



Ben Lonergan/East Oregonian

The city of Pendleton, which has been testing its wastewater for COVID-19 since April, has seen a significant resurgence in the amount detected in recent tests.

Sewage: Weekly tests now every 2 weeks

Continued from Page A1

Milne said the testing data has been informative.

"I don't think it's perfect right now, but you got to try something," he said.

In the early days of sewer testing, the city didn't widely share the results it got back, reasoning that testing methods were too novel to get a reliable picture.

But as sewer testing has become more prevalent and the pandemic has worn on, the city is sharing its findings with more sources.

Over the past two months, Milne said he's shared the results of each sewer test with Umatilla County Public Health as well as provided the department with all data from previous tests.

Milne said Oregon State University and the Oregon Health Authority have also begun processing samples taken from Pendleton's wastewater treatment plant, but the results they've provided back to the city only



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Wastewater flows through the various steps of the treatment process at the wastewater treatment plant in Pendleton on Friday, Nov. 20, 2020.

include whether COVID-19 is present in the system rather than any kind of specific data.

Initially, the city planned to only test its sewer system through the end of the year, with a rise in Biobot testing

prices causing the city to slow its testing pace from weekly to every other week. Milne said he still needs to talk with his superiors, but he's considering a request to extend its deal with Biobot beyond December.

Biobot charges \$1,200 per test, but Milne said he would like to continue receiving data from the tests, at least until the state's sewer test results expand the amount of data it provides.

Freeze: COVID measures are enforceable by law

Continued from Page A1

becomes ridiculous, and again, an irresponsible utilization of the public dollar."

Brown initially took a hard line in directing the state's law enforcement to enforce the rules in place, saying that she was "ordering" officers to comply. She has since backed off this approach.

"I expect local law enforcement to continue to use an education-first approach," the governor said in a statement Tuesday, Nov. 17. "But Oregonians need to understand that these rules are enforceable under law."

State police organizations quickly responded to the governor's orders, saying they will only be citing people as a "last resort."

"As with most enforcement decision-making, discretion will be used if/when any Executive Order enforcement action is taken. Oregon Law Enforcement recognizes that we cannot arrest or enforce our way out of the pandemic," The Oregon State Sheriffs' Association, the Oregon Association of Chiefs of Police and the Oregon State Police said in a press release Tuesday, Nov. 17.

Edmiston said his officers will respond to businesses that call in and say customers are refusing to wear masks. He also said he has told his officers that they will "not violate someone's Fourth Amendment Right."

"It's frustrating because we want to honor the governor's orders under emergency declarations," he said. "But there's a very clear line in the sand with regard to the threshold of a person's property and law enforcement coming onto that property."

Both Edmiston and

Roberts said that the biggest distinction in when their officers will and will not respond lies between public and private property. If called to respond to a large social gathering in somebody's home, the most they can do, they said, is approach and ask if there are more than six people inside. But even then, they cannot enter and enforce the restrictions without being allowed in.

"If and when these calls come in, we're going to approach them with the same standards we deal with all along — with reasonableness," Edmiston said.

Roberts said the disconnect between Brown's demands and local law enforcement have been frustrating. He said although the governor claims to be communicating with law enforcement statewide on the best ways to enforce the measures, there has been little communication with departments like his.

"If you're telling people that you're out being openly communicative and that you have these partnerships, then you better damn well have them," he said. "They don't exist. She's relying on organizations that represent chiefs and sheriffs, not the chiefs and sheriffs themselves."

Umatilla County Sheriff Terry Rowan and Morrow County Sheriff Ken Matlack did not return calls for comment.

However, Matlack and the Morrow County Sheriff's Office posted a statement on Facebook on Nov. 20 saying they will not be citing and arresting violators despite Brown's orders.

"We have not engaged in any criminal enforcement on COVID-19 measures or orders sent down from Governor Brown and we will not start now," Matlack said in the release. "If citizens or businesses refuse to follow the safety recommendations, they could face civil litigation or fines from OSHA or OLCC. They will

not be cited or arrested by any member of the Morrow County Sheriff's Office."

Roberts said it can certainly be argued that people who have tested positive for COVID-19 can place a risk to the public. However, he said law enforcement is not in a position to enforce the mandate, and it is better left to public health officials.

"These types of regulatory oversight is a whole lot different than going out and enforcing the law on people committing what is, in my mind, bona fide crimes that put people or property at risk," he said.

Roberts and Edmiston both made clear that the best things their communities can do right now is follow the basic guidelines set in place from the beginning — wearing a mask, keeping your social group small and physical distancing.

"If we're going to change this, then it's going to be a community effort," Roberts said. "I say this all the time, 'If not you, then who?'"

Letter: 'I'm not saying open everything up no holds barred'

Continued from Page A1

More autonomy for local officials

Sen. Lynn Findley, a Republican from Vale, said he and other legislators had been working on drafts of the letter for about three weeks before sending it to the governor's office on Nov. 18.

