LOCAL EMERGENCY ORDER

WHEREAS, on March 15, 2020, in response to the COVID-19 pandemic, I declared a State of Emergency within the County of Erie; and

WHEREAS, on March 7, 2020, Andrew M. Cuomo, Governor of the State of New York issued Executive Order Number 202, declaring a State Disaster Emergency for the entire State of New York; and

WHEREAS, the novel coronavirus which causes coronavirus disease 2019 ("COVID-19") spreads readily from person-to-person; and

WHEREAS, on May 13, 2021, the Center for Disease Control and Prevention (CDC) updated their recommendations for wearing masks or cloth face coverings which cover the nose and mouth based on the vaccination status of individuals; and

WHEREAS, the CDC considers a person to be "fully vaccinated" against COVID-19 two weeks after they receive the second dose in a two-dose series vaccine or two weeks after they receive a one-dose vaccine; and

WHEREAS, pursuant to the May 13, 2021 CDC recommendations, people who are fully vaccinated against COVID-19 no longer needed to wear a mask or physically distance in any setting, except where required by federal, state, local, tribal, or territorial laws, rules, and regulations; and

WHEREAS, on June 14, 2021 I issued Local Emergency Order 1.11 which, *inter alia*, provides that fully vaccinated Erie County employees, fee-for-service workers, interns and volunteers who provide proof of vaccination will no longer be required to wear a mask or face covering while in a building or facility owned or operated by Erie County; and

WHEREAS, on July 27, 2021, the CDC further updated their recommendations for wearing masks or cloth face coverings for fully vaccinated individuals based on new evidence indicating that some fully vaccinated individuals, infected with the Delta Variant of COVID-19 after vaccination, may be contagious and able to spread the virus to others; and

WHEREAS, pursuant to the July 27, 2021 CDC recommendations, people who are fully vaccinated against COVID-19 should wear a mask or cloth face covering while in public indoor settings in areas of substantial or high transmission; and

WHEREAS, the CDC has released a real time map which designates high, substantial, moderate, and low transmission areas and can be broken down by county; and

WHEREAS, Erie County is currently designated by the CDC as a moderate transmission area allowing for the provisions of Local Emergency Order 1.11 to remain in effect; and

WHEREAS, continuation of governmental functions and the ability to provide essential services to the residents of Erie County is dependent on maintaining a healthy workforce such that, if Erie County meets the CDC definition of a substantial or high transmission area, the July 27, 2021 CDC masking recommendations should be implemented.

NOW THEREFORE, I, Mark C. Poloncarz, the Chief Executive of the County of Erie, New York, by virtue of the authority vested in me by Section 24(1) of New York State Executive Law do hereby:

- **ORDER that, if Erie County meets the CDC definition of a substantial or high transmission area, Local Emergency Order 1.11 will be deemed rescinded and the remaining ORDERS below will take effect immediately.**
- **ORDER that, regardless of vaccination status, all visitors, clients, venders, and contractors, who are able to medically tolerate a face-covering, must cover their nose and mouth with a mask or cloth face covering when present in any building or facility owned or operated by Erie County.**
- **ORDER that, all Erie County employees, fee-for-service workers, interns and volunteers, who, according to the CDC's definition, are not fully vaccinated against COVID-19 and are able to medically tolerate a face covering, must cover their nose and mouth with a mask or cloth face covering when entering an Erie County worksite, when in an elevator which services an Erie County worksite, when interacting with the public in any capacity, when entering a building or facility not owned or operated by Erie County to transact Erie County business, when riding in a vehicle with an Erie County co-worker, when in an Erie County workspace that is open to the public, when distanced**

within six feet of other Erie County employees, fee-for-service workers, interns or volunteers.

- **ORDER that, all Erie County employees, fee-for-service workers, interns and volunteers, who, according to the CDC's definition, are fully vaccinated against COVID-19 and are able to medically tolerate a face covering, must cover their nose and mouth with a mask or cloth face covering when entering an Erie County worksite, when in an elevator which services an Erie County worksite, and when interacting with the public in any capacity.**

This order shall take effect at 10:00 **AM/PM, on** July 29**, 2021 and shall remain in effect for five days or until removed by order of the Chief Executive. This order may also be renewed in five (5) day increments.**

Mark C. Poloncarz, County Executive
Erie County, New York
Date: July 29, 2021

Jennifer Hibit, Chief of Staff
Witness
Date: July 29, 2021