



## PUBLIC AND ENVIRONMENTAL HEALTH COUNCIL

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SA HEALTH

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### CIRCULAR TO LOCAL COUNCILS

DECEMBER 2009

#### **LEGIONELLA REGULATIONS: ROLES AND RESPONSIBILITIES OF LOCAL AUTHORITIES**

1 October 2009 marked the first anniversary of the commencement of the Public and Environmental Health (Legionella) Regulations 2008 (the Regulations).

The Public and Environmental Health Council (the Council) considers that the implementation phase of the Regulations has now concluded, with all Regulations becoming operational as of 1 October 2009.

To promote the effective administration and enforcement of the Regulations, the Council has produced this circular to clarify expectations regarding the roles and responsibilities of local authorities.

#### **Annual inspections and microbiological testing**

Consistent with Regulation 15, local authorities are required to cause an inspection and microbiological testing of each registered system within their area at least once in every 12 months.

It was accepted that many local authorities were unable to meet this requirement during the implementation phase of the Regulations. As the implementation phase has now concluded, the Council expects that all registered systems will have been subject to their first thorough compliance inspection by the end of the current reporting period (30 June 2010).

#### **Regulation 15(2) notices – Independent inspections by competent persons**

In order to protect public health and prevent disease, the Regulations make local authorities responsible for ensuring compliance with all regulatory requirements. The Council acknowledges that local authorities are legitimately able require system owners to engage an independent inspector to conduct the mandatory annual inspections, without providing any justification for the decision. However, in keeping with their responsibilities, local authorities are expected to have a working knowledge of the requirements of the Legionella Regulations and associated Australian Standards, so that any non-compliance identified as part of inspections conducted by

their own authorised officers or independent inspectors engaged by the system owner are dealt with appropriately.

The Council expects that local authorities will:

- thoroughly scrutinise all independent reports received and request further information as required to determine compliance.
- promptly follow up on reports which have not been received one month following the inspection date specified in the notice.
- follow up to ensure all non-compliances noted in the report are resolved in a timely manner. Serious non-compliances must be followed up as a matter of urgency.

### **Independent inspectors claiming approval from the Department of Health**

It has been brought to the attention of the Council and the Department of Health (the Department) that some individuals and companies have been circulating correspondence which claims or implies that they have approval or endorsement from the Department to provide independent inspection services. This is not the case as the Regulations do not currently require the Department to approve independent inspectors. As such, the Department does not have the authority to assess and/or recommend any service provider in particular. In response to this matter, the Department will commence development of a code of practice for independent inspectors; including water treatment companies, plumbers and auditors.

### **Disease investigation procedures**

Recent requests from the Department to local authorities for assistance in the investigation of cases of Legionellosis has, in some cases, resulted in a delayed response with specified action not being taken as requested.

In order to ensure a consistent and appropriate response to the occurrence of cases, clusters and outbreaks of disease, the Department will commence the development of disease investigation procedures in 2010. Local authorities will be invited to participate in this process.

### **Responses to Legionella detection in high risk manufactured water systems**

Information provided to the Department indicates that some system owners, and in some cases local authorities, are failing to adhere to the mandatory requirements regarding notification of Legionella detection in high risk manufactured water systems (within the specified time frames).

The Council supports the enforcement of this important regulatory requirement and seeks the full cooperation of local authorities complying with their own requirements in relation to forwarding notifications to the Department within 24 hours as required by the Regulations.

Where Legionella is detected in high risk manufactured water systems, the Guidelines for the Control of Legionella in Manufactured Water Systems in South Australia (the Guidelines) require them to be decontaminated or shut down/isolated immediately. Failure to do so presents a serious public health risk.

Local authorities are expected to ensure that investigations are carried out and remedial action implemented in accordance with schedule 4 of the Guidelines. System owners are expected to decontaminate the system immediately upon receipt of a notifiable Legionella result. If immediate decontamination can not be achieved, the system must be immediately shut down/isolated pending decontamination.

System owners and local authorities that knowingly allow contaminated systems to continue operating place both themselves and the public at great risk.

### **Support available from the Department of Health**

The Department has developed a wide range of resources (fact sheets, notification forms, inspection forms) for local authorities that are available for download from the following web address:

<http://www.dh.sa.gov.au/pehs/legionella-regulations-guidelines.htm>

Local authorities are urged to utilise and distribute these resources in order to promote compliance with the Regulations.

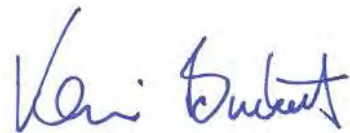
Notice templates are available for download from the Environmental Health Australia knowledge base. This is hosted on a Local Government Association secure site. A username and password must be obtained to enable access:

<http://www.lga.sa.gov.au/goto/eho>

Infection with Legionella can result in serious and sometimes fatal illness. The Council is seeking the cooperation of all local authorities in actively enforcing the Public and Environmental Health (Legionella) Regulations 2008, which are an important step towards reducing cases of disease within South Australia.

If you require further information, please contact the Environmental Services Section, SA Health on 08 8226 7100.

Yours sincerely



Dr Kevin Bucket  
Presiding Member

**Public and Environmental Health Council**