



HEALTH OFFICER ORDER NO. 22-02

ORDER OF THE HEALTH OFFICER OF THE COUNTY OF ALAMEDA FOR THE RESUMPTION WEARING OF FACE COVERINGS IN WORKPLACES AND INDOOR 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., June 3, 2022

Summary of Order: This Order requires all individuals within the County of Alameda – regardless of vaccination status or history of prior COVID-19 illness – to wear face coverings when indoors in workplaces and other indoor public settings, with limited exemptions, and recommends that businesses make face coverings available to individuals entering the business.

Background: Since December 2021, the Omicron variant of SARS-CoV-2 and its subvariants have circulated in the County. These variants are highly transmissible in indoor settings, and recent mutations have increased infectiousness, including the ability to infect vaccinated persons and those with a history of prior infection. Laboratory-reported COVID-19 diagnoses have risen steadily since early April, and the County is experiencing a worsening wave of community transmission. The current wave exceeds the size of the wave from the Delta variant in 2021, with comparable levels of daily reported cases. Critically, the County’s reported cases are reaching those levels despite the fact that COVID-19 case reports are a substantial underestimate of total case burden, because they do not include home testing results and unidentified infections.

Alameda County has been tracking the burden of severe disease and the re-emergence of COVID-19 disparities by race/ethnicity and neighborhood in weighing the role of a new mask requirement.

The daily reported numbers of COVID-19 hospitalizations and newly identified hospitalized persons with COVID-19 infection, which are indicators of severe disease that lag behind case report data, are also increasing. While these are well below pandemic peaks, the latest increases are concerning in light of the ongoing rise in infections.

In addition, past COVID-19 waves in Alameda County have been characterized by disparities in cases, hospitalizations, and deaths according to race/ethnicity and place of residence, with lower income communities of color hardest hit. While we did not see disparities earlier in this wave, the most recent available data indicates that rates are now rising above county averages in some of these communities.



Widespread indoor use of face coverings, also known as masking, is the least disruptive and most immediately impactful additional measure to take to limit the spread of the COVID-19 to lessen the burden of severe disease and attempt to mitigate re-emerging disparities.

The Health Officer also strongly recommends that all eligible persons in the County be vaccinated and boosted. Vaccines and boosters 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>. Vaccines and boosters are available at no cost – regardless of insurance, immigration status, or vaccine phase – at County-operated or supported sites throughout the County.

The COVID-19 vaccines authorized in the United States are highly safe and effective. These vaccines continue to 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 also strongly recommends County residents familiarize themselves with treatment options and have a plan for accessing COVID-19 treatment if necessary. Medications are available by prescription which can treat COVID-19 and help prevent severe disease in those at highest risk. These medications are widely available and include both oral and injectable treatments. In addition, long-acting medication to prevent COVID-19 infection is also available for immunocompromised and other eligible persons.

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 directs that face coverings must be worn over the mouth and nose – regardless of vaccination status – in all indoor public settings, venues, gatherings, and workplaces, including but not limited to offices, retail stores, restaurants and bars, theaters, family entertainment centers, conference and event centers, and State and local government offices serving the public. [High quality, snug fitting masks](#) such as KF94, KN95 and N95 respirators provide the best protection and are highly recommended.
2. Individuals, businesses, venue operators, hosts, and others responsible for the operation of indoor public settings must:



- Require all patrons to wear face coverings for all indoor settings, regardless of their vaccination status; and
- Post clearly visible and easy-to-read signage at all entry points for indoor settings to communicate the masking requirements to all patrons.
- Make reasonable efforts to ensure compliance in their setting.

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

3. **Exemptions.** Individuals are not required to wear face coverings in the following circumstances:

- While working alone in a closed office or room;
- While actively eating and/or drinking;
- While swimming or showering in a fitness facility;
- While obtaining a medical or cosmetic service involving the head or face for which temporary removal of the face covering is necessary to perform the service.

Additionally:

- Persons younger than two years old **must not** wear a mask because of the risk of suffocation;
- Students and staff in K-12 settings are exempt from this Order through the end of the 2021-2022 school year, including during sports and other extracurricular activities. Masks are still strongly recommended to be worn in all K-12 settings. Students and other youth participants ages 18 and younger in summer camp, summer school and other youth-oriented activities are required to mask to the extent practicable;
- Children two and older in early childhood settings are required to mask to the extent practicable;
- Performers at indoor live events such as theater, opera, symphony, religious choirs, and professional sports may remove masks while actively performing or practicing, though such individuals should maximize physical distancing as much as practicable;
- Participants in indoor religious gatherings may remove masks when necessary to participate in religious rituals;
- Participants in indoor recreational sports, gyms, yoga studios, and similar facilities may remove their masks when necessary while actively engaged in periods of heavy exertion, while participating in water-based sports (e.g., swimming, swim lessons, diving, water polo), and while actively engaged in other sports where masks create imminent risk to health (e.g., wrestling, judo);
- Persons with a medical condition, mental health condition, or disability that prevents wearing a mask. This includes 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;

- Persons who are hearing impaired, or communicating with a person who is hearing impaired, when the ability to see the mouth is essential for communication;
- Persons for whom wearing a mask would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines.

4. Non-public indoor settings. The Health Officer strongly recommends that all persons wear masks in non-public indoor settings when people from multiple households or people who are at higher risk of severe COVID-19 infection are present, regardless of each individual's vaccination status.
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.

This Order shall become effective at 12:01 a.m. on June 3, 2022 and will continue to be in effect until it is rescinded, superseded, or amended in writing by the Health Officer. The Health Officer will continue to monitor several key indicators to inform the decision whether to modify the restrictions 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.

8. 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.

9. 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:

A handwritten signature in black ink, appearing to read "N. Moss", written over a light gray circular stamp.

Nicholas J. Moss, MD, MPH

Health Officer of the County of Alameda

June 2, 2022

Date