

PUBLIC NOTICE TO ALL RESIDENTS OF, VISITORS TO, AND OWNERS, TENANTS, AND OCCUPIERS OF CERTAIN INDOOR PREMISES TO WHICH THE PUBLIC IS INVITED OR ALLOWED TO ASSEMBLE WITHIN CUMBERLAND COUNTY, NORTH CAROLINA

ORDER OF THE CUMBERLAND COUNTY PUBLIC HEALTH DIRECTOR TO ABATE THE TRANSMISSION OF COVID-19, AN IMMINENT PUBLIC HEALTH HAZARD, BY REQUIRING THE WEARING OF FACE COVERINGS IN INDOOR SPACES WITHIN CUMBERLAND COUNTY

WHEREAS, upon the Governor's issuance of Executive Order 180 on November 23, 2020, until the Governor's issuance of Executive Order 215 on May 14, 2021, there was a state-wide mandate that persons wear face coverings while inside most public and private buildings as a protective public health measure to limit the spread of COVID-19; and

WHEREAS, at the time the Governor's Executive Order 215 removed the state-wide mandate that persons wear face coverings, Cumberland County's positivity of infection rate was falling and reached a low of 5.7% at the beginning of July; and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") advises that viruses constantly change through mutation and new variants of viruses are expected to occur; and

WHEREAS, the CDC reports that the current Delta variant of COVID-19 is more infectious and is leading to increased transmissibility when compared to other variants, even in vaccinated individuals; and

WHEREAS, the CDC and the North Carolina Department of Health and Human Services (NC DHHS) have issued guidance calling for all people, to include those who are vaccinated, to wear masks in indoor public spaces in a county of high or substantial levels of transmission, which includes Cumberland County; and

WHEREAS, face coverings are a low-cost and highly effective way of mitigating the spread of COVID-19, and, if adopted widely by all Cumberland County citizens, may help to prevent further restrictions on businesses and operations; and

WHEREAS, the CDC has said as recently as November 20, 2020, that there is evidence for the effectiveness of face coverings; and

WHEREAS, the CDC and NC DHHS have provided evidence of face coverings effectively blocking exhaled virus from an individual wearing a face covering, evidence of reduction in exposure to the virus for someone wearing a face covering, and evidence of the effectiveness of communities wearing face coverings; and

WHEREAS, I, the Cumberland County Public Health Director, find the following facts:

(1) over the last month, the positivity rate of COVID-19 infections in Cumberland County has increased significantly to 15.6% as of August 20, 2021, a rate which is almost three times the rate at the beginning of July, and the number of cases, to include those under the age of 18, is rising at an alarming rate;

(2) the positive rate of infections in surrounding counties is also very high, with Harnett at 14%, Hoke at 16.3%, Sampson at 15.6%, Bladen at 17.5%, Robeson at 15.0%, compared to the State of North Carolina at 11.9%;

(3) this increase in the spread of the Delta variant is resulting in the number of patients hospitalized with COVID-19 in Cape Fear Valley Health System's hospitals within Cumberland County to rise dramatically from fifteen persons several weeks ago to 140 as of August 23, 2021, with 86% of those patients being unvaccinated, 19 of those being on ventilators with 90% of those on ventilators being unvaccinated, and 5 of those being pediatric patients;

(4) since the onset of the pandemic, COVID-19 has been the cause of the deaths of 371 Cumberland County residents with 11 of those deaths having been since August 19, 2021;

(5) the majority of the hospitalized COVID-19 patients in Cumberland County are under the age of 55;

(6) as of August 20, 2021, approximately 49% of Cumberland County residents were fully vaccinated and approximately 48% of all North Carolinians were fully vaccinated;

(7) of those fully vaccinated Cumberland County residents, 84% were age 65 or over, and 58.3% were over the age of 12;

(8) there is no currently approved vaccine for children under the age of 12;

(9) current incidence rates in Cumberland County demonstrate an incidence rate of 329 per 100,000 per week with about 1,000 new cases entering the public health workflow each week, an increase from about 500 cases weekly one month ago; and

(10) the dramatic rise in the incidence rate and numbers of COVID-19 patients being hospitalized and those needing ventilators within Cumberland County since the beginning of July is critically straining the capacity of the Cape Fear Valley Health System to provide the necessary level of patient hospital care for all patients and the Cumberland County Department of Public Health's resources to combat the COVID-19 pandemic.

BASED ON THE FOREGOING FINDINGS OF FACT, I, the Cumberland County Public Health Director, conclude as follows:

(1) The current Delta variant of the COVID-19 virus is highly transmissible and has more serious health consequences for unvaccinated persons within Cumberland County.

