

NYC Department of Health and Mental
Hygiene

Board of Health Meeting recorded on
March 16, 2026

Time: 10:03 a.m.

Transcript of proceedings

By Omar Riberia

1 **ELISABETH MAYER:** Good morning, everyone.
2 This public hearing is now called to order.
3 Today is Monday, March 16th, 2026, and the
4 time is 10:03 AM. I'm Elisabeth Mayer, an
5 Assistant General Counsel at the New York
6 City Department of Health and Mental
7 Hygiene. Here with us today also are
8 Elizabeth Burke, Director of Building Water
9 Systems Oversight and Patricia Costa,
10 Policy and Training Coordinator in the
11 Public Health Engineering Program, and
12 Joseph Russo, Paralegal in the Office of
13 General Counsel. The purpose of today's
14 hearing is to elicit comments and
15 information to assist the commissioner in
16 determining whether to adopt a proposal to
17 amend its rules concerning cooling towers
18 located in Chapter 8 of Title 24 of the
19 Rules of the City of New York. These
20 proposed amendments will update Chapter 8
21 pursuant to Local Law 159 of 2025. Local
22 Law 159 requires an increase in the
23 frequency of Legionella culture testing
24 inspections of cooling towers to every
25 month during periods when such towers are
26 in use. A notice of intention to amend this
27 chapter was published in the City Record on
28 Thursday, February 12th, 2026. A copy of
29 the first page of the notice of intention
30 will be provided to the stenographer to
31 include in the record. Persons wishing to

1 speak at this hearing were asked to pre-
2 register and they will have a limit of
3 three minutes to speak. If someone else,
4 before I go to our registered speakers, if
5 anyone else at the hearing would like to
6 testify, please indicate so in the chat
7 area by writing your name and affiliation.
8 Okay? So we do have one speaker who
9 registered to speak, and that is Kim Smith.
10 Ms. Smith, it looks like you are here. Are
11 you ready? I will have my colleague unmute
12 you so that you can speak. You're still...
13 oh, you're still muted though.

14 **KIM SMITH:** Hi, can you hear me? Hi, my
15 name is Kim Smith, founder of the Harlem
16 Legionnaires' Task Force, a task force that
17 is community-led as a result of the
18 devastating Harlem 2025 Legionnaires
19 Cooling Tower Outbreak. So, my statement
20 is, dear Commissioner Martin and the
21 leadership of the New York City Department
22 of Health and Mental Hygiene, the Harlem
23 community continues to reflect on the
24 profound impact of the 2025 outbreak of
25 Legionnaire's disease that resulted in
26 eight deaths, 90 hospitalizations, and over
27 100 New Yorkers infected. Beyond the
28 numbers, the outbreak disrupted families,
29 unsettled communities, and underscored the
30 serious consequences of a disease that is
31 both dangerous and preventable. The

1 experienced galvanized residents, community
2 leaders, public officials, and health
3 professionals to work collaboratively
4 towards stronger safeguards that protect
5 the health and safety of New Yorkers. In
6 that spirit, the Harlem Legionnaires' Task
7 Force commends the leadership of the New
8 York City Department of Health and Mental
9 Hygiene for advancing thoughtful proposed
10 amendments to the city's cooling tower
11 regulations. The proposed updates reflect a
12 responsive and responsible approach to
13 public health oversight and demonstrate the
14 department's commitment to transparency,
15 accountability, and enforcement. Several of
16 the proposed amendments are outstanding,
17 changing ambiguous language from immediate
18 to specific timeframes like 24 hours,
19 increasing penalties from \$500 to \$2,000
20 for building owners that are not complying
21 with ensuring that buildings and their
22 systems are tested and/or cleaned, as well
23 as proposing to have a specific certified
24 New York State Laboratory where, you know,
25 the buildings can pull from that specific
26 laboratory list to have their properties
27 tested for the Legionella. The lessons of
28 2025 have reinforced the importance of
29 vigilance, partnership, and proactive
30 policy. The proposed amendments represent a
31 meaningful step toward ensuring that

