

COVID-19 Status Update for 07/30/2021

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Public Health Order – August 2, 2021

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

DATE OF ORDER: August 2, 2021

EFFECTIVE DATE: August 3, 2021

Please read this order carefully. Violation of, or failure to comply with, this Order is a public nuisance subject to citation, abatement, or both, as well as a misdemeanor punishable by fine, imprisonment, or both. [California Health and Safety Code § 120295 *et seq.*; California Penal Code § 69, 148(a)(1); Marin County Code 7.99.040].

SUMMARY OF THIS ORDER

This Order requires all individuals 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 Marin County. This variant is highly transmissible in indoor settings and requires multi-component prevention strategies to reduce spread. Despite high vaccination rates, Marin County is experiencing substantial levels of community transmission due to the Delta variant. While most COVID-19 cases are among unvaccinated residents, the proportion of breakthrough cases is increasing. Hospitalizations have also increased, primarily among unvaccinated persons. Marin County is also seeing a concerning uptick in cases among staff and residents in long-term care facilities.

The COVID-19 vaccines currently authorized in the United States have been shown to be highly safe and effective at providing protection to individuals and communities, particularly against severe COVID-19 disease and death, and are recommended by the Centers for Disease Control and Prevention (CDC) for all populations for whom the vaccine is authorized by the US Food and Drug Administration (FDA). The Health Officer strongly recommends that all eligible persons in the County be vaccinated. Information on obtaining a COVID-19 vaccine in Marin County is available [here](#).

On July 27, 2021, CDC updated guidance for fully vaccinated people given new evidence on the B.1.617.2 (Delta) variant. CDC recommends that fully vaccinated persons wear a mask in public indoor settings. It also now recommends that fully vaccinated persons get tested after close contact with infected persons. On July 28, 2021 California Department of Public Health (CDPH) aligned its Guidance for the Use of Face Coverings with the CDC and recommends universal masking in public indoor settings statewide. 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 Marin County.

Universal indoor use of face coverings, also known as masking, is the least disruptive and most immediately effective additional measure to take. This Order is part of a strategy to support the continued operations of businesses, activities, and schools. The Health Officer strongly supports the full reopening of in-person classes for all grades at the beginning of the 2021/2022 school year. Universal indoor use of face coverings will allow minimal physical distancing and targeted quarantine protocols, keeping students in school.

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, 120175, AND 120220, THE PUBLIC HEALTH OFFICER OF THE COUNTY OF MARIN ("HEALTH OFFICER") HEREBY ORDERS AS FOLLOWS:

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

To this end, the provisions of this Order are severable.

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

1. Except as otherwise set forth herein, the [June 28, 2021 Guidance for the Use of Face Coverings issued by the California Department of Public Health](#) ("CDPH") as may be amended from time to time, continues to apply throughout the County.
2. This Order directs that face coverings shall be worn, regardless of vaccination status, over the mouth and nose, 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, conference 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:
 - (a) Require all employees, contractors, visitors, and patrons to wear face coverings in 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.
4. Exemptions from face covering requirements – Individuals are not required to wear face coverings in the following circumstances but are strongly urged to be fully vaccinated:
 - Persons who are working alone in a closed office or room;
 - Persons in a motor vehicle and either alone or exclusively with other members of the same household;
 - Persons who are actively eating and/or drinking;
 - Persons actively engaged in water-based sports (swimming, swim lessons, diving, water polo) in an indoor, public recreational facility;
 - Persons showering in a fitness facility;
 - Service leaders of indoor public religious gatherings (e.g., clergy, readers, choir) while actively performing religious services;
 - Performers at indoor events while actively performing;

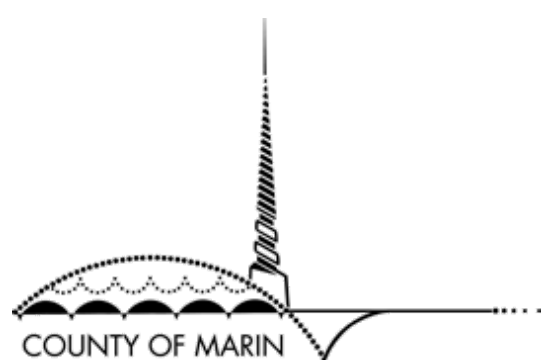
- Persons who are obtaining a medical or cosmetic service involving the head for which temporary removal of the face covering is necessary to perform the service;
 - Persons who are specifically exempted from wearing face coverings pursuant to other
 - Children and adolescents with disabilities or other health care needs in child care, school, or other youth settings who are unable to wear face coverings due to their disability or health care need.
5. 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.
 6. Businesses and governmental entities with Personnel in Acute Health Care Settings, Long-Term Care Settings, High-Risk Congregate Settings, and Other Health Care Settings—as those terms are defined in the [CDPH Vaccination Status Order](#) must provide appropriate face coverings as required by the CDPH Vaccination Status Order.
 7. Non-public indoor settings. Household transmission and small gatherings are major drivers of COVID-19 transmission in Marin County. The Health Officer recommends that fully vaccinated people at higher risk for COVID-19 infection, as well as unvaccinated and not fully vaccinated wear a face covering in non-public indoor settings (e.g., private gathering or event).
 8. Mega Events:
 - Indoor Mega-Events: All attendees of indoor mega-events (defined as 5,000 or more attendees) must wear face coverings while indoors and must otherwise comply with the restrictions set forth in the CDPH guidance [Beyond the Blueprint for Industries and Sectors](#)
 - Outdoor Mega-Events: Attendees of outdoor mega-events (defined as 10,000 or more attendees) are required to wear face coverings while in an indoor setting and in areas where 50% of the structure has adjacent impermeable walls, such as concourses and concession stands, and must otherwise comply with the restrictions set forth in the CDPH guidance [Beyond the Blueprint for Industries and Sectors](#)
 9. All State orders and guidance documents referenced in State orders are complementary to this Order. By way of this Order, the Health Officer adopts such directives as orders as well. Where a conflict exists between a local order and any State public health order related to the COVID-19 pandemic, the most restrictive provision controls pursuant to, and consistent with, California Health and Safety Code § 131080.
 10. If any provision of this Order or its application to any person or circumstance is held to be invalid, the reminder 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.
 11. This Order shall become effective at 12:01 am on August 3, 2021 and will continue to be in effect until it is extended, rescinded, superseded, or amended in writing by the Health Officer.
 12. Copies of this Order shall promptly be: (1) made available at the Bulletin Board adjacent to the entrance to the Chambers of the Board of Supervisors, Room 330, Administration Building, and in the display case in the center arch of the Hall of Justice, Marin County Civic Center, San Rafael, California; (2) posted on the [County of Marin website](#) (as well as the County of Marin Department of [Health and Human Services website](#); and (3) provided to any member of the public requesting a copy of this Order.

IT IS SO ORDERED:

Lisa Santora, MD, MPH

Deputy Health Officer of the County of Marin

Dated: August 2, 2021



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