

September 1, 2021

PUBLIC HEALTH FINDINGS AND ORDER
FACIAL COVERINGS REQUIRED
DATES EFFECTIVE: SEPTEMBER 7, 2021 – OCTOBER 7, 2021

The Oneida Nation Code of Laws, Emergency Management and Public Safety, Chapter 302 authorizes the Nation's Public Health Officer to take action to prevent the spread of any communicable disease. §302.7. The Community/ Public Health Officer may take communicable disease control measures as necessary.

To protect members of the public from becoming infected by a communicable disease it is necessary to issue this Order for specific control measures.

THE ONEIDA NATION PUBLIC HEALTH OFFICER HEREBY FINDS THAT:

1. An increase in community transmission of a communicable disease (COVID-19) has occurred. Additional precautions are warranted.
 - a) On March 12, 2020 the Oneida Nation declared a Public Health State of Emergency in response to the COVID-19 pandemic. The COVID-19 pandemic has affected the world, the United States, the State of Wisconsin, Wisconsin counties and municipalities, and the Oneida Reservation. The Nation has been under a continual Public Health State of Emergency since March 12, 2020.
 - b) Oneida Nation Public Health is using data and science to determine the actions necessary to slow the spread of COVID-19 across the Oneida Reservation.
 - c) Beginning August 6, 2021 it was necessary to implement a facial covering requirement based on a high community transmission level of COVID-19. This Order is an extension of the facial covering requirement based on increasing COVID-19 transmission levels.
 - d) The number of Oneida COVID-19 cases is growing and if COVID-19 continues to spread on the Reservation, the number of persons needing medical facilities may exceed locally available resources.
 - o As if 08/31/2021 Oneida Nation jurisdiction has had:
 - 858 positive confirmed cases; 485 in Brown County and 373 in Outagamie County.
 - 96 ever hospitalized
 - 10 deaths: 4 in Brown County and 6 in Outagamie County
 - e) Tracking COVID-19 Disease activity using WI DHS Activity Level data, both Brown and Outagamie Counties, the Counties in which the Oneida Nation Reservation is located, is now experiencing "very high" Case Activity over the past 2 weeks.
 - f) Tracking COVID-19 level of Community Transmission using the CDC COVID Data Tracker map, both Brown and Outagamie Counties, the Counties in which the Oneida Nation Reservation is located, are now experiencing "high" case activity level of community transmission over the past week. The community transmission level was at "substantial" when the August 6, 2021 Order was implemented. "High" is an increase from "substantial".

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<https://oneida-nsn.gov/resources/health/>

- g) The COVID-19 Delta variant has been determined to be more transmittable than previous version of the virus and likely the cause for the current surge in cases. Although rare, recent finding suggest the Delta variant can be transmitted to others by persons that are fully vaccinated.
- h) The Centers for Disease Control and Prevention (CDC) updated guidance for fully vaccinate individuals July 27, 2021. Included in guidance is the recommendation for fully vaccinated persons to wear a mask indoors in public in an area of substantial or high transmission.
- i) This is a critical time for the Oneida Nation to minimize the spread of COVID-19.
- j) COVID-19 spreads mainly from person-to-person through respiratory droplets when a person with a COVID-19 infection coughs, sneezes, or talks.
- k) The spread of COVID-19, including on the Oneida Reservation, confirms the spread of COVID-19 is person-to-person, which creates a significant risk of exposure and infection. COVID-19 creates an extreme public health risk, particularly in Native communities, where certain underlying health conditions may increase the severity of COVID-19 in individuals.
- l) Many people with a COVID-19 infection do not have any symptoms but can still transmit the virus to others.
- m) Evidence confirms that wearing a cloth face covering reduces the risk of a person with a COVID-19 infection spreading the infection to others.
- n) Cloth face coverings can also protect people without a COVID-19 infection from exposure to droplets that may contain the virus.
- o) Given the continued increase in the numbers of cases of COVID-19 infection in both Brown and Outagamie Counties, this precaution must now become mandatory.
- p) In order to protect, preserve and promote the general health, safety and welfare of the community, it is necessary to take this step to protect the community from increased risk of exposure.

