



NEW YORK STATE SENATOR

Michael Gianaris

Senate Deputy Leader Gianaris, Assembly Member Reyes, Advocates Reveal: NYSDOH Has Not Declared Covid-19 A Serious Risk To Public Health, Delaying NY HERO Act Workplace Safety Rules

MICHAEL GIANARIS August 23, 2021

| ISSUE: **NY HERO ACT, COVID-19, CORONAVIRUS, WORKPLACE SAFETY, ESSENTIAL WORKERS**

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NEW YORK – Senate Deputy Leader Michael Gianaris, Assembly Member Karines Reyes, and members of the Essential Worker Coalition are calling on incoming-Governor Kathy Hochul to direct the state Department of Health to act under the NY HERO Act to keep workplaces safe. The NY HERO Act, passed earlier this year by the Legislature and signed into law by the outgoing Governor, requires the Department of Health to declare a disease, like covid-19, “a

highly contagious, communicable disease that presents a serious risk of harm to public health” before the law’s protections can be implemented. To date, the state’s health agency has not done so.

“While the outgoing administration has been distracted, New York’s challenges have not gone away. The delay in HERO Act implementation has resulted in preventable danger of coronavirus spread in workplaces,” said **Senate Deputy Leader Michael Gianaris**. “The new administration needs to act quickly. Too many workers already sacrificed their health for our community’s benefit. The New York HERO Act recognizes their efforts by giving workers the tools to protect themselves while on the job.”

“The soon to be former Governor’s administration has largely failed to implement laws passed by the legislature for months now,” said **Assembly Member Karines Reyes, R.N.**

“Incoming Governor Hochul must immediately take action and ensure that the NY HERO Act is enforced by the Department of Health. With the Delta variant on the rise in our state, we must have protection plans for employees in place as soon as possible.”

The NY HERO Act, or the New York Health and Essential Rights Act, requires the Departments of Labor and Health to implement enforceable minimum standards for workplace safety. The regulations must include protocols on testing, PPE, social distancing, hand hygiene, disinfection, and engineering controls. Workers would also be given a direct role in monitoring and reporting violations through workplace health and safety committees and employees would be protected from retaliation for utilizing their rights under the law.

The NY HERO Act is supported by more than 100 labor, community, and safety organizations, including the AFL-CIO.

Senator Gianaris and Assembly Member Reyes' letter to incoming Governor Hochul can be found [here](#). The Essential Worker Coalition's letter can be found [here](#).

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