

**Public Health Order for Control of COVID-19 Pandemic
Order for Face Masks in Educational Settings within Berrien County, Michigan**
Order Issued: Wednesday, September 1, 2021

This Order is made pursuant to the Public Health Code, being MCL 333.2451 and 333.2453.

In response to the ongoing public health emergency and risk posed by the observed and sustained increase in transmission rates of COVID-19 and specifically the highly transmissible Delta variant in Berrien County, matters concerning the public health of residents of Berrien County have been brought to the attention of the Berrien County Local Health Officer.

Over recent weeks, we have watched the Delta Variant become dominant across the Country as well as the State of Michigan. It has proven to be an accelerant to our case counts here in Berrien County, being much more transmissible than the original strain. From August 1st through 30th, the Health Department has reported 790 confirmed and probable cases of COVID-19 in the county. This is a 4 fold increase from the 156 cases we reported in July of this year and a 73% increase in cases when compared to August 2020.

Based upon this trend of sustained increase in transmission and heightening of risk factors to younger individuals in Berrien County, as well as observed increases in trends of cases and hospitalizations in younger individuals across the State and Country, it is clear within a reasonable degree of medical certainty that absent the implementation of proven preventive measures, increased incidents of school-based transmission are inevitable. This increases the likelihood that (1) students will be infected with SARS-CoV-2 virus which causes COVID-19; (2) students will unknowingly transmit the virus to other students as well as household and community members, further increasing community transmission; and (3) vulnerable students and staff, for example those with pre-existing conditions such as asthma, diabetes, and obesity, will have an increased risk of long-term adverse health impacts.

Based on these increasing transmission rates across the County and guidance from public health and medical experts, COVID-19 constitutes an epidemic with Berrien County and is a threat to public health. The Local Health Officer has determined that the protection of our younger population and school staff should not be delayed and emergency measures are necessary to reduce transmission of COVID-19 and to protect the public health of Berrien County based on the following facts:

- The principal mode by which people are infected with SARS-CoV-2 (a communicable disease and the virus that causes COVID-19) is through exposure to respiratory fluids carrying infectious virus. Exposure occurs in two main ways: (1) inhalation of very fine respiratory droplets and aerosol particles, and (2) deposition of respiratory droplets and particles on exposed mucous membranes in the mouth, nose, or eye by direct splashes and sprays.



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- People release respiratory fluids during exhalation (e.g. quiet breathing, speaking, singing, exercising, coughing and sneezing) in the form of droplets across a spectrum of sizes. These droplets carry virus and transmit infection.
- Available evidence continues to demonstrate that existing recommendations to prevent SARS-CoV-2 transmission remain effective. These include physical distancing, community use of well-fitting masks, adequate ventilation, and avoidance of crowded indoor spaces. These methods will reduce transmission both from inhalation of virus and deposition of virus on exposed mucous membranes.
- Face Masks are primarily intended to reduce the emission of virus laden droplets (“source control”), which is especially relevant for asymptomatic or pre-symptomatic infection wearers who feel well and may be unaware of their infectiousness to others. Masks also help reduce inhalation of these droplets by the wearer (“filtration for wearer protection”). The community benefit of masking for SARS-CoV-2 control is due to the combination of these effects; community prevention benefit is increased with increasing numbers of people using masks consistently and correctly.
- The Delta variant of the SARS-CoV-2 virus is the dominant variant in Michigan and is significantly more contagious/transmissible than the original form that entered the U.S. in early 2020. Additionally, school communities are diverse ecosystems made up of individuals across all ages as well as medically vulnerable individuals (staff and students alike) who are at increased risk of severe illness should they be infected with SARS-CoV-2.
- In-person learning has been shown to provide the greatest benefit to community youth, and ensuring that this can happen consistently and safely during the 2021-2022 school year has been deemed a student and community health priority of public health and educational partners. Universal masking will support fewer in-person disruptions due to isolation & quarantine.
- The most effective way to prevent transmission in schools and surrounding communities is to support increased community vaccination. Achieving high levels of COVID-19 vaccination among eligible students, staff and household members, is the most critical strategy to continue to support school and community ability to lower risk to COVID-19 infection and to support in-person learning for our students. Individuals 12 years and older are eligible for COVID-19 vaccination, however those rates remain low (only about 35% of all 12 to 19 year olds in Berrien County are vaccinated at this time). Individuals younger than 12 years of age are ineligible to receive vaccination at this time.
- According to the American Academy of Pediatrics (AAP), the Centers for Disease Control and Prevention (CDC), and the Michigan Department of Health and Human Services (MDHHS), the universal use of face masks in schools is strongly recommended as a safe, essential, and proven strategy to reduce the spread of COVID-19 in schools and surrounding communities.

