

### The Activation of Exposure Prevention Plans Under the NY HERO Act Has Ended

On May 5, 2021, New York enacted the New York Health and Essential Rights Act, or NY HERO Act ("the Act"), which is aimed at curbing the spread of airborne infectious diseases in the workplace. In September 2021, the New York State Commissioner of Health designated COVID-19 as a "highly contagious communicable disease that presents a serious risk of harm to the public health," which required the activation of exposure prevention plans and the implementation of certain safety measures under those plans, which we discussed [here](#).

On March 17, 2022, the New York Department of Labor announced that the designation of COVID-19 as an airborne infectious disease that presents a serious risk of harm to the public health under the NY HERO Act ended. Therefore, private sector employers who are subject to the Act are **no longer required to implement their workforce safety plans, including daily health screenings and social distancing**. While employers must still have exposure prevention plans in place, and take appropriate steps to make plans available to employees (including by providing copies upon hire, posting the plan in a visible worksite location, and including a copy within their employee handbooks), the plans are no longer required to be "activated."

We have previously covered the detailed requirements for creating an airborne infectious disease exposure prevention plan, and the applicable guidance on implementation, as well as the non-retaliation provisions of the Act, available [here](#) and [here](#).

This alert is for general informational purposes only and should not be construed as specific legal advice. If you would like more information about this alert, please contact one of the following attorneys or call your regular Patterson contact.

<u><a href="#">Lisa E. Cleary</a></u>	212.336.2159	<u><a href="mailto:lecleary@pbwt.com">lecleary@pbwt.com</a></u>
<u><a href="#">Catherine A. Williams</a></u>	212.336.2207	<u><a href="mailto:cawilliams@pbwt.com">cawilliams@pbwt.com</a></u>
<u><a href="#">Jacqueline L. Bonneau</a></u>	212.336.2564	<u><a href="mailto:jbonneau@pbwt.com">jbonneau@pbwt.com</a></u>
<u><a href="#">Ryan J. Kurtz</a></u>	212.336.2405	<u><a href="mailto:rkurtz@pbwt.com">rkurtz@pbwt.com</a></u>
<u><a href="#">Precious E. Nwankwo</a></u>	212.336.2236	<u><a href="mailto:pnwankwo@pbwt.com">pnwankwo@pbwt.com</a></u>

To subscribe to any of our publications, call us at 212.336.2813, email [info@pbwt.com](mailto:info@pbwt.com) or sign up on our website, <https://www.pbwt.com/subscribe/>.

This publication may constitute attorney advertising in some jurisdictions.  
© 2022 Patterson Belknap Webb & Tyler LLP