



**August 28, 2020**

**ORDER OF THE DIRECTOR OF THE ALLEGHENY COUNTY HEALTH DEPARTMENT TO HELP PREVENT THE SPREAD OF COVID-19**

**WHEREAS**, the Allegheny County Health Department (hereinafter, "ACHD") is a county department of health organized under the Pennsylvania Local Health Administration Law, 16 P.S. §§ 12001 – 12028 (hereinafter, "LHAL").

**WHEREAS**, the LHAL requires that whenever the ACHD's director finds a nuisance detrimental to the public health, the director must order that that nuisance be abated. 16 P.S. § 12012(d).

**WHEREAS**, pursuant to the Pennsylvania Disease Prevention and Control Law of 1955 (hereinafter "DPCL"), the ACHD has primary responsibility for the prevention and control of communicable and non-communicable diseases in Allegheny County. 35 P.S. § 521.3(a).

**WHEREAS**, Section 5 of the DCPL states, "Upon receipt by a local board or department of health or by the department, as the case may be, of a report of a disease which is subject to isolation, quarantine, or any other control measure the local board or department of health or the department shall carry out the appropriate control measures in such a manner and in such a place as is provided by rule or regulation." 35 P.S. § 521.5.

**WHEREAS**, the DPCL authorizes the State Advisory Health Board to promulgate rules and regulations concerning, "...the communicable diseases which are subject to isolation, quarantine, or other control measures..." 35 P.S. § 521.16(a)(3).

**WHEREAS**, the ACHD is a "local health authority" as that term is defined by State Advisory Health Board promulgated regulations. See 28 Pa. Code § 27.1.

**WHEREAS**, as a county department of health organized under the LHAL, the ACHD is a "local morbidity reporting office" or "LMRO", as that term is defined by the State Advisory Health Board at 28 Pa. Code § 27.1.

**WHEREAS**, the State Advisory Health Board has issued a regulation regarding communicable disease control measures which states:

- (a) The Department or local health authority shall direct isolation of a person or an animal with a communicable disease or infection; surveillance, segregation,

quarantine or modified quarantine of contacts of a person or an animal with a communicable disease or infection; and any other disease control measure the Department or the local health authority considers to be appropriate for the surveillance of disease, when the disease control measure is necessary to protect the public from the spread of infectious agents.

(b) The Department and *local health authority will determine the appropriate disease control measure based upon the disease or infection*, the patient's circumstances, the type of facility available and *any other available information relating to the patient and the disease or infection*.

(c) If a local health authority is not an LMRO, it shall consult with and receive approval from the Department prior to taking any disease control measure.

28 Pa. Code § 27.60 (*emphasis added*).

**WHEREAS**, COVID-19 is a highly infectious, communicable disease caused by a new coronavirus not previously seen in humans. It is a respiratory disease with symptoms including fever, cough, shortness of breath, and difficulty breathing. See ACHD Information Page, "What is COVID-19?", at <https://www.alleghenycounty.us/Health-Department/Resources/COVID-19/What-is-COVID-19.aspx>.

**WHEREAS**, the ACHD finds that the spread of COVID-19 is a public health hazard and a nuisance detrimental to public health.

**WHEREAS**, on March 6, 2020, Pennsylvania Governor Tom Wolf, finding that threat from COVID-19 constitutes a threat of imminent disaster to the health of the citizens of the Commonwealth, made a statewide disaster declaration concerning the COVID-19 pandemic.

**WHEREAS**, on March 12, 2020, Allegheny County Executive Rich Fitzgerald made an emergency declaration due to the COVID-19 pandemic.

**WHEREAS**, as of August 28, 2020, there are 10,128 confirmed and probable COVID-19 cases, 962 hospitalizations due to COVID-19, and 325 deaths due to COVID-19 in Allegheny County.

**WHEREAS**, Allegheny County experienced a sudden surge in COVID-19 cases lasting from June 22, 2020 through approximately the first week in August when both the county's positivity rate fell to consistently below 10% and the rolling average of daily case counts fell below 100 cases per day.

**WHEREAS**, ACHD investigations of each new COVID-19 case indicate that the county's sudden increase in cases, beginning in June 2020, was due in large part to travel and crowded conditions at bars, restaurants, and other large gatherings where alcohol is served.

**WHEREAS**, the ACHD Control Measure Orders issued since the late June case surge were designed to mitigate the risk of COVID-19 transmission from crowded conditions, and have resulted in the county's positivity rate decreasing from a peak of 13% on July 12, 2020, to a low of 4% on August 17, 2020, and the rolling average of daily case counts decreased from a peak of about 200 cases per day during the second week of July to a low of fewer than 70 cases per day since mid-August.

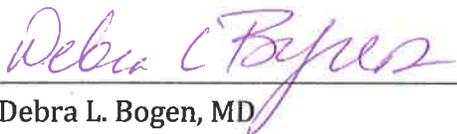
**WHEREAS**, due to the decrease in the county's positivity rate and rolling daily average of case counts, the ACHD has determined that the risk of COVID-19 transmission from attending outdoor gatherings has lessened to a degree that the outdoor gathering size maximum of 50 persons can be relaxed.

**WHEREAS**, this Order is intended to supplement, not replace, existing COVID-19 related orders issued by the Commonwealth of Pennsylvania. Therefore, the Commonwealth's COVID-19 orders and guidance, including, but not limited to, the *Order of the Secretary of the Pennsylvania Department of Health Requiring Universal Face Coverings*, dated July 1, 2020, and the *Order of the Secretary of the Pennsylvania Department of Health Directing Targeted Mitigation Measures*, dated July 15, 2020, are in full effect in Allegheny County.

**NOW, THEREFORE**, this 28<sup>th</sup> day of August, 2020, in consideration and in furtherance of the above determinations and pursuant to the authority granted by the LHAL (16 P.S. § 12012(d)) and the DPCL (35 P.S. § 521.5; 28 Pa. Code § 27.60) the Director of the Allegheny County Health Department hereby **ORDERS** that, effective on August 29, 2020, at 12:01 AM, and continuing until further notice, the following disease prevention control measures shall be implemented to abate and mitigate the spread of COVID-19 in Allegheny County:

1. Paragraph 4.b of the ACHD COVID-19 Control Measure Order dated July 17, 2020, is hereby amended by this Order to the following: "Outdoor events and gatherings of more than 100 persons are prohibited."
2. All other requirements of the July 17, 2020 Control Measure Order remain unchanged and in full force and effect.

**DONE and ENTERED** this 28<sup>th</sup> day of August 2020, in Allegheny County, Pennsylvania by:



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Debra L. Bogen, MD

Director

Allegheny County Health Department