

Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors
From: Supervisor Warren Slocum, District 4
Supervisor David Canepa, District 5
Subject: Resolution Urging Face Covering Compliance and Directing Staff to Develop Community Outreach Program

RECOMMENDATION:

Adopt a resolution urging individuals in the County of San Mateo to comply with State and County face covering orders and directing the County Manager’s Office to develop a community outreach program to educate the public about compliance with the face covering requirements, making particular efforts to reach out to populations that are experiencing high rates of COVID-19, including communities of color and low-income communities.

BACKGROUND:

The novel coronavirus (COVID-19) has caused a fatal global pandemic. COVID-19 appears to be wildly transmissible in settings where individuals have direct contact with each other. Individuals may be infected and contagious with no symptoms (meaning they are asymptomatic) or may be infected and contagious before developing symptoms (meaning they are presymptomatic). Asymptomatic or presymptomatic individuals can unknowingly infect others.

As of July 1, 2020, there were more than 10.35 million confirmed COVID-19 cases worldwide, with more than 2.64 million confirmed cases in the United States. The number of confirmed cases in California now exceeds 232,000, with 6,090 COVID-related deaths. In San Mateo County (the “County”), there have been 3,376 confirmed cases and 108 deaths. Because of limited testing capacity, the number of cases confirmed through testing represents only a small portion of the total number of likely cases.

COVID-19 has not affected all County residents equally. For example, Latino or Hispanic individuals comprise 63% of the individuals in the County with confirmed cases of COVID-19 who reported their race or ethnicity; however, Latinos comprise only about 24% of the County population. This mirrors statewide data, which the California Department of Public Health noted shows that Latinos, African Americans and Native Hawaiians and Pacific Islanders are being infected and dying at disproportionately higher levels.¹ For example, Latinos comprise about 56% of the state COVID-19 cases and 42% of the deaths, despite representing only 39% of the state population. Similarly,

¹ <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Race-Ethnicity.aspx>

African Americans comprise more than 9% of the state COVID-19 deaths despite representing only 6% of the state population.

Low-income workers are also much more likely to be infected by COVID-19. A recent study conducted by the University of California San Francisco found that factors that correlated most strongly with COVID-19 infections included the inability to shelter in place and maintain income, frontline service work, unemployment, and household income of less than \$50,000 per year.² The same study concluded that during a sample of COVID-19 tests conducted in San Francisco in late April, COVID-19 infections were concentrated “almost exclusively among low-income Latinx people working frontline jobs... suggest[ing] health effects of ethnic and socioeconomic inequities in the community increased” since the COVID-19 outbreak began. This is likely because low-income workers are less likely to work jobs that can be performed remotely and are more likely to live in multi-person or multi-family residential settings. These factors increase the amount of social contact many low-income individuals and their families experience, correspondingly increasing their risk of exposure to COVID-19.

A. Face Coverings Effectively Hamper the Spread of COVID-19.

Current scientific evidence is that the primary way to slow the spread of the virus is to hinder airborne transmission, which can occur through respiratory droplets produced when an infected person coughs, sneezes, talks, or raises their voice. These droplets can land in/on the mouths, noses and eyes of people who are nearby.

A “face covering” is a covering made of cloth, fabric, or other soft or permeable material, without holes, that covers the nose and mouth and that does not incorporate a one-way exhale valve. Examples of face coverings may include (but are not limited to) a scarf or bandana; a neck gaiter; a homemade covering made from a t-shirt, sweatshirt, or towel, held on with rubber bands or otherwise; or a mask, which need not be medical-grade.

Wearing a face covering blocks most of an individual’s respiratory droplets from traveling beyond their face covering and thus coming into contact with other individuals. The consistent use of face coverings reduces the likelihood that individuals may transmit or receive the COVID-19 virus while visiting or working at local businesses, including healthcare facilities, or engaging in other activities that bring them into contact with individuals outside their immediate household. On June 15, 2020, Dr. Morrow explained that because COVID-19 is apparently “mainly transmitted by droplets . . . the extensive use of facial coverings is so important. Facial coverings remarkably reduce the amount of droplets you put forth into the environment, thereby protecting your fellow humans.”³ The Centers for Disease Control and Prevention (“CDC”) also currently recommends that to reduce the spread of COVID-19, people wear cloth face coverings in public settings when around people outside of their household, especially when other

² <https://www.ucsf.edu/news/2020/06/417881/inequality-fueled-covid-19-transmission-san-franciscos-mission-district-says>

³ <https://www.smchealth.org/health-officer-orders-and-statements>

social distancing measures are difficult to maintain.⁴

B. Local and State Actions Taken Related to Face Coverings.

On March 3, 2020, and pursuant to Section 101080 of the California Health and Safety Code, the San Mateo County Health Officer declared a local health emergency throughout the County related to COVID-19. Also on March 3, 2020, and pursuant to Section 8630 of the California Government Code and Chapter 2.46 of the San Mateo County Ordinance Code, the San Mateo County Director of Emergency Services proclaimed a local emergency throughout San Mateo County related to COVID-19. The Board ratified and extended these declarations of local health emergency, which remain in effect.

