

Office of the Governor

State of Oregon



EXECUTIVE ORDER NO. 21-10

SEVENTH EXTENSION OF EXECUTIVE ORDER 20-03 AND COVID-19 STATE OF EMERGENCY

At the outset of the COVID-19 pandemic, there was much we did not know about how to stop the spread of this deadly disease. Now, more than a year later, Oregonians know the best ways to avoid spreading infection: wearing face coverings, maintaining physical distance, staying home when sick, and avoiding large gatherings. We also now have safe and effective vaccines, with shipments from the federal government increasing each week.

This order lifts or allows to expire two of my executive orders that are no longer necessary at this stage of the pandemic. While I am extending the COVID-19 state of emergency today for the reasons outlined below, we have established a roadmap for how, if enough Oregonians step up to get vaccinated, all my emergency orders can eventually be lifted.

Since January 2020, the State of Oregon has been engaged in responding to the public health threat posed by the novel infectious coronavirus (COVID-19). As the threat escalated, the state's response elevated to meet the threat. On March 8, 2020, I declared a state of emergency pursuant to ORS 401.165 et seq., and directed certain immediate response actions. Thereafter, the World Health Organization declared that the COVID-19 outbreak is a global pandemic, and the President of the United States declared the COVID-19 outbreak a national emergency.

During March and April 2020, as COVID-19 continued to spread around the world, I took a series of actions aimed at slowing the spread of the virus, and to mitigate the public health and economic impacts of the pandemic. Those actions helped prevent and control the spread of COVID-19 in Oregon, and increased the state's preparedness to live with this virus until a vaccine or cure was widely available.

Following the success of these early measures, in late April and early May 2020, I began to take steps to ease the restrictions that had been imposed in March and April. I signed executive orders directing the state to begin a data-driven, phased reopening. That process has been gradual and cautious, and has not been linear. In response to rising case numbers during the summer, I imposed additional measures, including face-covering requirements for individuals. Outbreaks and community spread in certain counties also have required us to reimpose restrictions at times, to maintain public health and safety, including during our late fall and winter surge, and again during the current surge in cases. These measures have been extremely challenging, but time and again, Oregonians have risen to the task of working to control the spread in our communities.

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Due to these measures and the collective sacrifices and hard work of Oregonians, Oregon has fared better than many other states when it comes to the health impacts of COVID-19. Both our case numbers and our fatality rate have been lower than the national average. This has real impacts. Put simply, the protective measures we have implemented, combined with the hard work and sacrifice of Oregonians, have saved lives. I was very proud that, as a result of the collective efforts of all Oregonians to control the spread, I was able to take steps to move more schools towards reopening, ultimately culminating in a directive in March 2021 that all public K-12 schools across the state offer in-person instruction.

In the months since I last extended Oregon's state of emergency, we have made significant progress in administering COVID-19 vaccines. The arrival of safe and effective vaccines that protect against COVID-19 has marked a new chapter in the fight against this disease, as achieving significantly widespread vaccination is our clearest path to reaching the end of this pandemic. As of today, at least 1,773,928 Oregonians having received at least one dose of a vaccine, and 1,209,607 Oregonians are fully vaccinated. All Oregonians over the age of 16 are now eligible to receive a vaccine, and we have been heartened to see the massive collective efforts to speed vaccines getting into arms. There is light at the end of the tunnel. However, we know that distribution of those vaccines—and the vaccines' ability to bring community spread down to acceptable levels—will take time. We also need to continue our efforts to ensure that these vaccines reach the most vulnerable Oregonians. There are more than four million Oregonians; although we have made great progress, millions of Oregonians have not yet been vaccinated. As vaccine supplies increase, we need Oregonians to do their part by continuing to practice health and safety measures like wearing face coverings, keeping physical distance, and to getting vaccinated as soon as they are able.

This emergency is not over, and neither is our emergency response. Although Oregon has had great success in keeping the burden of this disease relatively low, compared to other states to date, the fact remains that the disease's toll has been great. And the current rise in case numbers and spike in hospitalizations are deeply worrisome. To date, during this pandemic, Oregon has reported 182,916 cases of COVID-19, and 2,490 deaths from COVID-19, and we have seen more than 10,000 Oregonians hospitalized with COVID-19. Every day, hundreds more Oregonians contract this potentially deadly virus and, as of today, more than 325 Oregonians are currently hospitalized with this disease. The difficult work of controlling the statewide spread of this virus must continue, and must continue to evolve as we learn more and conditions change. The ongoing threat of COVID-19 remains, and our state's emergency response must continue as well.



