

WAYNE COUNTY LOCAL HEALTH DEPARTMENT

EMERGENCY PUBLIC HEALTH ORDER IN RESPONSE TO THE COVID-19 PANDEMIC

UNDER MCL 333.2453

“WORKING TOGETHER TO FIGHT COVID-19”

Under Michigan’s Public Health Code, the Wayne County Local Health Department and other local health departments are commanded to prevent and investigate disease, particularly epidemics. Since the pandemic began in March, there have been over 7,000 deaths attributed to COVID-19, with about 75% of those occurring in Metro Detroit. Based on these numbers, COVID-19 is likely the most serious infectious disease outbreak of most people’s lives. It is important enough to compel issuance of this Emergency Epidemic Order to ensure that efforts to control this disease continue uninterrupted within the jurisdiction of the Wayne County Local Health Department while there is a transition from Governor Whitmer’s Executive Orders to state-issued Public Health Orders and other possible legislative measures to continue to fight COVID-19.

Various readings of the recent Michigan Supreme Court decision have caused confusion about what citizens must do. To be clear, the Governor’s Executive Orders are in effect now in the jurisdiction of the Wayne County Local Health Department (like the rest of the state of Michigan) and are likely to remain in effect until at least October 23rd. The Michigan Supreme Court decision does not negate in any way a local health department’s authority to issue a public health order like this order. This order is issued to clarify what measures are currently in effect and are intended to remain in effect in this jurisdiction under Michigan’s Public Health Code.

The Michigan Department of Health and Human Services (“MDHHS”) has the power, and, indeed, the duty to issue Emergency Epidemic Orders to protect the public. MDHHS has already done so numerous times throughout the COVID-19 epidemic. These Emergency Epidemic Orders are in effect now and mandate the following:

- Masks must be worn in most public indoor settings
- Social Distancing must be maintained
- Limitations in the size of gatherings of people

Current MDHHS orders also include the following guidance:

- Provide details on how to conduct organized sports
- Create rules for safety in congregate care, residential care, and juvenile facilities
- Protect agricultural workers
- Regulate safety in nursing homes, hospitals, and prisons

The MDHHS Director has indicated that additional Emergency Epidemic Orders will be released during this transition, and the department has already begun to do so. As there are many key issues not yet covered by these MDHHS orders, the Wayne County Local Health Department is prepared to issue additional Emergency Epidemic Orders should there be any areas that are not covered by MDHHS. The Wayne County Local Health Department also stands ready to take other actions under the Public Health Code to continue to address public health concerns and issues within its jurisdiction.

In addition to the topics already covered by the MDHHS orders listed above, there remain other health and safety concerns related to COVID-19 that are currently only covered by Governor Whitmer's soon to expire Executive Orders. Since these Executive Orders have been effective in reducing the spread of COVID-19 and remain in effect as of today, they still must be followed in the jurisdiction of the Wayne County Local Health Department. These Executive Orders are:

- Safeguards to protect workers from COVID-19 in the workplace, including protecting workers who stay home, to stay safe when they or their close contacts are sick as well as remote work (Executive Orders 2020-172, 2020-183 and 184)
- Safe provision of pre-K through grade 12 education during the 2020–2021 school year (Executive Orders 2020-142 and 2020-185)
- Safety measures for food-selling establishments and pharmacies, including certain restrictions for establishments with liquor licenses (Executive Orders 2020-183 and 190)
- Protections for residents and staff of long-term care facilities (Executive Order 2020-191)
- Enhanced early-release authorization for county jails, local lockups, and juvenile detention centers (Executive Order 2020-189)

Specific orders will be issued by the Wayne County Health Department should the above orders become ineffective, or if substantially similar orders are not released by MDHHS by the time the Governor's Executive Orders expire.

With the onset of colder weather in Wayne County, transmission of airborne viruses increases as more time is spent indoors. Normally, this is known as "flu season." The significant likelihood of increased indoor activity during this pandemic makes it important that all citizens, businesses, and organizations have clear guidance that these or very similar rules will remain in effect for the immediate future to minimize the risk of further outbreaks and deaths from COVID-19.

On October 8, 2020, I, Carol Austerberry, the Health Officer of the Wayne County Local Health Department, am issuing this Wayne County Local Public Health Emergency Order for the Coronavirus Disease 2019 (COVID-19) pursuant to section 333.2453 of the Public Health Code of the State of Michigan, as it has been determined that it is necessary to protect the public

health from further transmission of COVID-19 within the jurisdiction of the Wayne County Local Health Department, which is Wayne County, excluding the City of Detroit.

Such specific measures in this order will be enforced, and any violations are subject to citation and penalties as outlined in the Michigan Public Health Code. This order will remain in effect until it is determined by the Health Officer of the Wayne County Local Health Department that the threat to the public's health and lives is no longer present. This order may be revised as well as supplemented with specific procedures and orders issued by the Michigan Department of Health and Human Services in accordance with the Michigan Public Health Code.

This order is hereby effective as of October 8, 2020.

A handwritten signature in cursive script that reads "Carol Austerberry".

Carol Austerberry, RS, MS, MPA
Wayne County Department of Health, Human and Veterans Services
Public Health Division Director/Local Health Officer