ORDER FOR SPECIFIC CONTROL MEASURE(S)- FACE COVERINGS

In order to further prevent the spread of COVID-19 during this pandemic and proclaimed public health emergency, and pursuant to the authority provided **IN ACCORDANCE WITH 302.7 OF THE LAW,**

THE ONEIDA NATION PUBLIC HEALTH OFFICER HEREBY FINDS AND ORDERS THAT:

1. **Necessity.** This Order is necessary to protect the public.
2. **Definitions.** In this Order:
 - a) “Face Covering” means a manufactured or homemade cloth covering that fully covers an individual’s nose and mouth that is secured with ear straps or otherwise tied or secured so as to prevent slipping, and/ or a face shield which covers the mouth and nose, fits snugly against the side of the face, and is secured on the head, or as otherwise conforms to the CDC do-it-yourself face covering instructions.

- b) "High" case activity means case rate is greater than 100, but less than or equal to 350 per 100,000.
 - c) "Very high" case activity means case rate is greater than 350, but less than or equal to 1,000.
 - d) "Critically high" case activity great than 1,000.
 - e) "substantial" community transmission means 50-99.99 cases per 100,000 persons in the past 7 days.
 - f) "Qualifying vehicle" means a paratransit vehicle, a taxi, a private car service vehicle, a ride sharing vehicle, any other for-hire vehicle, or police squad car.
 - g) "Fully vaccinated" means those individuals who are two weeks after their second dose in a 2 dose series, such as Pfizer or Moderna vaccines, or two weeks after a single dose vaccine such as Johnson & Johnson's Janssen vaccine.
3. **Face Coverings Required.** Every individual age five (5) and older (both vaccinated and not fully vaccinated) who is present on the Oneida Nation Reservation shall wear a face covering that covers their nose and mouth at any time they are or will be in contact with other people who are not household members.
- a) Applies in settings where two or more people not living in the same house occupy the same indoor or enclosed space, including but not limited to any qualifying vehicle, located on the Oneida Nation Reservation or otherwise subject to the jurisdiction or authority of the Oneida Nation.
4. **Exemptions.** This Order does not apply to:
- a) Any individual who falls within the CDC's guidance for those who should not wear face coverings due to a medical condition, mental health condition, or disability that prevents them from wearing a face covering.
 - b) Individuals for whom wearing a face covering would create a risk to the person related to their work, as determined by government safety guidelines.
5. This finding is based on the presence of a health hazard for individuals who may be exposed or are at heightened risk of exposure to COVID-19.
6. This Order is effective September 7, 2021 at 12:00am and will expire on October 7, 2021 at 11:59pm, unless otherwise extended by the Oneida Nation Public Health Officer.
- a) This Order is an extension of the August 6, 2021 Order (which expires September 6, 2021 at 11:59pm).

7. **Enforcement.** Failure to comply with this Order may endanger the public and may result in enforcement action to include any of the following: citation, additional order(s), involvement of non-tribal officials for further enforcement to include further isolation/incarceration/additional fines and any other action deemed necessary.
- a) The Oneida Nation Police Department is granted authority to assist with the execution of this Order and enforcement authority.
 - b) Failure to adhere to these requirements may also constitute a lease violation for lessees of the Oneida Nation and may result in lease action.
 - c) Any Tribal license or certificate holder may be subject to administrative action for licenses or certificates they possess with the Nation for failure to adhere to these requirements.
8. These requirements are in addition to any current COVID-19 related recommendations (hand washing practices, use of cough etiquette, good hygiene practices, etc.).

BE IT SO ORDERED:

 Signature
 Michelle Myers, BSN, RN

 Name Printed or Typed
 Oneida Nation Public Health Officer

 Title
 September 1, 2021

 Date Signed

For the latest information about COVID-19 visit:

Oneida Nation:

<https://oneida-nsn.gov/>

State of Wisconsin:

<https://www.dhs.wisconsin.gov/covid-19/local.htm>

Centers for Disease Control and Prevention:

<https://covid.cdc.gov/covid-data-tracker/#county-view>