



Health, Housing & Community Services Department
Public Health Officer

**ORDER OF THE HEALTH OFFICER
OF THE CITY OF BERKELEY
RESCINDING THE ORDER FOR THE WEARING
OF FACE COVERINGS IN INDOOR SETTINGS**

DATE OF ORDER: February 15, 2022

Please read this Order carefully. Violation of or failure to comply with this Order is a misdemeanor punishable by fine, imprisonment, or both. (California Health and Safety Code § 120275 *et seq.*)

Summary of Order: This Order rescinds the Health Officer Order requiring all individuals to wear face coverings when indoors in workplaces and public settings, with limited exemptions, and recommends that businesses make face coverings available to individuals entering the business. Individuals and businesses in the City of Berkeley must continue to comply with State requirements for the wearing of face coverings, including the California Department of Public Health's (CDPH) [Guidance for the Use of Face Masks](#), which requires indoor masking for all individuals in childcare, K-12 schools, and other specified, high-risk settings such as public transit and transportation hubs, healthcare settings, long-term care facilities, and homeless shelters. The CDPH also requires masks for unvaccinated individuals in all indoor public settings and businesses. Fully vaccinated individuals are recommended to continue indoor masking when the risk may be high. Surgical masks or higher-level respirators (e.g., N95s, KN95s, KF94s) with good fit are highly recommended.

In workplaces, employers are subject to the Cal/OSHA COVID-19 [Emergency Temporary Standards \(ETS\)](#) or in some workplaces the [Cal/OSHA Aerosol Transmissible Diseases \(ATD\)](#) (PDF) Standard and should consult those regulations for additional applicable requirements.

Background:

California, the San Francisco Bay Area region, and the City of Berkeley are experiencing continued improvement in cases and hospitalization from the Omicron surge which was noted in early December 2021. COVID-19 cases and the rate of community transmission have steadily decreased statewide since mid-January, and hospitalizations are either plateauing or declining in most regions of the state. Since California's peak during the Omicron surge, the state has experienced a decrease in case rates by over 500%. After reaching a high on January 14, 2022 of 438 new cases per day, the City of Berkeley's case rates have rapidly declined to a 7-day average of 51 on February 14, 2022 and continue to drop. Meanwhile, hospitalizations, a lagging indicator of disease, have remained low during this latest surge because of the City's overall high rates of vaccinations (92%) and boosters (56%).



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Berkeley’s universal indoor mask mandate has been in place since August 2, 2021 when cases began climbing from the Delta variant. In addition, Californians are also increasingly knowledgeable about how to protect themselves and their loved ones with effective masks when there may be risk of COVID-19 exposure. Accordingly, it is now appropriate for the universal indoor masking requirement to be rescinded.

The COVID-19 vaccines currently authorized in the US are highly safe and effective at providing protection to individuals and communities, particularly against severe COVID-19 disease and death, and are recommended by the Centers for Disease Control and Prevention (“CDC”) for all populations for whom the vaccine is authorized by the U.S. Food and Drug Administration (“FDA”). The Health Officer strongly recommends that all eligible persons in the City be vaccinated and boosted immediately. Information on obtaining a COVID-19 vaccine in the City of Berkeley is available here: <https://www.cityofberkeley.info/covax/>

The Health Officer may revise this Order as necessary to respond to the conditions in the City of Berkeley and may impose greater restrictions than the State.

ORDER

UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101475 AND 120175, THE HEALTH OFFICER OF THE CITY OF BERKELEY (“HEALTH OFFICER”) ORDERS:

1. Effective at 12:01 a.m. on February 16, 2022, the Health Officer’s Order for the Wearing of Face Coverings in Indoor Settings, issued August 2, 2021 and revised October 27, 2021, is hereby rescinded. State requirements for the wearing of face coverings, including the [Guidance for the Use of Face Masks](#) issued by the CDPH on February 7, 2022, will continue to be in effect in the City of Berkeley. In workplaces, employers will continue to be subject to the Cal/OSHA COVID-19 Emergency Temporary Standards (ETS) or in some workplaces the Cal/OSHA Aerosol Transmissible Diseases (ATD) (PDF) Standard and should consult those regulations for additional applicable requirements.
2. This Order does not restrict the ability of a business or other facility to require face coverings beyond the requirements of this Order. The Health Officer recommends that businesses and other entities that maintain indoor facilities make face coverings available to all persons entering any indoor setting.
3. The Health Officer will continue to monitor several key indicators to inform the decision whether to modify this Order. The Health Officer will continually review whether modifications to the Order are warranted based on (1) progress in countering the spread of COVID-19 in the City; (2) developments in methods and strategies for preventing and



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treating COVID-19; and (3) scientific understanding of the transmission dynamics and clinical impact of COVID-19.

4. This Order is issued in accordance with, and incorporates by reference, the March 4, 2020 Proclamation of a State of Emergency issued by Governor Gavin Newsom, the March 3, 2020 Proclamation by the Director of Emergency Services Declaring the Existence of a Local Emergency in the City, the March 10, 2020 Resolution of the City Council Ratifying the Proclamation of Local Emergency, and guidance issued by the CDPH and CDC, as each of them have been and may be supplemented.
5. This Order is also issued in light of the March 19, 2020 Order of the State Public Health Officer and subsequent orders and guidance issued by the Governor, the State Health Officer, and the CDPH and Department of Industrial Relations, including without limitation the CDPH February 7, 2022 Guidance for the Use of Face Masks. The Health Officer may adopt more stringent restrictions and requirements addressing the particular facts and circumstances in the City, necessary to control the public health emergency as it is evolving within the City and the region. Where a City Health Officer Order and any state public health order related to the COVID-19 pandemic conflict, the most restrictive provision controls.
6. The City must promptly provide copies of this Order as follows: (1) by posting on the City's website (cityofberkeley.info); (2) by posting at Old City Hall, located at 2134 Martin Luther King Jr. Way, Berkeley, CA 94704; and (3) by providing to any member of the public requesting a copy.
7. If any provision of this Order or its application to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

IT IS SO ORDERED:

Lisa B. Hernandez, MD, MPH
Public Health Officer of the
City of Berkeley

February 15, 2022
