



**ORDER OF THE HEALTH OFFICER OF THE COUNTY OF CONTRA COSTA
MANDATING THE WEARING OF FACE COVERINGS IN INDOOR PUBLIC
SETTINGS BY ALL PERSONS IN RESPONSE TO THE SPREAD OF THE DELTA
VARIANT OF THE VIRUS THAT CAUSES CORONAVIRUS DISEASE 2019, WITH
SPECIFIED EXCEPTIONS**

ORDER NO. HO-COVID19-51

DATE OF ORDER: AUGUST 2, 2021

Summary of the Order

This Order of the Health Officer requires all persons to wear face coverings while inside indoor public settings located in Contra Costa County (“County”), regardless of whether they have been fully vaccinated against Coronavirus Disease 2019 (“COVID-19”), unless specifically exempted from the face covering requirement.

UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040 AND 120175, THE HEALTH OFFICER OF THE COUNTY OF CONTRA COSTA (“HEALTH OFFICER”) ORDERS:

- 1. Basis for Order.** On June 15, 2021, the State of California eliminated its Blueprint for a Safer Economy, a framework for the gradual resumption of business and other activities in sectors that were closed or restricted in response to the COVID-19 pandemic. The same day, the State rescinded its mandate that all persons wear face coverings in indoor settings outside their residences, with certain exceptions, to protect themselves and others from infection with SARS-CoV-2, the virus that causes COVID-19. The universal mandate was replaced with a face covering requirement that exempted persons fully vaccinated with a COVID-19 vaccine, along with other specified persons. On June 17, 2021, the California Occupational Safety and Health Standards Board adopted workplace regulations for the prevention of COVID-19 (“Regulations”). Among other provisions, the Regulations mandate that employers require employees who are not documented as being fully vaccinated to wear face coverings, with certain exceptions.

Several variants of SARS-CoV-2 have developed since the emergence of the ancestral strain. The Delta variant is more contagious than other strains, and is now the dominant strain of the SARS-CoV-2 virus in the County. Over the two-week period ending July 27, 2021, the



seven-day rolling average of new cases in the County more than doubled, from 136.9 cases per day 289.4 cases per day. For comparison, the rolling-seven-day average of new cases was just 44.7 on May 28, 2021. Hospitalizations also more than doubled during the same time period, from a total of 52 (with 12 in intensive care units) to 117 (with 33 in intensive care units). During this timeframe, nearly 80 percent of the specimens analyzed by the County’s public health laboratory were determined to contain the Delta variant of the virus. Even more concerning, the number of “post-vaccination” infections – i.e., infections of persons who are fully vaccinated against COVID-19 – has increased fivefold in the last month. While symptoms in fully vaccinated persons are generally milder than symptoms in people who are not fully vaccinated, this is not always the case. Approximately 20 percent of persons currently hospitalized for COVID-19 in the County are fully vaccinated persons.

Three COVID-19 vaccines have been authorized for emergency use in the United States. According to the U.S. Centers for Disease Control and Prevention (CDC), available evidence suggests that the currently authorized COVID-19 vaccines are highly effective against transmission, hospitalization and death for the Alpha, Beta, Gamma and Delta variants. The CDC has also indicated that emerging data suggests that fully vaccinated people who are infected with the Delta variant may be transmitting the virus to other people.

In line with the above evidence, the CDC on July 27, 2021, issued a recommendation that fully vaccinated people wear face coverings in public indoor settings located in areas of substantial or high transmission of the COVID-19. As of August 2, 2021, the County was in an area determined by the CDC to be an area of high transmission. On July 28, 2021, the California Department of Public Health (CDPH) issued a revised Guidance for the Use of Face Coverings (“State Face Covering Guidance”), which recommends that fully vaccinated people wear face coverings in indoor public settings statewide.

Given the current trajectory in the number of new cases and hospitalizations, the confirmed infection and hospitalization of fully vaccinated people in this County, emerging evidence that fully vaccinated people may be transmitting the Delta variant, and recommendations by the CDC and CDPH that fully vaccinated people wear face coverings in public indoor settings, I have concluded that, to prevent or slow the spread of the Delta variant, it is necessary to require all persons, regardless of vaccination status, to wear face coverings in public indoor settings in the County, with certain exceptions, until further notice.

2. **Face Covering Requirement.** Except as otherwise set forth in this Order, all persons, regardless of whether they are fully vaccinated against a COVID-19 vaccine or not fully vaccinated, shall wear well-fitted face coverings over the nose and mouth in all indoor public settings in the County. For the purposes of this Order, public settings include but are not limited to business offices, retail stores, restaurants, theaters, family entertainment centers, meeting rooms, and State and local government facilities where services are provided to the public.
3. **Operator and Host Requirements.** Businesses, government agencies and other persons that operate indoor public settings, or host events inside indoor public settings, shall:



- a. At all points of entry to the indoor public setting, promptly post conspicuous signage that communicates the face covering requirement of this Order; and
 - b. To the greatest extent practicable, require persons subject to the face covering requirement in this Order to wear face coverings upon entry into and while inside the indoor public setting.
4. **Exceptions.** The face covering requirement of this Order does not apply to individuals in the following circumstances:
- a. When alone in a room.
 - b. When actively eating or drinking.
 - c. When swimming or showering.
 - d. When 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 face, and dental procedures.
 - e. When exempt from wearing face coverings under the State Face Covering Guidance or other applicable CDPH guidance. The State Face Covering Guidance exempts the following individuals from wearing masks:
 - (1) Persons younger than two years old. Very young children must not wear a mask because of the risk of suffocation.
 - (2) 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.
 - (3) 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.
 - (4) 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 guidance.
5. **Conflicts.** Where a conflict exists between this Order and more permissive standards pertaining to the wearing of face coverings set forth in the Regulations, or between this Order and any other Order of the Health Officer in effect, or between this Order and any State Public Health Officer order in effect or CDPH guidance in effect pertaining to the wearing of



face coverings in response to the COVID-19 pandemic, the more restrictive provision controls.

6. **Effective Date and Time.** This Order takes effect at 12:01 a.m. on Tuesday, August 3, 2021, and will remain in effect until it is rescinded or superseded in writing by the Health Officer. The Health Officer will continue to review data concerning the Delta variant and breakthrough infections and transmissions in the County, and reassess the necessity for this Order on an as-needed basis.

7. **Copies; Contact Information.** Copies of this Order shall promptly be: (1) made available at the Office of the Director of Contra Costa Health Services, 1220 Morello Avenue, Suite 200, Martinez, CA 94553; (2) posted on the Contra Costa Health Services website (<https://www.cchealth.org>); and (3) provided to any member of the public requesting a copy of this Order. Questions or comments regarding this Order may be directed to Contra Costa Health Services at (844) 729-8410.

IT IS SO ORDERED:



Chris Farnitano, M.D.
Health Officer of the County of Contra Costa

Dated: August 2, 2021

