

EXECUTIVE ORDER NO. 21-36

CONTINUING STATE EFFORTS TO SUPPORT ONGOING COVID-19 VACCINATION, RESPONSE, AND RECOVERY EFFORTS; EXTENDING EXECUTIVE ORDER 20-03; RESCINDING EXECUTIVE ORDER 21-15 AND EXECUTIVE ORDER 21-31

Since early 2020, the COVID-19 pandemic has upended life for Oregonians. More than 5,500 Oregonians have lost their lives to this deadly disease since March 2020, and more than 21,800 Oregonians have been hospitalized with COVID-19. Oregon's frontline workers, children, parents, families, and businesses have all navigated immense challenges as we have worked together to protect the health and lives of Oregonians.

The arrival of safe and effective vaccines in late 2020 marked a new, hopeful phase in our state's collective efforts to fight the pandemic. Together, we worked our way through the early days of a painfully limited supply of vaccines from the federal government. Lifesaving vaccines are now readily available and free of cost to any Oregonian age five and up. Through the tireless effort of our frontline healthcare workers, pharmacists, community organizations, National Guard troops, volunteers, public health workers, and community members throughout the state, we have now vaccinated more than three million Oregonians. Oregonians have come together by the millions to protect themselves and their community by becoming vaccinated. And, now that research shows that booster doses are necessary to maintain protection, particularly against the new Omicron variant, Oregonians are stepping up once again to get their boosters and to help family, friends, and neighbors get boosters as well. That community spirit is the Oregon I know.

In June 2021, the state's pandemic response shifted from acute emergency response to long-term management and recovery. At that time, in Executive Order 21-15, I rescinded executive orders that had imposed COVID-19 safety measures. Although we knew the pandemic was not over, and recovery would be a longer-term proposition, it was time to begin transitioning from managing the pandemic under emergency powers to managing the pandemic under ordinary government processes like legislative action to address the ongoing eviction crisis, and agency rulemaking to address COVID-19—as we would any other established public health challenge.

That transition to ordinary government processes for managing COVID-19 was tested almost immediately, as the new Delta variant arrived in Oregon. The Delta variant quickly drove up cases, hospitalizations and, tragically, deaths, to numbers not previously seen in this pandemic. While those who were vaccinated were, thankfully, well protected



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from severe disease from the Delta variant, hospital capacity quickly became strained to the breaking point, threatening access to medical care for all Oregonians. When it became clear that additional steps would be necessary to manage the wave of infections from the Delta variant, I took steps like activating the National Guard to help support our hospitals, and working with the Oregon Health Authority to contract with and bring in skilled healthcare workers to support exhausted hospital staff.

However, when it became necessary to put in place mandatory safety requirements for the public, I remained steadfast that our transition to ordinary government processes should continue, whenever possible. Thus, those requirements were promulgated through agency rulemaking processes authorized under the Oregon Administrative Procedures Act. As a result, the safety requirements that are in place today regarding face coverings, vaccinations for K-12 school teachers and staff, and vaccinations for healthcare workers do not rely on my emergency powers; instead, they are included in agency administrative rules.

There were times, however, where the continuing activation of a state of emergency has been critically important in supporting the ongoing battle against COVID-19 and the Delta variant, and supporting the state's recovery.

- Emergency authorities allowed me to quickly and efficiently direct the state workforce that I oversee to get vaccinated by earlier this fall, to help protect both them and the community.
- By law, the state's volunteer medical provider program, SERV-OR, can only activate and support volunteers during a governor-declared emergency. Currently, there are 450–500 SERV-OR volunteers activated and deployed around the state. These volunteers are performing critical services like supervising and providing vaccinations at vaccination clinics, supporting hospital workers, and even providing mental health support to our exhausted frontline medical professionals who have seen unimaginable tragedy over the last 18 months. Having an emergency declaration in place has allowed the important work of these medical volunteers to continue.
- Similarly, having the emergency declaration in place has allowed state licensing boards greater flexibility around professional health licensing, ensuring that we have as much flexibility with our healthcare workers as possible.



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- Furthermore, a state-level emergency declaration ensures that the state continues to be able to access all federal disaster relief funds that are available, such as enhanced Supplemental Nutrition Assistance Program (SNAP) benefits, to ensure Oregonians have access to the support they need as they continue to navigate challenging and uncertain times.
- Liability protections for K-12 schools, authorization for extension of certain court deadlines, and other matters are also dependent, by statute, on the existence of a declared state of emergency.

We have learned throughout the pandemic to be prepared for the unexpected with this virus. The new Omicron variant, spreading quickly around the globe, offers yet another challenge that we learn more about each day. However, as we continue to navigate Delta, Omicron, and any other future variants that COVID-19 brings, my goals remain the same: to save lives, support doctors, nurses, and health care workers, and keep Oregon businesses, schools, and communities open.

We all are tired of this virus. We are all tired of the actions we must take to mitigate the risks of the virus. And yet, this virus continues to threaten and cause widespread sickness, hospitalization, and death for all Oregonians. Even for those who will not be made seriously ill by COVID-19, threats to hospital capacity impact us all. This deadly and highly communicable disease continues to require a community response. I find that the statutory criteria for an ORS Chapter 401 emergency declaration continue, unfortunately, to be satisfied.

NOW, THEREFORE, IT IS DIRECTED AND ORDERED:

Pursuant to my authorities under ORS Chapter 401, I am issuing the following directives:

1. Executive Order 20-03 Extended to Continue to Support Recovery. Pursuant to ORS 401.165, and based on the findings above, I find that although we have reached the point where the vast majority of pandemic-related business and public health restrictions to control the spread of COVID-19 have been transitioned to non-emergency authorities, the needs associated with Oregon's ongoing efforts to respond to and recover from the effects of the COVID-19 pandemic constitute an ongoing statewide emergency. Thus, effective today, December 21, 2021, I hereby



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continue this state of emergency, and further extend Executive Order 20-03 until June 30, 2022.

2. Access to Federal Recovery Assistance and Support. The extension of Executive Order 20-03 set forth in paragraph 1 of this Executive Order is intended in part to ensure that Oregon can continue to receive any federal funding, support, and other assistance with the state's COVID-19 response, including but not limited to funding and support from FEMA for COVID-19 response activities and continued state eligibility for enhanced SNAP benefits.
3. Rescinding Executive Order 21-15 and Executive Order 21-31. Executive Order 21-15 is rescinded and replaced by the directives in this Executive Order (Executive Order 21-36). Notwithstanding that rescission, Executive Order 21-31, relating to childcare, is continued and will remain effective until 11:59 p.m. on December 31, 2021, when it will expire by its own terms, and will not be extended.

Other Provisions

4. Discretion; No Right of Action. Any decision made by the Governor pursuant to this Executive Order is made at her sole discretion. This Executive Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of Oregon, its agencies, departments, or any officers, employees, or agents thereof.
5. Legal Effect. This Executive Order is issued under the authority conferred to the Governor by ORS 401.165 to 401.236, and, pursuant to ORS 401.192, has the full force and effect of law.



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6. Duration. This Executive Order shall remain in effect until June 30, 2022, unless extended or terminated earlier by the Governor.

Done at Salem, Oregon, this 21st day of December, 2021.



Kate Brown

Kate Brown
GOVERNOR

ATTEST:

Shemia Fagan

Shemia Fagan
SECRETARY OF STATE