



HEALTH OFFICER ORDER NO. 21-03

ORDER OF THE HEALTH OFFICER OF THE COUNTY OF ALAMEDA FOR THE WEARING OF FACE COVERINGS IN WORKPLACES AND PUBLIC SETTINGS

Please read this Order carefully. Violation of or failure to comply with this Order is a misdemeanor punishable by fine, imprisonment, or both. (California Health and Safety Code §§ 120175, 120295; Cal. Penal Code §§ 69, 148(a)(1))

EFFECTIVE DATE: 12:01 a.m., August 3, 2021

Summary of Order: This Order requires all individuals within the County of Alameda to wear face coverings when indoors in workplaces and public settings, with limited exemptions, and recommends that businesses make face coverings available to individuals entering the business.

Background: Since April 2021, the SARS-CoV-2 B.1.617.2 (Delta) variant has been circulating in the County. This variant is highly transmissible in indoor settings and requires multi-component prevention strategies to reduce spread. Despite high vaccination rates, the County is experiencing substantial levels of community transmission due to the Delta variant. While the risk for COVID-19 infection is highest among unvaccinated residents, the incidence of infection among fully vaccinated persons is increasing.

Hospitalizations have also increased, primarily among unvaccinated persons. The County of Alameda is also seeing a concerning increase in cases among staff and residents in long-term care facilities and in other congregate living settings.

The COVID-19 vaccines authorized in the United States are highly safe and effective. These vaccines provide protection to individuals and communities, particularly against severe COVID-19 disease, hospitalization, and death, and are recommended by the U.S. Centers for Disease Control and Prevention (CDC) for all populations authorized to receive them by the U.S. Food and Drug Administration.

The Health Officer strongly recommends that all eligible persons in the County be vaccinated. Vaccines are available for all persons over 12 years of age. Information on obtaining a COVID-19 vaccine in the County of Alameda is available here: <https://covid-19.acgov.org/vaccines>.



On July 16, 2021, considering the apparent increased transmissibility of the Delta variant, the Health Officer recommended that fully vaccinated persons wear masks in public indoor settings. On July 27, 2021, the CDC issued updated guidance for fully vaccinated people given new evidence that vaccinated people infected with the Delta variant may be more likely to infect others than vaccinated people infected with other variants. The CDC now recommends that fully vaccinated persons – along with the unvaccinated and those not yet fully vaccinated – wear a mask in public indoor settings. On July 28, 2021, the California Department of Public Health (CDPH) issued Guidance for the Use of Face Coverings in alignment with the CDC’s recommendation for universal masking in public indoor settings statewide. The CDPH recommends fully vaccinated persons wear a mask in public indoor settings, and requires unvaccinated and not fully vaccinated persons to wear a mask in public indoor settings.

Household transmission and small gatherings also continue to be major drivers of COVID-19 transmission. The CDPH recommends that fully vaccinated people who are at higher risk for severe COVID-19 infection who reside with others consider wearing a mask even at home or in other private settings. This recommendation is especially important if other residents are either unvaccinated or not fully vaccinated.

Universal indoor use of face coverings, also known as masking, is the least disruptive and most immediately impactful additional measure to take to limit the spread of the COVID-19 Delta variant. This Order is part of a strategy to support the continued operations of businesses, activities, and schools.

The Health Officer will continue to assess the public health situation as it evolves and may modify this Order, or issue additional Orders, related to COVID-19, as changing circumstances dictate.



ORDER

UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, AND 120175, THE HEALTH OFFICER OF THE COUNTY OF ALAMEDA (“HEALTH OFFICER”) ORDERS:

1. Except as otherwise set forth herein, the June 28, 2021 Guidance for the Use of Face Coverings issued by the CDPH (<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-coverings.aspx>) as may be amended from time to time, continues to apply throughout the County of Alameda.
2. This Order directs that face coverings must be worn over the mouth and nose – regardless of vaccination status – in all indoor public settings, venues, gatherings, and workplaces, including but not limited to: offices, retail stores, restaurants and bars, theaters, family entertainment centers, conference and event centers, and State and local government offices serving the public.
3. Individuals, businesses, venue operators, hosts, and others responsible for the operation of indoor public settings must:
 - Require all patrons to wear face coverings for all indoor settings, regardless of their vaccination status; and
 - Post clearly visible and easy-to-read signage at all entry points for indoor settings to communicate the masking requirements to all patrons.

