

Mask mandate misinformation

State expects businesses to post signs, provide face coverings and enforce regulations



Eagle file photo

Gov. Kate Brown announced that all Oregon residents are required to wear masks or face coverings in indoor public spaces.

By Steven Mitchell
Blue Mountain Eagle

Some local businesses have claimed patient privacy laws and constitutional protections exempted them from enforcing Gov. Kate Brown's order to wear masks indoors, but Oregon's Occupational Safety and Health Administration shared facts on Friday about what they said was misinformation about the mandate and a business owner's responsibility.

Oregon OSHA Public Information Officer Aaron Corvin said face coverings are now required in outdoor public spaces when physical distancing is impossible and in all indoor public areas.

OSHA guidelines say a

business needs to post a sign regarding face masks and enforce the requirements for people who enter. A person with a medical condition or a disability that prevents them from wearing one can ask for accommodation.

He said a business must post signs, provide face coverings and enforce the regulations, including providing accommodations for people with a medical condition or a disability that prevents them from wearing a mask without putting other people at risk.

Typically, according to a memo from OSHA, these

accommodations will not allow individuals to enter a business without required face coverings.

According to OSHA guidance, when people come into a business without a mask, it is not to be assumed they have a medical condition.

"Businesses have to take the person's word in these instances and should not inquire further about the medical condition or ask for proof," Corvin said. "However, in such situations, businesses have to provide reasonable accommodations to receive the service without putting workers or other customers at risk. They cannot simply let a person who cannot wear a face covering enter without one and without regard to the safety of others."

OSHA's guidance says it will not cite or shutdown a business if someone were to enter their business without a mask.

The agency would, however, be required to contact

the business to let the owner know what they should be doing to enforce the mandate. This, according to the guidance, gives businesses an opportunity to let OSHA know what they are doing as well.

OSHA's guidance says business owners do not need to be "militant" and refuse people from entering their stores and shops without a mask. But, the guidance says, if customers refuse to wear a face covering, OSHA does expect them to politely refuse service.

Corvin said penalties to businesses that fail to enforce the order vary depending on the factors involved.

"Under our penalty rules, a serious violation that is not a willful (i.e., intentional or purposeful disregard for requirements) carries a minimum penalty of \$100 and a maximum of \$12,675," he said.

He said a willful violation carries a minimum penalty of \$8,900 and a maximum of \$126,749.

Counties must lower COVID-19 case numbers to allow in-person school, governor orders

By Jackson Hogan
EO Media Group

In order to resume in-person school this fall, Oregon counties and the state as a whole must meet a low threshold of COVID-19 cases that only one county currently meets, according to a new mandate issued July 28 by Gov. Kate Brown.

The county in which a school district is located must meet these standards for three weeks in a row: 10 or fewer COVID-19 cases per 100,000 residents and 5% or less positive tests per week, according to Brown's new mandate. The state must also have 5% or less positive tests as a whole, the new rule states.

The rule is slightly less strict for kindergarten through third grade classes, or rural school districts with fewer than 100 students. Those grades and school districts can reopen in-person education if their home counties have 30 or fewer COVID-19 cases per 100,000 residents over seven days, the mandate states.

Not only are younger children less likely to catch, show symptoms of or transmit COVID-19 to others, but in-person learning is more crucial at that age, said state health officer Dean Sidelinger.

"These younger students need access to in-person education to develop literacy and numeracy skills they need that are critical to their continued learning," he said at the press conference.

However, an area that meets these standards at first but later has an uptick in COVID-19 cases could be forced to transition back to at-home distance learning.

School districts must make distance learning plans if the local county has 20 or more COVID-19 cases in a week or 7.5% or more of COVID-19 tests in the county are positive. Districts will immediately return to distance learning if the local county has 30 or more COVID-19 cases in a week and 10% or more of local COVID-19 tests are positive.

"Let me be really clear: I am absolutely unwilling to lose an entire school year for any of our kids," Brown said in a press conference Tuesday afternoon. "But it is also incumbent on all of us ... to take every measure to slow the spread of this disease so we can get our kids into school as quickly as possible."

As of Tuesday, Oregon has had 17,416 COVID-19 cases, according to the Oregon Health Authority.

From April through the end of June, less than

"LET ME BE REALLY CLEAR: I AM ABSOLUTELY UNWILLING TO LOSE AN ENTIRE SCHOOL YEAR FOR ANY OF OUR KIDS, BUT IT IS ALSO INCUMBENT ON ALL OF US ... TO TAKE EVERY MEASURE TO SLOW THE SPREAD OF THIS DISEASE SO WE CAN GET OUR KIDS INTO SCHOOL AS QUICKLY AS POSSIBLE."

—Gov. Kate Brown

5% of COVID-19 tests in Oregon returned positive, Sidelinger said. In July, the percentage of positive tests rose to close to 6%, he said, but it has been trending down again recently, he added.

Only five Oregon counties had fewer than 10 new COVID-19 cases per 100,000 residents in the past week, according to state data. All five of these counties — Sherman, Tillamook, Union, Willamette and Wheeler — are rural and relatively small in population.

