

New York Requires Employers to Activate Exposure Prevention Plans

September 8, 2021

On September 6, 2021, New York State's commissioner of health designated COVID-19 as "a highly contagious communicable disease that presents a serious risk of harm to the public health in New York State" pursuant to Section 218-b of the New York Labor Law. As such, under the [New York Health and Essential Rights \(NY HERO\) Act](#), all employers with worksites in New York State are required to promptly activate an exposure prevention plan. The designation of COVID-19 as a highly contagious communicable disease will remain in place through at least September 30, 2021, at which point it will be reevaluated by the state commissioner of health.

Based on the NY HERO Act's requirements, many employers in New York have already adopted exposure prevention plans. For these employers, the adopted plans should be activated and followed until the designation has been lifted. Any employer with a worksite in New York that has not already adopted an exposure prevention plan (which satisfies the requirements under the NY HERO Act) should adopt one as soon as possible.

We are closely tracking NY HERO Act developments and will publish further guidance when additional information becomes available. If you have any questions related to the act, please reach out to a member of the Cooley employment team.

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