Those responsible for indoor public settings are strongly encouraged to provide face coverings at no cost to individuals required to wear them.

4. **Exemptions.** Individuals are not required to wear face coverings in the following circumstances:
 - While working alone in a closed office or room;
 - While actively eating and/or drinking;
 - While swimming or showering in a fitness facility;
 - While obtaining a medical or cosmetic service involving the head or face for which temporary removal of the face covering is necessary to perform the service.

Additionally:



- Performers at indoor live events such as theater, opera, symphony, religious choirs, and professional sports may remove masks while actively performing or practicing, though such individuals should maximize physical distancing as much as practicable;
 - Participants in indoor religious gatherings may remove masks when necessary to participate in religious rituals;
 - Participants in indoor recreational sports, gyms, and yoga studios may not remove their mask except while actively engaged in water-based sports (e.g., swimming, swim lessons, diving, water polo) and other sports where masks create imminent risk to health (e.g., wrestling, judo);
 - In a school setting, students with medical or behavioral exemptions;
 - Persons younger than two years old must not wear a mask because of the risk of suffocation;
 - Persons with a medical condition, mental health condition, or disability that prevents wearing a mask. This includes persons with a medical condition for whom wearing a mask could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a mask without assistance;
 - Persons who are hearing impaired, or communicating with a person who is hearing impaired, when the ability to see the mouth is essential for communication;
 - Persons for whom wearing a mask would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines.
5. Non-public indoor settings. The Health Officer strongly recommends that fully vaccinated people, as well as unvaccinated and not fully vaccinated persons wear masks in non-public indoor settings when people from multiple households or at higher risk of severe COVID-19 infection are present.

The Health Officer will continue to monitor several key indicators to inform the decision whether to modify the restrictions in this Order. The Health Officer will continually review whether modifications to the Order are warranted based on (1) progress in countering the spread of COVID-19 in the County; (2) developments in methods and strategies for preventing and treating COVID-19; and (3) scientific understanding of the transmission dynamics and clinical impact of COVID-19.

6. This Order is issued in accordance with, and incorporates by reference, the March 4, 2020 Proclamation of a State of Emergency issued by Governor Gavin Newsom, the Declarations of Local Health Emergency issued by the Health Officer on March 1 and 5, the March 10, 2020 Resolution of the Board of Supervisors of the County of Alameda



Ratifying the Declarations of Local Health Emergency, and the March 17, 2020 Resolution of the Board of Supervisors Ratifying the Declaration of Local Emergency.

7. This Order is also issued in light of the March 19, 2020 Order of the State Public Health Officer and subsequent orders and guidance issued by the Governor, the State Health Officer, and the California Department of Public Health and Department of Industrial Relations, including without limitation the CDPH June 28, 2021 Guidance for the Use of Face Coverings. The Health Officer may adopt more stringent restrictions and requirements addressing the particular facts and circumstances in this County, necessary to control the public health emergency as it is evolving within the County and the region. Where a County Health Officer Order and any state public health order related to the COVID-19 pandemic conflict, the most restrictive provision will apply.
8. Failure to comply with any of the provisions of this Order constitutes an imminent threat and immediate menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both.
9. This Order shall become effective at 12:01 a.m. on August 3, 2021, and will continue to be in effect until it is rescinded, superseded, or amended in writing by the Health Officer.
10. Copies of this Order shall promptly be: (1) made available at the County Administration Building at 1221 Oak Street, Oakland, California 94612; (2) posted on the County Public Health Department's website (<https://covid-19.acgov.org/index.page>); and (3) provided to any member of the public requesting a copy of this Order.
11. If any provision of this Order or its application to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

IT IS SO ORDERED:

A handwritten signature in black ink, appearing to read "N. Moss", written over a horizontal line.

Nicholas J. Moss, MD, MPH

Health Officer of the County of Alameda

August 2, 2021

Date