1 communities in Harlem and across New York
2 City are better protected from a disease
3 that is entirely preventable. Continued
4 collaboration between policymakers,
5 building operators, community residents
6 will remain essential as we work together
7 to reduce risk, strengthen accountability,
8 and protect the health of all New Yorkers.
9 And in the spirit of collaboration, the
10 task force, we have collected close to 200
11 signed letters from people in the Harlem
12 community that we will be scanning along
13 with our letter of support to DOHMH because
14 we really believe it's not a one size fit
15 all as you guys are aware, but we must work
16 in collaboration at the end of the day to
17 ensure that this preventable disease does
18 not strike again in such a horrific manner.
19 Thank you so much.

20 **ELISABETH MAYER:** Thank you, Ms. Smith, for
21 your testimony. It's much appreciated. It
22 looks like we don't have anyone else who
23 has asked to speak at this point. So what
24 we're going to do right now, there's still
25 time if people would like to testify, but
26 in the meantime, unless someone puts their
27 name in the chat, we are going to adjourn
28 until 10:55 or until we receive
29 notification that someone else online
30 wishes to testify. So we will be... we will
31 stop the recording then and we will be

1 adjourned with the screen up that describes
2 what's happening at this hearing. Again, if
3 anyone else would like to testify, please
4 feel free to put your name and affiliation
5 into the chat. Okay? Thank you very much,
6 and we will come back at 10:55 unless
7 someone else wishes to speak. Ms. Emmers,
8 you can go ahead and unmute yourself if
9 you'd like to testify. Also, to the
10 individual with the 929 phone number who
11 has their hand up, if you're someone who
12 would like to testify, if you can put your
13 information into the chat, then we can add
14 you to the conversation.

15 **MR. LOPEZ:** Am I being heard right now?

16 **ELISABETH MAYER:** Yes, Mr. Lopez, you are.
17 Please feel free to proceed.

18 **MR. LOPEZ:** All right. Thank you. I just
19 wanted to know... Well, first off, I'm a
20 little confused about this public hearing.
21 It just seems like nobody wants to speak,
22 but second, I just wanted to know, how did
23 DOH come up with the resolution of
24 determining on having Legionella testing
25 for every cooling tower every 30 days? What
26 scientific evidence do you have that, that
27 would... that, that rule would be
28 implemented for the better? I mean, as far
29 as I'm concerned, maybe for the summer
30 months, maybe starting in April or May,
31 having the cooling tower tested every month

1 might be beneficial, but having a cooling
2 tower tested in the winter months, every 30
3 days, it doesn't seem feasible. And I work
4 for a city agency, so I mean, as far as
5 the... as far as, you know, the budget and
6 the funds, I'm sure we'll get it, even
7 though it would double my budget. But as
8 far as, like, property owners, co-op
9 boards, condo owners, this is a huge
10 monetary factor for them. I already know
11 that. I've spoken to plenty building
12 engineers. Is also that... and another...
13 so that's my first question is what
14 scientific evidence did DOH conjure to put
15 this rule into place? Number two, there's
16 some verbiage in the proposed rules that
17 mention the bacteriological dip slides to
18 be sent to a lab every week. I think that
19 needs to be amended. I'm not sure if I was
20 supposed to do that on the resolution
21 comments email, but I'm okay with the
22 verbiage that's being added just for more
23 clarification. But those are my two subject
24 points that I really need some
25 clarification on and I'm done.

26 **ELISABETH MAYER:** Thank you, Mr. Lopez. We
27 appreciate your testimony. Just to be
28 clear, this hearing is not meant to be...
29 It's not a Q&A session, but I believe that
30 the rule states that the frequency
31 increases to every month during periods

1 when the cooling towers are in use rather
2 than year round. So I appreciate your...
3 But as far as your comments, I think if you
4 have specific questions about the language
5 and the dip slides, if you want to write up
6 and submit that, then that will be taken
7 into consideration.

