

**HERO Act Airborne Infectious Disease Exposure Prevention Plans must now be in effect.**

**The September 6, 2021 designation by the NY State Department of Health requires all covered employers to implement their Airborne Infectious Disease Exposure Prevention Plan.**

<https://www.governor.ny.gov/news/governor-kathy-hochul-announces-designation-covid-19-airborne-infectious-disease-under-new>

On 09-06-2021 Governor Kathy Hochul announced that the NY State Commissioner of Health has designated COVID-19 a highly contagious communicable disease that presents a serious risk of harm to the public health under New York State's HERO Act. This designation requires all covered employers to implement their Airborne Infectious Disease Exposure Prevention Plan as required per the HERO Act.

Covered employers should do the following:

1. **Review your existing plan** - Immediately review your exposure prevention plan and update the plan, if necessary, to ensure that it incorporates current information, guidance, and mandatory requirements issued by federal, state, or local governments related to the infectious agent of concern (COVID-19). **Make sure your plan meets the latest guidance from the CDC, the NY State Department of Health, OSHA (i.e. universal masking) and any other body that governs or regulates your operations.**
2. **Finalize and activate** - Promptly activate the exposure prevention plan.
3. **Provide the verbal review as required** - Conduct the additional verbal review (yes, you may have done this with your initial plan). Conduct a new review with all staff to ensure all staff know:
  - a) The plan is now in place
  - b) They understand the plan
  - c) They understand how the plan affects them and how to comply
  - d) Who to ask questions about the plan
  - e) How to file an internal complaint for failure to follow or implement the plan

**Even if you conducted an initial verbal review you must conduct another now that the plan has been activated.**

4. **Enforcement** - Assign enforcement responsibilities in accordance with Labor Law Section 218-b(2)(i) – which means the organization's supervision enforces this plan. Ensure that adequate enforcement of the exposure prevention plan takes place.
5. **Provide a copy** – Provide each employee with a copy of the exposure prevention plan in English or in the language identified as the primary language of such employees.
6. **Post a copy** – Post a copy of the exposure prevention plan in a visible and prominent location at the workplace.
7. **Handbook** – Ensure a copy of your plan is in your employee handbook.
8. **Plan accessibility** - Ensure that a copy of the exposure prevention plan is accessible to employees, and to employee representatives, during all work shifts.
9. **Monitor and maintain exposure controls** – Follow the controls you have in your plan and monitor their effectiveness.

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10. **Updating** - Regularly check for updated information and guidance provided by State DOH or CDC concerning the airborne infectious disease and updating the exposure prevention plan so that the plan reflects current State DOH or CDC recommended control measures.