



**New York State Broadcasters Association, Inc.**  
**Memo in Opposition**  
**S.1034/A.2681**

The New York State Broadcasters Association, Inc., opposes S.1034 (Gianaris) /A.2681 (Reyes), which mandates a variety of new regulatory requirements regarding airborne infection, specifically, COVID-19. Broadcasters across New York State have already implemented specific and effective measures to protect employees and the public from the spread of COVID-19. As an essential service under both Federal and State law, local radio and television stations have provided citizens in communities throughout New York with life-saving COVID-19 related information. We are concerned that the liability risks created by this legislation could hamper our ability to remain as an essential information life=--line.

This bill creates an unnecessary layer of regulation and punitive damages that do not enhance safety but do pose significant liability risks. The legislation calls for a private-right-of-action and is more likely to promote litigation than it is safety. Further, the workplace safety committees mandated for all employers with over ten employees will be especially onerous.

Every day, local broadcast stations send out reporters and technicians throughout the community. They report from hospitals, nursing homes, factories, court houses, and government offices. We are reporting "live" from varied and different location. These are often uncertain environments, well beyond the control of the station. As a result, local stations have successfully implemented extra precautions to protect employees in the field and in the office. The fact that local stations have remained on the air broadcasting throughout this pandemic demonstrates our commitment to protecting the health and safety of our employees.

The significant liability risks created by S.1034, including a new private right of action, could impact how stations approach news coverage. For example, the new liability risks could provide a disincentive to cover certain medical facilities or areas of a community that have become COVID "hot spots." Moreover, it is possible that the workplace safety committee could adopt standards that hamper news coverage. Creating a disincentive to cover certain locations, especially where COVID is rampant, does not serve the public interest. To the contrary, it is precisely these areas that must receive news coverage.

Broadcasters in the state are subject to a variety of COVID-19 related health and safety regulations issued by New York State, the Center for Disease Control and the U.S. Occupational Safety and Health Administration. Throughout the pandemic local stations have worked to not only comply with these laws, but to enact additional protections to ensure we continue to provide life-saving information to our communities.

Our concerns are not with adopting procedures to protect our employees. Rather, the liability risk and uncertainty created by the legislation may impair our ability to fulfill our mission – to provide all New Yorkers with essential COVID information. For these reasons, the New York State Broadcasters Association, Inc. opposes approval of S.1034 (Gianaris) / A.2681(Reyes).

Respectfully submitted

David Donovan  
President,  
New York State Broadcasters Association, Inc.  
1805 Western Avenue  
Albany NY 12203  
(518) 456-8888  
[ddonovan@nysbroadcasters.org](mailto:ddonovan@nysbroadcasters.org)