On March 4, 2020, California Governor Gavin Newsom issued a Proclamation of State of Emergency related to COVID-19 effective throughout the State of California.

On March 16, 2020, County of San Mateo Health Officer Dr. Scott Morrow issued an order (“Original Shelter-in-Place Order”) that, among other things, directed all individuals currently living within San Mateo County to shelter in their place of residence, and authorized individuals to leave their residences only for certain activities. This Original Shelter-in-Place order was updated several times.

On April 17, 2020, the Health Officer issued a public health emergency order (Order of the Health Officer No. c19-8) requiring individuals to wear face coverings in many enumerated high-risk public settings, subject to certain specified exceptions, including for individuals who are not medically capable of complying. This Order was updated on May 19, 2020 (Order of the Health Officer No. c19-8(b) (REVISED)) and remains in effect.⁵ Violations of this Order are punishable as a misdemeanor under California Health and Safety Code section 120195 and can carry a fine up to \$1,000, imprisonment up to 90 days, or both.

On June 17, 2020, the Health Officer revised the Health Order (“Current Health Order”), aligning the County with the State as to allowed activities while maintaining local face covering and social distancing requirements.⁶ Violations of this Current Health Order remain punishable as a misdemeanor. The Current Health Order, among other things (simplified):

- Generally requires that individuals wear face coverings when in the presence of other non-household members indoors and when social distancing cannot be maintained outdoors;
- Strongly encourages individuals to wear face coverings outside their residence even if not absolutely required; and
- Requires businesses and other entities to 1) require their employees to comply

⁴ <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/about-face-coverings.html>

⁵ https://www.smchealth.org/sites/main/files/file-attachments/ho_order_c19-8b_face_covering_revised_final.pdf?1589988744

⁶ https://www.smchealth.org/sites/main/files/file-attachments/ho_order_c19-11_20200617_1.pdf?1592947700

with the face covering requirements and 2) to take reasonable measures to remind customers and the public of the face covering requirements, including refusing to serve people who do not comply,

On March 12, 2020, Governor Newsom issued Executive Order N-33-20 directing all residents in the state to comply with “any orders and guidance of state and local public health officials.” On June 18, 2020, the California Department of Public Health issued Guidance that “mandates that face coverings be worn state-wide” in specified high-risk situations to limit the spread of COVID-10, subject to enumerated exceptions, as described in the state Guidance.⁷ The State face covering Guidance is consistent with the County’s Current Health Order.

To increase enforcement of these mandates, on July 1, 2020, Governor Newsom announced the creation of multi-agency teams as part of the California Governor’s Office of Emergency Services. These teams will have the mission of improving compliance with the health orders, including face covering requirements. These teams are expected to initially focus on workplaces.

DISCUSSION:

Despite the County and State face covering requirements, some individuals in the County are not consistently complying with the requirements. Anecdotal reporting has identified many situations where individuals without face coverings attempt to participate in public activities or to engage with local businesses when they do not qualify for an exemption.⁸ Some of these individuals may be unaware of the face covering requirements. Others may not understand the value of face coverings in preventing the spread of COVID-19 for both themselves and other members of the community.

While the County’s face covering requirements are potentially punishable as a misdemeanor and expose violators to a fine of up to \$1,000 and imprisonment up to 90 days, in many cases a citation is not the most appropriate response to a violation. Individuals who are uninformed or underinformed about face covering requirements may choose to comply if they are properly educated about the life-saving purpose of face coverings and how the face covering requirements may be satisfied.

Thus, it remains necessary to continue to educate the public about the face covering requirements. It is particularly important for the County to reach out to those populations currently experiencing the highest transmission of COVID-19, including communities of color communities and low-income communities. Targeting these high-transmission communities for outreach will have the most significant impact on the spread of COVID-19 within the County. It will also help minimize the effects of COVID-19 on communities that are already suffering disparate impacts from the pandemic due to their socioeconomic status.

⁷ https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/Guidance-for-Face-Coverings_06-18-2020.pdf

⁸ <https://www.sfchronicle.com/bayarea/article/Why-do-some-people-refuse-to-wear-masks-15304985.php>

FISCAL IMPACT:

The anticipated community outreach program will require some expenses, but no significant fiscal impact is expected.