(2) The combination of the high rate of transmissibility, the high percentage of persons under age 65 being unvaccinated, and the slackening of measures to reduce transmissibility state-wide has resulted in such numbers of COVID-19 cases as to create an imminent public health hazard within Cumberland County by critically absorbing the capacity of the Cape Fear Valley Health System hospitals to provide the necessary level of patient hospital care and the Cumberland County Public Health Department's resources to combat the COVID-19 pandemic.

BASED ON THE FORGOING CONCLUSIONS, I, the Cumberland County Public Health Director, pursuant to the authority vested in me by N.C.G.S. §§130A-19, 130A-20 and 130A-41, and with the formal request of the Cumberland County Board of Commissioners, do hereby order the abatement of the imminent public health hazard arising from the high rate of incidence of COVID-19 within Cumberland County which required 140 COVID-19 patients to be hospitalized in the Cape Fear Valley Health System's hospitals as of August 23, 2021, by using face coverings to reduce the transmissibility as follows:

Section 1. Face coverings to be worn in indoor spaces.

(a) Unless subject to an exception stated in Section 2 of this Order, all persons within Cumberland County shall wear a face covering over the nose and mouth while in indoor spaces to include, by way of example and not limitation, offices and workplaces, business establishments, private clubs attended by members, public transportation facilities and vehicles, stores for the sale of any goods, restaurants, bars, places for amusement or entertainment, gyms and places for exercise, schools, places of worship, or any place the public is invited or allowed to assemble.

(b) Owners, tenants, or occupiers conducting business or inviting or allowing persons to assemble in indoor spaces under their control shall notice all persons entering the indoor space of the face covering requirement and shall institute appropriate measures to see that persons within the indoor space under their control are complying with this Order.

Section 2. Persons to whom this Order shall not apply.

(a) Face coverings shall not be required by someone who:

- (1) Should not wear a face covering due to any medical or behavioral condition or disability (including, but not limited to, any person who has trouble breathing, or is unconscious or incapacitated, or is otherwise unable to put on or remove the face covering without assistance);
- (2) Is under five (5) years of age and a parent, guardian, or responsible person has been unable to place and maintain a face covering safely on the child's face;
- (3) Is in a private, individual office;
- (4) Is actively eating or drinking;
- (5) Is seeking to communicate with someone who is hearing-impaired in a way that requires the mouth to be visible;

- (6) Is giving a speech or performance for a broadcast, or to an audience, where they maintain a distance of at least 20 feet from the audience;
- (7) Is not in an indoor public space as described in this Order;
- (8) Is temporarily removing their face covering for identification purposes to secure government or medical services or at the request of a law enforcement officer;
- (9) Would be at risk of injury from wearing a face covering at work, as determined by local, state, or federal regulations or workplace safety guidelines;
- (10) Is participating in worship activities for which wearing a face covering hinders the participation;
- (11) Children under two (2) years of age should not wear a face covering.

(b) Anyone who declines to wear a face covering for any of these exceptions should not be required to produce documentation or any other proof of a condition. Businesses and other entities or institutions may accommodate exceptions if someone states that an exception applies.

Section 3. Applicability.

This Order shall apply to Cumberland County and all the municipalities located within Cumberland County except for that portion of Cumberland County or any municipality that lies within the boundary of the Fort Bragg Military Reservation.

Section 4. Implementation.

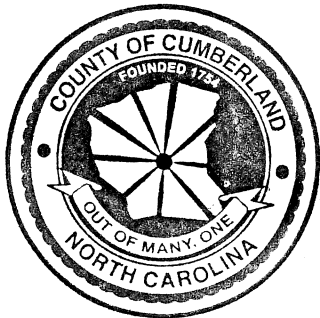
The intent of this Order is to encourage voluntary compliance with the requirements established herein by businesses and persons within the jurisdiction of Cumberland County and any municipality; however, the Cumberland County Public Health Director may take any action deemed necessary to enforce this Order in accordance with law.

Section 5. Distribution.

This Order shall be distributed to the news media and other organizations within Cumberland County calculated to bring its contents to the attention of the public and the businesses within Cumberland County, filed with the Clerk to the Board of County Commissioners, the Clerk of each municipality, and posted on the websites of the Cumberland County Department of Public Health and Cumberland County with additional information necessary to effectively implement it.

Section 6. Effective Date and Time.

This Order shall take effect at 5:00 p.m., Friday, August 27, 2021, and shall remain in effect until rescinded upon the Cumberland County Public Health Director determining that the imminent public health hazard described herein is abated.



Jennifer Green

 Jennifer Green, PhD
 Cumberland County Public Health Director

Attest:

Candice H. White

 Candice H. White
 Clerk to the Board of Commissioners