When stretched out to the three-week requirement of fewer than 10 new cases per week, only Wheeler County — the state's least populous county — qualifies to re-open classrooms for all students.

The major Oregon counties with the fewest COVID-19 cases per 100,000 residents were Benton and Lane counties, with about 10 and 16 cases per 100,000, respectively.

To help make distance learning more effective in Oregon schools that need to do so, Brown announced a release of \$28 million of emergency funds to go toward internet hotspots, internet-accessible computers, online curriculum and teacher training.

Brown and Sidelinger also urged Oregonians to keep wearing face coverings, practicing social distancing and washing hands to lower COVID-19 numbers so students can return to class.

"We can't relent, especially if we all work together to reopen schools and get students back in desks," Sidelinger said.

Gov. Brown says virus spike, political stalemate led to Umatilla County rollback

Brown: 'This is a public health crisis. Lives are at risk.'

By Gary A. Warner
For the Oregon Capital Bureau

Rapidly rising COVID-19 infections, an ominous public health report and a political stalemate led to Gov. Kate Brown's unprecedented late-night order rolling back the reopening of Umatilla County.

"It was clear (Thursday) afternoon that if we did not act immediately, this could spread like wildfire," Brown said Friday in an interview with EO Media Group. "More people would die unless we took really quick action."

It was the first time the state had reversed a county's progress under the Reopening Oregon phased plan announced in mid-April. Umatilla County was moved two phases back to Baseline, the highly restrictive rules in place at the end of the spring peak of the pandemic's spread in Oregon.

The Oregon Health Authority reported Friday that total COVID-19 cases in Oregon now stands at 18,492. There have been 322 deaths. The Johns Hopkins Coronavirus Resource Center reported Friday that there have been just over 4.5 million COVID-19 cases and 152,940 deaths nationwide. Worldwide, the center reported 17.4 million cases and 675,584 deaths.

For Umatilla County, the move resets the clock to restrictions in place last spring. Residents are encouraged to stay home, minimize travel, work from home if possible and limit public gatherings to 25 people and social gatherings to 10 people. Restaurants must return to take-out only. Most recreational facilities and entertainment venues must close.

If infection rates drop significantly, the county could move to Phase 1 after 21 days.

Brown's Thursday night order also moved Morrow County from Phase 2 to Phase 1. Morrow County officials said they were working with the state on possible voluntary measures to head-off a return to Baseline.

Morrow County ranks 70th and Umatilla County ranks 75th in per capita new coronavirus infection rates among the over 3,000 counties in the United States, according to an analysis of state health records by the New York Times.

Brown said the state's own metrics showed Umatilla County has the state's highest COVID-19 infection rate: 234 positive cases per 10,000 residents. Morrow County reported

213 cases per 10,000 people.

The weekly percentage of tests that come back positive in Umatilla County is 23%, well above the statewide average of 5.1%. Morrow County's positive test rate is even higher — 30%.

For the past few weeks, Brown said she and health officials made attempts to get Umatilla County to take voluntary actions. Union and Lincoln counties had voluntarily rolled back from Phase 2 to Phase 1 when they faced rising infection rates. The two counties were removed Thursday from the state's watchlist of counties where infections are rising beyond acceptable limits.

Brown had hoped to replicate the same pattern with Umatilla County, but said her overtures were repeatedly rebuffed. She said county commissioners would only follow statewide restrictions.

"Honestly, I have been in contact regularly with the local county commissioners. I would prefer to do things collaboratively, but in this case, it has become a crisis," Brown said.

As late as Thursday afternoon's weekly Oregon Health Authority COVID-19 briefing, the only mention of Umatilla and Morrow counties was that they would remain on the watchlist.

Brown said her decision to act Thursday night came after she received reports Thursday from Oregon State University. One showed 17% of Hermiston residents turned up positive for COVID-19 in a special testing program. About 80% of those who tested positive did not have symptoms, but could infect others. A second report showed "significantly higher" levels of COVID-19 in wastewater samples taken in Hermiston and Boardman compared to other areas of the state.

Brown said she knows the rollback will be a health care and economic burden on the counties and that she would take action to reduce the impact.

Adding more testing is challenging because of a growing nationwide shortage of test kits. Longer waiting periods are widely reported as labs struggle with a backlog of tests.

Brown said she had asked for help from the U.S. Department of Health and Human Services and asked Oregon's congressional delegation to keep up pressure for more supplies.

"It's not looking like it will be coming," she said.

Brown said she wanted to help those impacted by the rollback by targeting some of \$35 million in funds from a special fund the Legislature created to Eastern Oregon. The program would send \$500 emergency relief checks to Oregonians who are still waiting on unemployment benefits.

Currently, the funds are allocated on a "first come, first served" basis, but Brown said she wants to set aside an unspecified amount from the fund for rural and Eastern Oregon.

While she understands that residents are eager to get back to normal, the quickest way is to concentrate on getting the virus under control, Brown said.

"This is a public health crisis," Brown said. "Lives are at risk."



PMG file photo/Jaime Valdez

Gov. Kate Brown, at a May press event, wearing her mask in public.

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