



Delaware Healthcare Association

Joseph M. Letnaunchyn
President & CEO

December 23, 2004

Mr. Mark A. Prettyman
Environmental Scientist
Delaware DNREC-AQM
156 S. State St.
Dover, DE 19901

DEC 27 2004

Dear Mr. Prettyman,

As stated at the most recent Distributed Generation Regulatory Development Workgroup (Workgroup) meeting, the Delaware Healthcare Association on behalf of its member hospitals wish to express our gratitude for the changes that have been made to the draft regulations.

However, as also expressed at the meeting, we have one outstanding issue that must be addressed. That is Section 4.4 which states the following:

- No *emergency* or *distributed generator* shall be used during *testing* or for *maintenance* purposes before 5 p.m. on a day which has been declared by the *Department* as an "Ozone Action Day," an "Ozone Advisory Day," or an air quality alert day.

This restriction is not feasible because generator tests must be scheduled in advance in a hospital setting. These are required to be actual transfers of power and must be conducted every 30 days by National Fire Protection Association (NFPA) standards and health care accrediting agencies such as the Joint Commission on Accreditation of Healthcare Organizations (JCAHO).

Testing is established on a particular day of each month to ensure compliance with these requirements and to ensure hospital staff can coordinate in-house operations with the testing schedule. Cancellation of a generator test on a day that happens to be an ozone action day would likely cause our member hospitals to fall out of compliance with State law and accrediting agencies.

I have contacted my colleagues in other states that are responsible for requirements of national accreditation issues to ascertain if any of them has faced a similar dilemma. No one has indicated that their state has such a requirement.

Again I must stress, as I have during the Workgroup meetings, that these tests are conducted to help guarantee patient safety. Hospital personnel must assure that there will be a seamless transfer of power during an emergency. The hospitals also have very sophisticated equipment and everyone must know when these tests are going to take place. This is one of the primary reasons for having them scheduled at the same time every month.

Mr. Mark Prettyman
Distributed Generation Regulatory Development
December 23, 2004

Testing after 5 p.m. is not feasible. Hospitals are not factories running three shifts with similar operations on each shift. The 7 a.m. to 3 p.m. shift is when the bulk of the equipment is in use and therefore the appropriate time to do testing.

Please understand that our hospitals will certainly try to avoid testing on high ozone days. However, this can not be a requirement, because there may be severe consequences from the NFPA and/or JCAHO. There must be a balance between the harm and the good. As one of my colleagues from another state put it, "Air quality permits are time consuming and detailed; however, even regulatory burdened Vermont includes allowing a sufficient quantity of pollutants to be discharged to cover testing that are required by accrediting agencies."

In closing, there have been several exemptions and exceptions made for various constituency groups during this process. An exemption from Section 4.4 for hospitals seems to me as extremely justified, since it relates to the health and well being of hospital patients.

Thank you for the opportunity to submit our concerns regarding this issue. If I can provide further information or answer any questions, please don't hesitate to contact me.

Sincerely,


Suzanne Raab-Long
Vice President, Professional Services