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## Air-handling Part 2

### Overview

Analysis of the consultation responses received by the DOH to the first part of this consultation 'Managing the public health risks associated with cooling towers and warm water systems in WA', determined that there was general agreement from all sectors that any approach should be risk-based and that Option C – development of new regulations was the preferred strategy. New regulations must clearly state inclusion and exclusion factors for air-handling and water systems that legislative requirements are intended to apply to.

The key focus of this review is to obtain feedback on the proposed regulation content to manage the public health risks associated with commercial air-handling (e.g. cooling towers) and warm water systems in Western Australia (WA).

Cooling towers and warm water systems can be associated with outbreaks of Legionnaires' Disease or Pontiac Fever, if such systems are not maintained to particular standards.

In WA, this risk is currently managed under the **Health (Air-handling and Water Systems) Regulations 1994** <[https://www.legislation.wa.gov.au/legislation/statutes.nsf/main\\_mrtitle\\_1543\\_homepage.html](https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_1543_homepage.html)> (Air-handling Regulations), which requires operators to maintain systems in accordance with specific Australian Standards.

The '**Air handling Discussion Paper - Part 2**' <[user\\_uploads/attachment-a---air-handling-discussion-paper-part-2---may-2020-final.pdf](#)> details the proposed content to be included in new regulations.

It is important that you read the discussion paper prior to completing the survey.

The survey should take approximately 20 minutes to complete.

You do not have to comment on all of the questions, and can focus on those areas that are important to you.

You can read the **survey questions here** <[user\\_uploads/air-handling-survey.pdf](#)> prior to completing the online survey.

### Why we are consulting

With the introduction of the *Public Health Act 2016* in WA, the Air-handling Regulations, which are adopted under the *Health (Miscellaneous Provisions) Act 1911*, must be reviewed and either repealed or replaced with new regulations in accordance with the new regulatory framework.

In May 2019, the discussion paper '**Managing the public health risks associated with cooling towers and warm water systems in WA**' <[https://ww2.health.wa.gov.au/~/\\_media/Files/Corporate/general%20documents/Public%20Health%20Act/Regulation%20review%20projects/Air%20handl](https://ww2.health.wa.gov.au/~/_media/Files/Corporate/general%20documents/Public%20Health%20Act/Regulation%20review%20projects/Air%20handl)> was released for a fourteen week comment period. Consultation results indicate that

- Option C – Develop new regulations to manage this public health risk with building requirements addressed by the Building Code of Australia

was the most favourable option selected by the majority of stakeholders. A second discussion paper has been developed to detail the proposed new content for regulations to continue to manage the public health risks from air-handling and water systems in WA.

### Introduction

#### 1 What is your name?

Name

#### 2 What is your email address?

If you enter your email address then you will automatically receive an acknowledgement email when you submit your response.

Email

#### 3 Please indicate who you represent?

Please select only one item

- Local Government    State Government    Industry    Member of the public    Other

**4** What is the name of the organisation you represent? If you are a member of the public please type "public".

Organisation name

**5** Would you like your response to be confidential?

*Please select only one item*

Yes  No

### Revised definitions and exemptions

It is proposed that the new regulations will retain existing definitions and will include new and redefined terms applicable to air-handling and water systems

**1** Do you agree that the proposed regulations apply to all cooling towers except those in Class 1, 4 or 10 buildings under the Building Code?

*Please select only one item*

Yes  No

**2** Do you agree that a proposed risk rating matrix should be used by enforcement agencies to classify each type of system and/or building?

*Please select only one item*

Yes  No

**3** Do you agree that the proposed regulations would apply to commercial car washes or other potentially high-risk businesses/facilities?

*Please select only one item*

Yes  No

**4** Do you agree with the term 'vulnerable facility'?

*Please select only one item*

Yes  No

**5** Should the proposed regulations apply to any other building or facility not mentioned?

Please detail your answer

**6** Do you have any concerns or comments about this proposal?

Please detail your answer

## Administration requirements and application of regulations

It is proposed that new air-handling regulations will require the landowner of a building or facility where an air-handling or water system (including a cooling tower) is located, to ensure that each system on that land is registered with the appropriate enforcement agency until decommissioned.

**7** Do you agree that air-handling and water systems should be registered with the appropriate enforcement agency?

*Please select only one item*

Yes  No

## High risk systems and vulnerable facilities

It is proposed that all high risk or 'vulnerable facilities' are registered with the Department of Health.

**8** Do you agree that warm water systems in 'vulnerable' facilities including hospitals and aged care facilities should be registered with the appropriate enforcement agency?

*Please select only one item*

Yes  No

**9** Do you agree that the Chief Health Officer should be the principle enforcement agency for State hospitals and State aged care facilities?

*Please select only one item*

Yes  No

**10** Do you agree that 6 months is an appropriate amount of time for owners to register a warm water system following the enactment of the proposed regulations?

*Please select only one item*

Yes  No

**11** Do you have any other ideas or comments to make about any of these proposals?

Please detail your answer

## Compliance with the National Construction Code

The DOH proposes that new health regulations remove direct references to Australian Standards, instead requiring compliance with the NCC for the design, construction and installation of air-handling and water systems.

**12** Do you agree with requiring compliance with the NCC for design, installation and maintenance of air-handling and water systems?

*Please select only one item*

Yes  No

## Risk Management Plans

It is proposed that Risk Management Plans (RMPs) will be mandatory for high risk and/or vulnerable facilities, while RMPs for lower risk premises will be optional.

**13** Do you agree that Risk Management Plans should be mandatory as part of the registration process for high risk or vulnerable facilities? And optional for lower risk premises?

*Please select only one item*

Yes  No  Unsure?

Please include any further comments you have in this section including any costs or benefits of this proposal.

### Independent auditors

New WA air-handling and water system regulations will include provisions for the approval of air-handling and water system auditors by the DOH.

**14** Do you agree with the use of independent auditors to undertake regular inspections of systems and to report to the appropriate enforcement agency?

*Please select only one item*

Yes  No

**15** Do you have any other ideas or comments to make about any of these proposals? Please detail any costs or benefits of these proposals.

Please detail your answer

### Regular maintenance inspections and water testing

New regulations proposes to allow compliance with monthly inspections and maintenance schedules or monthly water sampling and microbial testing, or a combination of the two.

**16** Do you agree with the proposal to replicate the Australian Standards requirements for either routine maintenance schedules or regular water sampling and testing?

*Please select only one item*

Yes  No

**17** Do you have any other ideas or comments regarding this proposal?

Please detail your answer

### Testing results reporting

**18** Do you agree with the proposed requirements for reporting of microbial testing and investigation if above a threshold?

*Please select only one item*

Yes  No

**19** Do you have any other ideas or comments to make about any of these proposals?

Please detail them below

### Final comments

**24** Do you have any other ideas or comments to make about any of these proposals?

Please detail your answer