8 **MR. LOPEZ:** Okay. All right. Thank you.

9 **ELISABETH MAYER:** Thank you for your
10 testimony. Appreciate it. Ms. Stolz, Erin
11 Stolz, once we get you, let's just get you
12 located and unmuted, and then we can go
13 ahead and have your testimony.

14 **ERIN STOLZ:** Good morning. Hi, my name is
15 Erin Stolz. I am the president of the New
16 York Metro Region American Industrial
17 Hygiene Association. So I just wanted to
18 first, you know, commend the work that you
19 are all doing to advance this updated
20 change to the legislation. We think this is
21 really important and will have really great
22 impact. I did just want to share a bit
23 about what we do, the AIHA. Our profession
24 seeks to play a critical role in protecting
25 worker health, advancing environmental
26 stewardship, and making sure we can
27 strengthen the communities in which we
28 live. So we're very, you know, passionate
29 about this work. We hope to provide insight
30 regarding how we think this legislation
31 will be perhaps more functional,

1 practically speaking. And we have had a
2 Legionella subcommittee among our
3 organization that's been working to provide
4 comments on some proposed changes to some
5 of the languages that we see here. And so I
6 just wanted to share that we'll be
7 submitting that, you know, later this
8 afternoon on how we think this can really
9 work to enhance the mission of our group,
10 the AIHA. Thank you very much.

11 **ELISABETH MAYER:** Thank you very much, Ms.
12 Stolz. Okay. Okay. Mr. Baskin, thank you
13 very much. We'll get you located and
14 unmuted, and then you can provide your
15 testimony.

16 **RUSSELL BASKIN:** Hello, my name is Russell
17 Baskin. I'm the president of a Commercial
18 Water Treatment and Legionella Compliance
19 firm serving New York City owners. I do
20 support the Department of Health's mission
21 and intent on Local Law 159 to strengthen
22 the legionella control. My comments are
23 going to focus on some provisions that may
24 benefit from clarification and adjustment
25 to avoid unintended compliance risks while
26 maintaining effective public health
27 protection. I do have some issues with the
28 definition of operation. I respectfully
29 request clarification on how this
30 definition applies to seasonal water
31 residue left in towers that are not

1 running, such as rainwater, so forth. Also,
2 laid up systems internally. There are
3 really important issues why systems should
4 not be dried over the winter months or
5 times of not use. They should be laid up
6 properly or redundant systems to avoid
7 penalizing conditions that do not
8 materially increase risk since their towers
9 are completely offline, systems are
10 offline. I also want to make sure for the
11 record that the annual maintenance program
12 and plan clarification, clarification is
13 needed as to whether the certification is a
14 point in time or if it's ongoing
15 reassurance and operational compliance by
16 the owner. Just want to make sure that we
17 look into the verbiage of that more clear.
18 The third point is improper water treatment
19 enforcement. Again, I recommend the
20 department define measurable criteria to
21 cross-reference specific control limits to
22 ensure constant and fair enforcement of
23 this. There are step fines for improper
24 water treatment, and I think that needs to
25 be defined on what that is. Record
26 production requirements, consideration of a
27 short, reasonable cure period would improve
28 fairness without compromising oversight to
29 get those records. There sometimes couldn't
30 be issues with electronic records and maybe
31 a very short cure period. I also have

1 concerns with overburdening of qualified
2 persons. I would recommend possibly another
3 designation, maybe an associate qualified
4 person or a junior qualified person. This
5 person could have the ASSE 12080
6 designation. This is the certification that
7 focuses on water safety management,
8 particularly in preventing legionella and
9 waterborne pathogens as it is essential for
10 professionals involved with building water
11 systems and what constitutes a change in
12 requiring recertification mid-year. So
13 there's a point in there about mid-year
14 recert. I have no idea what constitutes
15 doing that. My last two points, really
16 quick, I'm concerned on the rationale for
17 testing over 10,000, which triggers manual
18 disinfection monitoring three times a day.
19 Maybe it should be something similar to
20 hourly during disinfection or something
21 when the product is being added. And then
22 the last point I want to make sure we make
23 is that the new obligations require extra
24 notification to the DOH, notifying within
25 five days of startup shutdown operational
26 period and the first legionella sample
27 after startup. These new obligations could
28 cause a burden on the ownership or force
29 them to have a third party handle these
30 notifications for them. And this
31 notification equals a violation even if

1 health risk is controlled. That is all I'd
2 like to say for today. Thank you.

