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My name is Maritza Silva-Farrell and I am the Executive Director of ALIGN-NY. ALIGN is a longstanding alliance of labor and community organizations united for a just and sustainable New York. We lead the NY Essential Worker's Coalition--a statewide group of over 75 labor unions, worker centers, immigrant rights advocates, legal service providers, occupational health and safety groups, and neighborhood based community organizations that fought for the NY HERO Act. Our coalition represents millions of essential workers across the state from Buffalo to Brooklyn and everywhere in between. These workers--mostly Black and Latino--have been on the frontlines of this pandemic for 2 years keeping us safe and healthy, and keeping our economy moving.

We can not look at the disproportionate impact that COVID-19 has had on communities of color without looking at the lack of workplace protections for Black and brown workers. Our Coalition came together in the Spring of 2020 because these workers, their families, and their neighbors were dying. We were calling them heroes and applauding them, and yet they worked without any enforceable workplace standards in place to protect them. The NY HERO act is aptly named to recognize the sacrifice of these heroes, and to ensure they are protected during this pandemic and whatever may come next.

I want to highlight a few of these worker heroes and what they've gone through here.

Beatriz Ramirez is a Laundry Worker in Queens. She worked throughout the pandemic to provide for her five children. Every day she risked exposure working in close quarters with others and handling clothes containing bodily fluids and other germs. She and her co-workers asked their employer to provide masks, gloves, and other PPE that they could not afford and their employer refused. Eventually, Beatriz caught COVID and was

fired by her employer for getting sick. Many of her coworkers were also fired in retaliation for asking for PPE.

Evelyn Brown works at an assisted living facility in the Bronx. Her facility failed to do deep cleaning and workers often had to buy their own masks. Frequently, they would run out of gowns and use garbage bags instead--until they ran out of those as well. Evelyn tested positive and had to miss work for a month, but despite poor conditions, she continued working there to provide for her daughter. Soon after she returned to work she started feeling sick and tested positive again. More than 30 of her coworkers contracted COVID-19, while one worker plus over 40 residents died from the virus.

Christina works at a vineyard in Onondaga County. She and her coworkers worked throughout the pandemic in fear of the virus. They were never given any information or training about the virus. Her employer had no safety plan in place and her and her coworkers worked without Social Distancing. Eventually she caught COVID and was scared and confused without any guidance from her employer.

These experiences are just a small sampling of the stories our coalition members have heard throughout the pandemic and to this day.

The New York Hero Act protects these workers by creating a permanent airborne infectious disease standard for all private sector workplaces in the state. We've learned so much about the importance of masking, distancing, and ventilation in stopping the spread of airborne diseases, and NY HERO codifies these lessons into law. It also gives workers a voice on the job by mandating that employers participate in health and safety committees.

The NY HERO ACT is historic--thanks to the leadership of the legislature we are the only state in the nation with a permanent airborne infectious disease standard to protect workers both from Covid-19 and potential future diseases. The recent decisions by the Supreme Court and State Court to strike down the Biden administration's OSHA ETS highlight the importance of this historic action taken by the legislature--NY HERO is the only law protecting private sector workers in New York from Covid-19 and ensuring basic workplace safety measures are implemented.

However, just passing this law is not enough. In order for NY HERO to truly protect workers there must be a strong effort on behalf of the state to implement the law. We were heartened to see Governor Hochul earmark an additional \$12.4 million for the DOL and while it is a great start, it is not enough. We need robust enforcement, deep outreach and education to workers and employers, training investments, and support for small businesses to make upgrades to protect their workers. The Legislature and the Governor must fund this implementation with a modest investment of \$50 million.

Enforcement of the law is absolutely critical. Unfortunately, due to years of underfunding by previous administrations, the DOL is unable to adequately investigate workplace COVID safety

complaints. Time and again we've heard from workers and members of our coalition that they've filed complaints and never gotten responses. This is the result of a lack of resources. We believe the DOL should have the capacity to handle at least 1,000 COVID safety complaints per week, requiring a budget of \$10 million. Fighting COVID in the workplace must be a top priority for the government right now.

Outreach and education is another crucial component of NY HERO. If workers and employers don't know their rights under the law, they effectively don't exist. Last year, the legislature devoted millions of dollars to fund outreach to immigrant communities for the excluded worker's fund--outreach that was a huge success. These same resources must be devoted to ensuring every worker in New York knows their rights under NY HERO, knows how to protect themselves from COVID-19, and understands how to form a workplace safety committee. Promoting education for workplace safety committees will benefit both workers and struggling businesses--health and safety committees reduce the amount of workplace injuries and lead to lower workers' comp rates. We are asking for \$15 million for outreach grants to educate workers on their rights under the NY HERO Act.

Training must also be funded. NY HERO allows for every worker committee member to receive 4 hours of training on occupational health and safety. We must ensure that experts have the capacity to run these trainings. The Hazard Abatement Board typically distributes grants for health and safety training. Shockingly, the Cuomo administration cut this critical program during the pandemic from \$6 million per year down to \$2.5 million. In order to increase capacity for NY HERO training, this funding must be restored and increased to \$10 million.

Lastly we want to ensure that businesses can afford the necessary upgrades to make workplaces safe. Ventilation is crucial to stopping the spread of airborne diseases like COVID, however ventilation upgrades can be costly and confusing for small business owners. The state should create a \$15 million grant program to enable small business owners to make ventilation upgrades and protect them from fraud.

Protecting New Yorkers from Covid should be a top priority for the state government. The modest investment of \$50 million for NY HERO enforcement, education, training, and ventilation upgrades will undoubtedly make NY safer and save lives. We all want our economy to reopen and for people to get back to work, and we must see NY HERO as a crucial tool. We must honor the sacrifices of essential workers by protecting them and all workers, throughout this pandemic and for whatever comes next.