



**Public Health Department
of Mendocino County**

Healthy People, Healthy Communities

Andy Coren, MD, County Health Officer



**ORDER OF THE HEALTH OFFICER OF MENDOCINO COUNTY MANDATING THE
WEARING OF FACE COVERINGS IN INDOOR PUBLIC SETTINGS BY ALL PERSONS IN
RESPONSE TO THE SURGE OF COVID-19 AND THE SPREAD OF THE DELTA VARIANT**

**DATE OF ORDER: October 4, 2021
EFFECTIVE UNTIL RESCINDED**

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 § 120275, *et seq.* and Mendocino County Ord. 4461 adopted March 31, 2020).)

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

BASIS FOR THIS ORDER

1. Since May, 2021, the SARS-CoV-2 B.1.617.2 ("Delta") variant has been circulating in Mendocino County. This variant is highly transmissible in indoor settings and requires multi-component strategies to reduce its spread. We now have evidence that close contacts and others without any symptoms can transmit this virus. In addition, Mendocino County has stalled in its vaccination rate, with only 53.8 percent of the total population fully vaccinated, as of August 4, 2021. Since April 17, 2021, the County's seven-day average of COVID-19 daily case rate increased from 2.4 new cases per 100,000 residents per day to 19.4 cases per 100,000 residents per day, as of July 27, 2021. Transmission is particularly widespread among the County's unvaccinated population. Hospitalizations of COVID-19 patients have also increased, from a seven-day average of 1-2 patients in County hospitals in May, 2021, to a seven-day average of 15 patients in County hospitals as of August 2, 2021.
2. The three COVID-19 vaccines currently authorized in the US have been shown to be highly safe and extremely effective at providing protection to individuals and communities, particularly against severe COVID-19 disease and death, and are recommended by the CDC for all populations for whom the vaccine is authorized by the US Food and Drug Administration. The Health Officer strongly recommends that all eligible persons in the County be vaccinated against COVID-19.
3. On July 27, 2021, Centers for Disease Control and Prevention (CDC) updated guidance for fully vaccinated people given new evidence on the B.1.617.2 (Delta) variant (<https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated-guidance.html>). CDC recommends that fully vaccinated persons wear a mask in public indoor settings. On July 28, 2021 CDPH aligned its Guidance for the Use of Face Coverings with the CDC and recommends universal masking in public indoor settings statewide

(<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-coverings.aspx>). CDC and CDPH also endorsed that fully vaccinated people at higher risk for COVID-19 infection, as well as unvaccinated and not fully vaccinated persons consider wearing a mask in non-public indoor settings. Household transmission and small gatherings are major drivers of COVID-19 transmission in Mendocino County.

4. Universal indoor use of face coverings, also known as masking, is the least disruptive and most immediately impactful additional measure to take. This Order is part of a strategy to support the continued operations of businesses, activities, and schools. As of this date, the Health Officer strongly believes that schools can and should reopen in full for in-person classes for all grades at the beginning of the 2021/2022 school year.
5. 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.

FACE COVERING REQUIREMENT

6. This Order directs that face coverings shall be worn, regardless of vaccination status, over the mouth and nose, (exemptions below) in all indoor public settings, venues, gatherings, and workplaces, such as, but not limited to: offices, retail stores, restaurants and bars, theaters, family entertainment centers, schools, daycares, and State and local government offices serving the public.
7. Acceptable face coverings include a cloth mask (of 2 or more layers of tightly woven cloth), a hospital grade, or N95 or KN95 mask. Additionally, a face shield covering above the eyes to below the chin, with a bib tucked into the shirt or blouse would be acceptable for those who cannot tolerate a mask, including some of those listed below under "Exemptions." Though not prohibited, bandannas, gators, balaclavas are not adequately protective.
8. **Operators of Indoor Public Settings:** Governmental entities, businesses, venue operators, hosts, and others responsible for the operation of indoor public settings must:
 - a. Require all employees, contractors, visitors, and patrons to wear face coverings for all indoor settings, regardless of their vaccination status; and
 - b. Post clearly visible and easy-to-read signage at all entry points for indoor settings to communicate the masking requirements to all patrons.

