



HEALTH OFFICER ORDER NO. 22-01

ORDER OF THE HEALTH OFFICER OF THE COUNTY OF ALAMEDA RESCINDING ORDER 21-06 REQUIRING THE WEARING OF FACE COVERINGS IN WORKPLACES AND OTHER 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., February 16, 2022

Summary of Order: This Order rescinds County of Alameda Health Officer Order no. 21-06, which mandated masking for all individuals in the County of Alameda in indoor public spaces, regardless of vaccination status. By rescinding Order 21-06, the County aligns itself with State, following California Department of Public Health (CDPH) guidance on face coverings. County residents, visitors, and workers will be bound by that state guidance. Under the CDPH's guidance, only unvaccinated individuals over the age of 2 years will need to continue to use face coverings in most indoor settings. Individuals should also consult the California Department of Public Health's current [Guidance](#) on face coverings to determine the specific requirements applying to their circumstances. Employers should consult the Cal/OSHA [Emergency Temporary Standards](#) for work-related activities, if applicable.

Background: When it arrived in the County of Alameda in December 2021, the highly-contagious Omicron variant brought on a new stage of the pandemic with a high number of new infections, but significantly fewer cases of life-threatening illnesses, especially for those who are vaccinated and boosted. A combination of preventative strategies, which included mask use, vaccination, boosters, and testing, along with the community's cooperation helped get the County and the Bay Area through this latest surge together as a stronger community.

After reaching an all-time peak of 267 new COVID-19 cases per 100,000 residents per day on January 10, Alameda County's COVID-19 case rate declined to 53 on February 6 and has continued to drop. Meanwhile, hospitalizations have decreased 46% from their peak and never exceeded the overall capacity Alameda County's health care facilities during this latest surge because of the County's high vaccination (82%) and booster (59%) rates. As COVID-19 risk decreases, it is important to relax restrictions and reserve their use for when risk to communities is high. Changes to health orders and recommendations may be updated as the Health Officer follows the science and the data to evaluate whether additional protective measures may be needed as the virus evolves and if future surges occur.



The CDPH continues to require masking in K-12 school settings but has indicated school masking policies will be reassessed on February 28, 2022. For early education programs, such as preschool and childcare settings, CDPH continues to require masking for children older than age two. Vaccinations for children under 5 are expected to undergo federal review in the coming months.

The CDPH also continues to require masking regardless of vaccination status on public transit; in emergency shelters and heating and cooling centers; in healthcare settings; in correctional and detention facilities; in homeless shelters; and in Long Term Care Facilities and Adult and Senior Care Facilities. Individuals should consult the [CDPH Guidance](#) to determine applicability to their circumstances.

Vaccination continues to be the most effective strategy for combating COVID-19 and preventing severe disease, hospitalization, and death. COVID-19 will continue to circulate in our communities indefinitely, at varying levels, and the potential for severe variants to emerge remains. The COVID-19 vaccines authorized in the United States are highly safe and effective against COVID-19 generally and the Omicron variant. 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 5 years of age. Information on obtaining a COVID-19 vaccine in the County of Alameda is available here: <https://covid-19.acgov.org/vaccines>.

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. This Order RESCINDS Health Officer Order No. 21-06, which mandated face coverings be worn in indoor public spaces. As of the effective date of this order, Order No. 21-06 will no longer be in effect.
2. Beginning February 16, 2022 at 12:01 a.m., residents, visitors, and workers within the County of Alameda will be subject only to the face covering guidance issued by the California Department of Public Health, as that guidance develops from time to time. Under that guidance as of the time of this Order:



- a. Unvaccinated or incompletely vaccinated individuals over the age of two years must continue to wear face coverings indoors;
 - b. Masking must continue in early education (pre-school and childcare) and K-12 school settings;
 - c. All individuals, regardless of vaccination status must continue to mask require masking regardless of vaccination status on public transit; in emergency shelters and heating and cooling centers; in healthcare settings; in correctional and detention facilities; in homeless shelters; and in Long Term Care Facilities and Adult and Senior Care Facilities; and
 - d. Workplaces will be subject to regulations on indoor masking issued by Cal/OSHA.
3. Fully vaccinated individuals may continue to wear masks indoors or in other settings if they choose to do so. Nothing in this Order is intended to prohibit the wearing of masks by vaccinated individuals. Indeed, the Health Officer recommends continued use of masks by all in these settings.
4. The Health Officer will continue to monitor several key indicators to inform the decision whether to modify the conditions 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.
5. 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.
6. 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.

7. 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.
8. This Order shall become effective at 12:01 a.m. on February 16, 2022 and will continue to be in effect until it is rescinded, superseded, or amended in writing by the Health Officer.
9. 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.
10. 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:

February 14, 2022

A handwritten signature in black ink, appearing to read "N. J. Moss".

Nicholas J. Moss, MD, MPH
Health Officer of the County of Alameda

Date