Since discussion of the letter started weeks ago, the COVID-19 landscape in Oregon looks different. On Nov. 1, Oregon Health Authority reported 524 new cases of COVID-19. Since then, the state has repeatedly set records for daily case counts, and on Thursday, Nov. 19, reported 1,225 new cases.

Findley, whose district includes parts of 11 counties, said his main goal is to promote a "dialogue" between the governor and other state officials and legislators, county commissioners, school administrators and other local officials in rural counties.

He said he wants the state to give more autonomy to local officials in designing strategies to combat the spread of COVID-19.

He notes that during the spring, the state required counties to submit detailed plans for state approval before moving into Phase 1, which relaxed some of the restrictions on businesses, church services and other activities that the governor had imposed in March at the outset of the pandemic.

Findley contends that approach "is totally ignored now."

He laments that in place of pandemic planning that acknowledges the different effects the virus has had in rural Oregon, state officials have switched to a "one-size-fits-all" strategy, including the two-week statewide freeze in effect from Nov. 18 through Wednesday, Dec. 2.

He concedes that one reference in the letter about rural communities slowing the spread of COVID-19 has been overtaken, to some extent, by subsequent trends in new cases.

"Clearly the situation seems to continue to escalate, and the numbers in most of the (legislative) districts are pretty darn high, which is unfortunate," he said.

Nonetheless, Findley stands by his belief that statewide restrictions, such as the two-week freeze, fail to reflect the differences between rural and urban areas.

Wheeler County, for instance, has reported only one COVID-19 case during the pandemic.

Three other counties in his district have had fewer than 100 cases — Lake, with 82 cases as of Nov. 19, Harney, with 78, and Grant, with 74.

House District 58 State Representative-elect Bobby Levy, R-Echo, added her signature to the letter because she believes the individual differences of counties should be taken into account.

"I signed onto this letter because I believe it's true. Hospitalizations in the metro shouldn't automatically mean that our rural communities suffer the consequences," she said. "Our children need to be in school full time. Our churches need to be open to attend. State business needs to open back up and serve the communities they have left behind."

Levy signed the letter before the governor's freeze took effect and said her feelings about the COVID-19 lockdown issue have not changed since then. She remains very concerned about how the state's handling of the pandemic is impacting the district she is set to represent.

"We have small communities that heavily rely on sum-

mer tourism and rodeos that were unable to count on those funds to carry them through the winter months," she said. "We all are doing our best to help keep our communities safe and financially afloat — but shutting down businesses, schools and churches that have no correlation to outbreaks is not the answer."

Levy will succeed three-term Rep. Greg Barreto, R-Cove, when she is sworn in January. Barreto, who did not run for reelection, signed the letter for a fundamental reason.

"I read it and I agreed with it," he said.

Letter is slightly dated

Umatilla County Commissioner George Murdock said although he signed the letter weeks ago, its contents do not necessarily represent where he stands now, in light of changes to COVID-19 case numbers. Though he declined to revoke his signature from the letter, as it fundamentally supported his views, the letter's claims that the county has "adjusted and improved" are slightly dated when considering the record-breaking spike in coronavirus cases the state has seen in recent weeks, according to Murdock.

"More recently, people have let down their guard," Murdock said. "We know what we need to do, and right now we're not doing it."

He said the county needs to make a concerted effort to get its numbers down, and said although he, too, has families he wishes he could safely see for the holidays, people need to make personal sacrifices to help schools reopen. He expressed concern about a "lost generation" of schoolchildren, and lost businesses.

"Our biggest concern has been restaurants and bars," he said. "Every time we do something, they get hit. Let's just focus on areas that are causing the most problems."

Umatilla County Commissioner Bill Elfering said he has not found the governor or the Oregon Health Authority very willing to sit down and have discussions about a plan "that would have more chances of success." He criticized what he called blanket solutions that don't take into account the impact, and said he doesn't feel counties in Eastern Oregon are being given enough opportunities for input.

"Why are we closing restaurants and bars when we don't know that's where the problem is coming from?" he said. "If we're out to protect our elderly and our vulnerable — those who have underlying conditions — then let's protect them."

He called wearing a face mask a "minor inconvenience" that people should be following to help out, along with social distancing and other "logical" steps. He said counties should work with their own health directors and commissioners to put together plans, rather than enforce the overarching mandates that come from the governor's office.

Umatilla County Commissioner John Shafer said he feels the damage that COVID-19 restrictions are doing to businesses is doing more harm to the county than COVID-19 itself.

"I'm not saying open everything up no holds barred," he said. "But the restrictions in place a few days ago I think were more than adequate to slow the spread. We've got a vaccine coming. We've got things are coming. Why crush our economy right now when we're so close to having a vaccine?"

EOMG reporters Dick Mason and Jayson Jacoby contributed to this report.