

# 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.

This content is provided for general informational purposes only, and your access or use of the content does not create an attorney-client relationship between you or your organization and Cooley LLP, Cooley (UK) LLP, or any other affiliated practice or entity (collectively referred to as "Cooley"). By accessing this content, you agree that the information provided does not constitute legal or other professional advice. This content is not a substitute for obtaining legal advice from a qualified attorney licensed in your jurisdiction, and you should not act or refrain from acting based on this content. This content may be changed without notice. It is not guaranteed to be complete, correct or up to date, and it may not reflect the most current legal developments. Prior results do not guarantee a similar outcome. Do not send any confidential information to Cooley, as we do not have any duty to keep any information you provide to us confidential. When advising companies, our attorney-client relationship is with the company, not with any individual. This content may have been generated with the assistance of artificial intelligence (AI) in accordance with our AI Principles, may be considered Attorney Advertising and is subject to our [legal notices](#).

## Key Contacts

<p><b>Ann Bevitt</b> London</p>	<p><b>abevitt@cooley.com</b> <b>+44 (0) 20 7556 4264</b></p>
<p><b>Wendy Brenner</b> Palo Alto</p>	<p><b>brennerwj@cooley.com</b> <b>+1 650 843 5371</b></p>
<p><b>Leslie Cancel</b> San Francisco</p>	<p><b>lcancel@cooley.com</b> <b>+1 415 693 2175</b></p>

<p>Helennane Connolly Reston</p>	<p>hconnolly@cooley.com +1 703 456 8685</p>
<p>Joseph Lockinger New York</p>	<p>jlockinger@cooley.com +1 212 479 6736</p>
<p>Joshua Mates San Francisco</p>	<p>jmates@cooley.com +1 415 693 2084</p>
<p>Gerard O'Shea New York</p>	<p>goshea@cooley.com +1 212 479 6704</p>
<p>Miriam Petrillo Chicago</p>	<p>mpetrillo@cooley.com +1 312 881 6612</p>
<p>Ryan Vann Chicago</p>	<p>rhvann@cooley.com +1 312 881 6640</p>
<p>Summer Wynn San Diego</p>	<p>swynn@cooley.com +1 858 550 6030</p>
<p>Steven A. Zuckerman New York</p>	<p>szuckerman@cooley.com +1 212 479 6647</p>

This information is a general description of the law; it is not intended to provide specific legal advice nor is it intended to create an attorney-client relationship with Cooley LLP. Before taking any action on this information you should seek professional counsel.

Copyright © 2023 Cooley LLP, 3175 Hanover Street, Palo Alto, CA 94304; Cooley (UK) LLP, 22 Bishopsgate, London, UK EC2N 4BQ. Permission is granted to make and redistribute, without charge, copies of this entire document provided that such copies are complete and unaltered and identify Cooley LLP as the author. All other rights reserved.