THEREFORE, IT IS HEREBY ORDERED that all Educational Institutions and all Persons in Educational Settings must adhere to the following rules:



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1. The Educational Institutions shall ensure that children in pre-kindergarten (pre-K) through grade twelve (12), regardless of vaccination status, consistently and properly wear a face mask covering both nose and mouth while inside any enclosed building or structure of the institution.
2. The Educational Institutions shall ensure that all persons, regardless of vaccination status, providing service to any child in pre-kindergarten through 12th grade, properly and consistently wear a face mask while inside any enclosed building or structure of the institution.

IT IS FURTHER ORDERED that the following terms shall have the following definitions for purposes of this ORDER:

- a. “Educational Institutions” or “Educational Settings” includes youth camps, youth programs, childcare centers, tutoring centers, preschools, primary through secondary schools, vocational schools, colleges, universities and other organized activities outside of the home where coursework is taught within Berrien County.
- b. “Fully vaccinated persons” means persons for whom at least two weeks has passed after receiving the final dose of an FDA-approved or authorized COVID-19 vaccine.
- c. “Persons in Educational Settings” means students pre-K through grade 12, teachers, administrative staff, attendees, volunteers, guests, coaches, parents/caregivers, camp leaders, and other employees or volunteers of Educational Institutions.
- d. “Face Mask” means a tightly woven cloth or other multi-layer absorbent material that fully covers an individual’s nose and mouth.
- e. “Neurodivergent” means anyone living with developmental conditions for whom it has been demonstrated that the wearing of a face mask would inhibit the person’s access to education (including those with an Individualized Education Plan, Section 504 Plan, Individualized Healthcare Plan or equivalent).

FURTHERMORE, this Order shall not apply to the following:

1. Persons engaged in the action of eating or drinking.
2. Persons participating in activities outdoors.
3. Children under the age of four (4) years, although supervised masking is recommended for those age two (2) and older.
4. Neurodivergent students of any age attending school, although supervised masking is encouraged.
5. Teachers who are working with children who are hard of hearing or neurodivergent students and where masking would inhibit instruction. These teachers or staff should be fully vaccinated persons or comply with masking directive.
6. Persons who have a current medical reason confirmed in writing from a board-certified Medical Doctor (MD) or Doctor of Osteopathic Medicine (DO) currently licensed to practice medicine.

IT IS FURTHER REMINDED that:



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1. On January 29, 2021 the Centers for Disease Control and Prevention (CDC) issued an order that requires face masks to be worn by all people when traveling on or operating conveyances traveling into, within, or out of the United States and U.S. territories, and when at a transportation hub. That Order includes bus terminals and school buses, both public and private.
2. On July 27, 2021 the CDC issued recommendations calling for universal indoor masking for all teachers, staff, students, and visitors to schools, regardless of vaccination status. On August 13, 2021 the Michigan Department of Health & Human Services (MDHHS) reiterated this recommendation.
3. On July 11, 2021 the Berrien County Health Department issued recommendations and guidance to educational institutions on ways to provide and implement layered prevention and mitigation strategies to reduce the spread of COVID-19. Said guidance was updated on August 16, 2021.
4. This Order does not supersede, or rely on any current MDHHS or Federal Epidemic Orders, but as long as such orders remain in effect, they are incorporated by reference herein.

Such measures, as outlined in this Order, will be enforced, and any violations are subject to citation and penalties as outlined in the Michigan Public Health Code.

This Order is effective Monday, September 6, 2021 and remains in effect until community transmission is categorized as “low” or “moderate” for a period of 21 consecutive days from the first date transmission falls within either of these categories and no increase has been observed in hospitalizations and deaths during that same period, or until it is determined by the Local Health Officer of the Berrien County Health Department that this Orders is no longer necessary to protect the public health.

Courtney L. Davis, MPH
Acting Health Officer
Berrien County Health Department

Dated: September 1, 2021

Rex Cabaltica, MD, MPH
Medical Director
Berrien County Health Department

Dated: September 1, 2021