (including industrial cooling towers) might be part of the source of the contamination. Industrial water cooling towers which are part of an industrial process are not part of the BWOFF system provided for under the Building Act. This meant that the Christchurch City Council did not have a single register including these industrial water cooling towers and was not able to immediately help in the investigation, in that regard.
11. Subsequent to the investigation, the Christchurch City Council initiated a number of process changes in the way it maintains registers, so that we could more immediately assist with a single list of ventilation and cooling towers. The industrial cooling towers are also being voluntarily treated by owners as recommended by the authorities. The Coroner heard of these changes and has included them in the list of recommendations.
12. Accordingly, the Coroner has made recommendations around producing a single register of ventilation and cooling towers. It was also proposed to make regular testing and maintenance of those types of cooling towers part of the requirements of the Building Warrant of Fitness system. Another concern that the Coroner would like to have addressed is the concern that currently it is not compulsory to notify adverse results of tests for Legionella bacteria to the Health authorities.
12. In his decision the Coroner has proposed to the Government that it give consideration to changes to legislation and other regulatory amendments to achieve the following outcomes:
 - (a) That the owners and/or operators of all cooling towers be required to register the towers with their Territorial Authorities.
 - (b) That territorial authorities create and maintain a single database for cooling towers for heating and ventilating systems and cooling towers for industrial processes.
 - (c) That all cooling towers whether commercial or industrial, be brought within the Compliance Schedule/Building Warrant of Fitness regime administered by territorial authorities.
 - (d) That cooling towers be classified as a separate class of specified system for the Compliance Schedule/Building Warrant of Fitness regime.
 - (e) That it be mandatory for all new and existing cooling towers to comply with AS/NZS 3666 or other comparable standard and that NZS 4303 no longer be optional for any towers, with pre 2004 towers that do not now comply being required to upgrade within a specified period.
 - (f) That testing for Legionella be undertaken at least monthly to AS/NZS 3896 and AS 4276.3.1 by an IANZ biologically accredited laboratory.
 - (g) That it be mandatory for the laboratories to notify Legionella test results greater than, or equal to, 100 cfu/ml with 48 hours to the local Medical Officer of Health, and the required control strategy from Table 3.1 of AS/NZS 3666.3 be implemented by the owner or operator.
 - (h) That territorial authorities and Medical Officers of Health be given powers to audit testing and test results and to ensure that appropriate corrective action is taken following results that do not meet the standard.