



**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: February 10, 2022
EFFECTIVE February 15, 2022**

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

February, 2022 Update.

1. The Health Officer issued a universal indoor masking order in October, 2021, and updated it in January, 2022, after Mendocino County and statewide trends indicated an increase in COVID-19 cases due to the emergence of the Omicron variant, labeled a Variant of Concern by the World Health Organization, which spreads much more easily than the original SARS-CoV-2 virus and the Delta variant. While Mendocino County appears to be recovering from the Omicron surge based on a decrease in reported cases (and case positivity) from PCR testing, this data is believed to be an undercount because it does not include all positive antigen test results. Additionally, the County's reported cases and case positivity has not fallen to the levels prior to the onset of the Omicron and Delta variants. The County continues to be an area, defined by the Centers for Disease Control (CDC), with "High Community Transmission" risk, the highest level of risk based on 7 day metrics and as indicated in the 340 cases reported therein as of the drafting of this Order. Furthermore, when assessing the stressors on our hospitals and their staff, it appears that the County's COVID-19 hospitalization and ICU rates at this time are still higher than they were during the Delta surge. There is also a new Omicron sub-variant which has been identified and is being monitored in California, with an early study suggesting that it may be more transmissible than the original Omicron variant.
2. The 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 and boosted against COVID-19.

3. The CDC explains that the Omicron variant spreads more easily than both the original virus and the Delta variant, that new variants of the virus are expected to occur, and getting a vaccine and staying up to date (including boosters when eligible) reduces one's risk of severe illness, hospitalization, and death from COVID-19.
(https://www.cdc.gov/coronavirus/2019-ncov/variants/about-variants.html?s_cid=11721:covid%20variant%20mask:sem.ga:p:RG:GM:gen:PTN:FY22)
The CDC's Morbidity and Mortality Weekly Report (MMWR) finds that face masks or respirators (N95/KN95s) effectively filter virus-sized particles and recommends their use in indoor public settings for prevention of COVID-19.
(https://www.cdc.gov/mmwr/volumes/71/wr/mm7106e1.htm?s_cid=mm7106e1_w)
4. Universal indoor use of face coverings, also known as masking, is the least disruptive and most immediately impactful measure to protect individuals in addition to vaccination, staying home if sick, avoiding large indoor gatherings, and increasing indoor ventilation. This Order is part of a strategy to support the continued recovery of businesses, activities, and schools.
5. Based on the foregoing, the Health Officer continues to order universal masking in indoor settings effective February 15, 2022. The Health Officer will continue to assess the public health situation as it evolves and will reevaluate the need for continued universal masking orders on March 15, 2022, based on projections of community transmission and burden to the local hospital system.

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), but a hospital grade, or N95 type mask is preferred. 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 continue to:
 - 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:

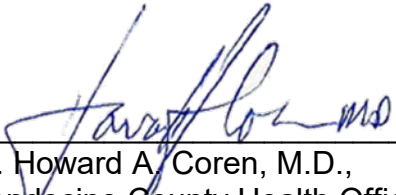
- a. Persons who are working alone in a closed office or room;
- b. Persons who are *actively* eating and/or drinking;
- c. Persons *while* swimming or showering in a fitness facility;
- d. Persons who are receiving care or other service that requires removal of the face covering, including by way of 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 attending indoor gatherings of less than one hundred (100) individuals (including all attendees and workers), at settings which are not open to the public¹, provided that the organizer/venue operator pre-screens all individuals for COVID-19 symptoms and has verified that each individual:
 - i. is up-to-date/current with COVID-19 vaccine (i.e., fully vaccinated² and received all boosters for which they are eligible), **OR**
 - ii. has recovered from a documented case of COVID-19 in the ninety (90) days prior to entry, (i.e., dated record of a positive COVID-19 test result).
- f. 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.

¹ This exemption is not available to public transit, indoor K-12 schools, indoor childcare, emergency shelters and cooling and heating centers, healthcare settings, state and local correctional facilities and detention centers, homeless shelters, long term care settings and adult and senior care facilities.

² “Fully vaccinated” means two or more weeks have passed since receiving all recommended doses of a COVID-19 vaccine.

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 at 12:01 a.m. on February 15, 2022, 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: February 10, 2022