3 **ELISABETH MAYER:** Thank you very much, Mr.
4 Baskin. Just as a reminder to anyone who
5 may have joined us late, if you are
6 interested in testifying at this hearing,
7 please put your name and your affiliation
8 into the chat and we will add you to the
9 roster and you will be able to testify.
10 Just as a reminder, since at this point no
11 one wishes to speak, we're going to be
12 adjourned until 10:55. Thanks.

13 **MS. GREEN:** Hi, can you hear me?

14 **ELISABETH MAYER:** Yes.

15 **MS. GREEN:** Thank you so much, and thank
16 you for having this hearing. I just wanted
17 to comment on two things that I think may
18 help with clarifying an implementation. It
19 looks as though the burden for notifying
20 the Health Department of results that are
21 on Level 4 of Table 8.1 are on the building
22 ownership and management. There are many
23 diseases and conditions that labs provide
24 automatic reporting to health departments,
25 and I'm wondering if it could be explored
26 that the lab results when they're above a
27 certain level get automatically reported by
28 the labs to the health departments to
29 expedite things and to take the passing...
30 the phone tree effect out of it. And then I
31 also would love to see some more

1 clarification in the rules and regulations
2 about when residents of a building with
3 high levels are notified and how they are
4 notified. I think now it's pursuant to
5 direction of the Health Department and
6 perhaps some more standardization and
7 guidance on that could be added. Thank you.

8 **ELISABETH MAYER:** Thank you very much, Ms.
9 Green. Thank you everyone for joining us.
10 Just as a reminder, we are... unless
11 there's anyone else who wishes to speak,
12 we're going to be adjourned until 10:55, at
13 which point we will return. Okay? If you do
14 wish to speak, please put your name and
15 affiliation into the chat and we will get
16 you set up to testify. Thanks so much.

17 Hello, everyone. We're back on the record,
18 and it's now 10:53 AM. Just as a reminder,
19 and especially for those who joined us
20 late, I'm Elisabeth Mayer, an Assistant
21 General Counsel at the New York City
22 Department of Health and Mental Hygiene,
23 and I am joined here today by several of my
24 colleagues from the department, Elizabeth
25 Burke, Director of Building Water Systems
26 Oversight, Patricia Costa, Policy and
27 Training Coordinator in the Public Health
28 Engineering Program, and Joseph Russo, a
29 paralegal in the Office of General Counsel.
30 If anyone else would like to testify,
31 please let us know by writing your name and

1 affiliation in the chat, or you can raise
2 your hand and we will unmute you to let you
3 speak. So we're going to leave the floor
4 open for a few more minutes for anyone who
5 may wish to comment. Hi, Mr. Saiti, would
6 you like to testify? If so, we can take you
7 off mute and you can provide your
8 testimony. Okay. Hello, everyone. We're
9 back on the record now. It's 11:00 in the
10 morning. Thank you so much to everyone who
11 testified. We appreciate your feedback. If
12 you attended the meeting and did not
13 provide testimony but would like to make...
14 would like to comment on the proposed
15 rules, please feel free to submit written
16 comments. All of your written comments must
17 be received by 5:00 PM today. You can send
18 them to the email address on the screen,
19 resolutioncomments@health.nyc.gov, or you
20 can submit them on the Rules for the City
21 of New York website. There being no persons
22 remaining who wish to speak, this hearing
23 is now concluded. Thank you again for
24 joining us today.



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