



COLORADO
Department of Public
Health & Environment

May 23, 2020

Chris Richardson, Commissioner District I
Rick Pettitt, Commissioner District II
Grant Thayer, Commissioner District III
Elbert County Board of Commissioners
215 Comanche Street
Kiowa, CO 80117

Dwayne Smith, Director
Elbert County Department of Health and Human Services

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

Dear Commissioners and Director Smith:

Thank you for your application to the Colorado Department of Public Health and Environment (CDPHE) of a variance request 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 for variances. Your application does not contain definite requirements for sectors to follow. As such, I ask that you provide me with additional information that details what requirements would be in effect in each sector for which you seek a variance. There are many counties that have gone through this process and we could provide models if that is helpful.

Executive Order D 20 044 Safer at Home creates the statewide Safer at Home standards, and further requires that the Colorado Department of Public Health and Environment (CDPHE) issue a public health order further outlining the requirements in the Safer at Home environment. Additionally, the executive order allows for a county variance process, through which counties may apply to CDPHE to request that some standards in the public health order be relaxed, and further states that CDPHE shall approve county-specific plans "that meet CDPHE's public health standards." In Public Health Order 20-28, counties that choose to submit a variance application are directed to submit a suppression plan for approval or denial by CDPHE. Further, in the variance application materials required for submission, counties are asked to specifically identify both the portions of the order from which it seeks a variance, as well as the alternate restrictions that the county will impose.

I appreciate that you have included many of the current Safer at Home requirements in your plan for the sectors for which you seek a variance; however, the plan refers to these as

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examples that may be required, depending on how the county chooses to tailor and implement requirements across these sectors. Without any definitive alternate restrictions, CDPHE has no way to assess whether the plan will in fact meet public health requirements. While it's possible that in the future some variance decisions will be at the discretion of the county, that is not the current variance model that we have in place.

If you wish to continue in the variance process, please provide additional information concerning the restrictions you will require in the sectors for which you seek a variance. Elbert County is a valued partner, and we are available to answer any questions, provide technical assistance and work with you on these matters. Please give me a call if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Jill Hunsaker Ryan". The signature is written in a cursive, flowing style.

Jill Hunsaker Ryan, MPH
Executive Director