



May 14, 2020

Elisa R. Livengood, RN, Custer County Public Health Agency Director via email
publichealth@custercountygov.com

Tommy G. Flowers, Custer County BOCC Chair via email tom@custercountygov.com

RE: Custer County Variance Request from portions of **Executive Order D 20 044** and
Public Health Order 20-28

Dear Ms. Livengood and Mr. Flowers:

Thank you for your May 8, 2020 letter to the Colorado Department of Public Health and Environment (CDPHE) requesting a variance to portions of **Executive Order D 20 044 Safer at Home** and **Public Health Order 20-28 Safer at Home**. I have had an opportunity to review your request and consider the information provided, and determine that the request is approved, with some amendments, as explained further below.

You asked for variances related to restaurants (PHO 20-28, II.A), places of worship (PHO 20-28, II.B and Appendix F.5), and gyms (PHO 20-28, II.A.4) during Phase 1 the Custer County Plan for Sustainable Social Distancing (County Plan). As part of the County Plan, you also describe that prior to reopening, such facilities will submit plans for approval by the Custer County Public Health Agency (CCPHA). General guidance has been developed by CCPHA for all locations that speak to signage, measures to protect employee health, measures to keep people at least six feet apart, measures to prevent crowds gathering, measures to increase sanitization, and measures to prevent unnecessary contact.

The data and information included in your request demonstrates that Custer County has only had two COVID-19 cases, and has a disease prevention and response system that includes the capacity to test all symptomatic individuals, case and contact tracking for all positive or probable cases locally. The county also has the capacity to quarantine or isolate any positive cases. While Custer County does not have a hospital within its jurisdiction, St. Mary-Corwin Medical Center in Pueblo has confirmed it has the ability to admit positive patients requiring inpatient care from Custer County, and the State is building an alternate case site with 80 beds in Pueblo.

Given that Custer county has a small population and low case counts, the County Plan should be enhanced. Instead of a threshold of 25 positive cases in a two week period, a more appropriate threshold would be a weekly threshold of between 5 and 10, based upon CCPHA's capacity to interview all cases, isolate, contract trace, quarantine contacts, and respond to outbreaks in a timely manner.

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When CCPHA is reviewing business plans to reopen, the following conditions must be present for all locations:

- All locations shall be limited to 30% of fire code capacity.
- Employees shall be screened and those who are symptomatic shall be excluded from the location and isolated for 10 days, per CDC guidance. Information on symptom screening can be found [here](#).
- Face coverings shall be worn by all employees at all times
- Customers shall be screened before entering the location and anyone who is experiencing symptoms shall be excluded.
- Any self service areas shall remain closed.
- Signs shall be posted at entrances and throughout the location as needed to remind customers of a minimum of 6 feet social distance and proper hygiene.
- Implement one way entry/exit and directional walkways as much as possible.
- Reasonable accommodations are made for vulnerable populations.
- Provide readily available handwashing and/or sanitizer for employees and customers.

Additionally for restaurants, the following elements shall be present in plans:

- Tables shall be spaced at a distance that allows for customers to remain at 6-foot distance.
- Group parties limited to six members of a single household
- Require customers to wear face coverings in order to enter the business and keep them in place until they have reached their table.
- Bars are to remain closed, including those that part of a restaurant.
- Buffets shall have an employee serving food.
- Staff handling dirty dishes must wear gloves and an apron.
- Implement or maintain physical barriers for high contact settings.
- Implement touchless methods where possible.

As noted in your County Plan, this approval is only for restaurants, bars are not authorized to open.

Places of worship plans to reopen must include the following:

- Participants should be encouraged to wear a face covering both when entering and while present in the house of worship, except when specific participation in the service requires removal, such as to receive communion.
- No mingling of crowds before or after service.
- Implement touchless offering and communion options as much as possible.
- Perform environmental cleaning and disinfection of bathrooms and high touch surfaces every two hours and maintain a cleaning log.
- Provide 6 feet of distance between individuals or between groups of a single household.

Finally, plans for gyms to reopen must contain the following:

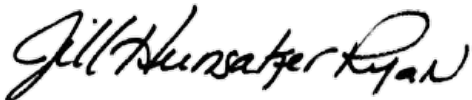
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- Customers should be encouraged to wear a face covering both when entering the facility and while in the facility, unless a face covering inhibits the participants ability to participate in the fitness activity.
- Given the many unknowns regarding how the SARS CoV-2 virus responsible for COVID-19 is spread, use of equipment in the gym must be limited to no closer than every other machine so that participants are not exercising right next to each other and smaller exercise rooms with poor ventilation should be discouraged from use.
- Spread people out so that there is at least a 10-foot social distance between individuals throughout the facility.
- Personal training is allowed while strictly adhering to social distancing guidelines and limited to 4 people, plus the instructor.
- Indoor and outdoor shared spaces must remain closed.
- Employees must clean and disinfect shared equipment between customer uses.
- On-site childcare facilities must remain closed.

This variance approval is granted based on the facts and circumstances today as you have described them in your request; however, should circumstances change such that, for example, surges in COVID-19 transmission occurs, cases exceed the capacity for Custer County to fully implement all effective disease control strategies as described in your request, or if resources or COVID-19 prevalence statewide in our opinion requires a different approach, CDPHE reserves the right to modify or rescind this variance approval. This approval is in effect until the final expiration of PHO 20-28, which currently is set to expire on May 26, 2020 but may be extended.

I appreciate your thoughtful approach to these challenging issues, and wish you all the best in your continuing efforts to ensure that Custer County residents are safe and healthy as we deal with this global pandemic. Custer County is a valued partner, and we are available to answer any questions and work with you on these matters. Please give me a call if you have any questions.

Sincerely,



Jill Hunsaker Ryan, MPH
Executive Director