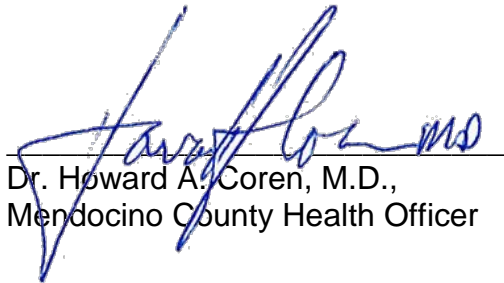
A governmental entity, business owner, or operator may, to the extent authorized by law, refuse admission or service to any customer or visitor who fails to wear facial coverings. In addition, those responsible for indoor public settings are strongly encouraged to provide face coverings at no cost to individuals required to wear them.

A "business" for purposes of this Order includes any for-profit, non-profit, religious or educational entity, whether a corporate entity, organization, partnership or sole proprietorship, and regardless of the nature of the service, the function it performs, or its corporate or entity structure.

9. **Exemptions from Face Covering Requirements:** Individuals are not required to wear face coverings in the following circumstances:
- a. Persons who are working alone in a closed office or room;
 - b. Persons who are *actively* eating and/or drinking;
 - c. Persons *while* swimming or showering in a fitness facility;
 - d. Persons who are receiving care or other service that requires removal of the face covering, including by way of example and without limitation, medical care requiring exposure of the nose or mouth, cosmetic services involving the head or face and dental procedures;
 - e. Persons who are specifically exempted from wearing face coverings pursuant to other CDPH guidance. The State Face Covering Guidance exempts the following individuals from wearing masks:
 - i. Persons younger than two years old. Very young children must not wear a mask because of the risk of suffocation.
 - ii. Persons with a medical condition, mental health condition, or disability that prevents wearing a mask, including 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.
 - iii. Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication.
 - iv. Persons for whom wearing a mask would create a risk to the person related to their work.
 - f. Persons while actively performing or engaging in public speaking at a public indoor event, such as religious services, concerts, theater, opera, choirs, provided that:
 - i. The event operator has verified that all persons at the event (including, but not limited to, all performers, attendees, and workers) are fully vaccinated (i.e., at least two weeks after completing the entire recommended series of an authorized COVID-19 vaccination, e.g., Pfizer-BioNTech, Moderna, Johnson & Johnson/Janssen).
 - ii. Performers and public speakers must maintain at least twelve feet from the nearest audience and six feet from other performers, as practicable.
 - iii. Attendees and workers must remain masked while attending or working at the event except when another exception to the masking order applies.
 - iv. Participants in indoor religious gatherings may remove their masks when necessary to participate in religious activity or ritual, e.g., communion, Kiddush.
10. **Cal/OSHA COVID-19 Emergency Temporary Standards:** Employers and businesses subject to the Cal/OSHA COVID-19 Emergency Temporary Standards (“ETS”) and/or the Cal/OSHA Aerosol Transmissible Diseases Standards should consult the applicable regulations for additional requirements. The ETS allow local health jurisdictions to mandate more protective measures. This Order, which requires face coverings for all individuals in indoor settings and businesses, regardless of vaccination status, takes precedence over the more permissive ETS regarding employee face coverings.

11. **Incorporation of State and Local Emergency Proclamations and Federal and State Health Orders:** This Order is issued in accordance with, and incorporates by reference, the emergency proclamations and other federal, State of California, and local orders and other pandemic-related orders described below in this Section. But this Order also functions independent of those emergency proclamations and other actions, and if any State, federal, or local emergency declaration, or any State or federal order or other guidance, is repealed, this Order remains in full effect in accordance with its terms.
12. **Obligation to Follow Stricter Requirements of Orders:** Where a conflict exists between this Order and any State of California or federal public face covering order related to the COVID-19 pandemic, the most restrictive provision (i.e., the more protective of public health) controls.
13. This order takes effect immediately upon issuance, and may be rescinded, superseded, or amended in writing by the Health Officer.
14. Copies of this Order shall promptly be: (1) made available at the County of Mendocino Executive Office, County Administration Building, 501 Low Gap Road, Ukiah, California 95482, (2) posted on the County website, www.mendocinocounty.org, and (3) provided to any member of the public requesting a copy of this Order.

IT IS SO ORDERED:



Dr. Howard A. Coren, M.D.,
Mendocino County Health Officer

Dated: October 4, 2021