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Because Oregon's emergency response to the COVID-19 pandemic remains ongoing, I have determined that we need to continue the state of emergency, which provides the underpinnings for much of the state's emergency response to COVID-19. The state of emergency declaration unlocks critical emergency response tools that go well beyond the most talked about manifestations of the emergency response such as the mask requirements or business restrictions. In Oregon, the declared state of emergency is the direct legal underpinning for, among other things:

- Subsequent executive orders: All of the subsequent more specific executive orders, on schools, emergency childcare facilities, sector guidance, and other matters, depend on the state of emergency continuing.
- Flexibility for vaccination efforts: The ORS chapter 401 emergency authorities allow the state and other vaccine partners the flexibility to use health care providers and National Guard medics who may not be licensed in Oregon to provide vaccinations, as well as volunteer vaccinators.
- Emergency health centers: The state of emergency gives the state the ability to maintain designated emergency health care centers, with special liability protections, which provide long-term care of COVID-19 positive individuals who cannot be placed in normal facilities.
- Inter-state procurement; emergency procurement: The emergency declaration allows Oregon to, through OEM, make requests of other states through interstate emergency compacts (e.g. procuring PPE from California). There are also emergency procurement authorities that allow for quicker procurement.
- Sick leave: The state of emergency expressly allows the use of Oregon paid sick leave to address needs related to COVID-19.
- Rule suspension: The emergency declaration allows agencies to suspend administrative rules, when necessary for the state's emergency response. Currently suspended rules are listed here:
<https://www.oregon.gov/gov/Pages/OAR-temporary-suspensions.aspx>.



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In addition to these emergency response activities directly authorized by the state of emergency declaration, there are existing agency rules and statutes that have been drafted to expire or phase out once the state of emergency ends, including, for example:

- Greater flexibility around unemployment benefits: The Oregon Employment Department has relaxed certain eligibility requirements for unemployment during the declared emergency and has relaxed collection and recoupment activities. Under the department's rules, key parts of this flexibility will be phased out after the state of emergency ends.
- Existing statutes that sunset when state of emergency ends: Certain statutes enacted by the Legislature to aid in the pandemic response—including the K-12 school liability protections; authorization for to-go cocktails; and authorization for data-sharing between the Oregon Department of Revenue and the Oregon Employment Department for ease of processing claims—are drafted to be dependent on the ongoing state of emergency.

Because declared states of emergency support so many elements of states' emergency responses, it is unsurprising that the vast majority of states—including those that have scaled back mask and business restrictions—continue to have ongoing states of emergency in place, just as Oregon does. Like the vast majority of states, the federal government's emergency declaration remains in effect, and the “incident period” for the Federal Emergency Management Agency (FEMA) COVID-19 response remains open. Although the state's ability to receive FEMA support is not strictly dependent on having a state of emergency in place, it does signal to FEMA that the State views ongoing federal support—such as the FEMA community vaccination clinic being established in Jackson County—as necessary.

With every vaccination that goes into the arm of an Oregonian, we come closer to the day that Oregon's emergency response to COVID-19 can come to a close. But we are not there yet. With this renewal, I am scaling back elements of the emergency response that are no longer needed. We are looking ahead to when we will be able to further relax the restrictions as vaccination rates rise and conditions improve. I intend to fully reopen our economy by the end of June, and the day is approaching when my emergency orders can eventually be lifted. But the core of this emergency response must continue for now, and accordingly, the state of emergency remains necessary.

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NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:

1. Extension of State of Emergency for an Additional 60 Days
 - a. On March 8, 2020, I issued Executive Order 20-03, declaring a statewide state of emergency pursuant to ORS chapter 401, due to the COVID-19 outbreak in Oregon. That emergency declaration extended for 60 days, through May 7, 2020.
 - b. I subsequently extended Executive Order 20-03 and the COVID-19 state of emergency six times, each time finding that the virus continued to threaten public health and safety. On May 1, 2020, I issued Executive Order 20-24, extending the state of emergency through July 6, 2020. On June 30, 2020, I issued Executive Order 20-30, extending the state of emergency through September 4, 2020. On September 1, 2020, I issued Executive Order 20-38, extending the state of emergency through November 3, 2020. On October 27, 2020, I issued Executive Order 20-59, extending the state of emergency through January 2, 2021. On December 17, 2020, I issued Executive Order 20-67, extending the state of emergency through March 3, 2021. On February 25, 2021, I issued Executive Order 21-05, extending the state of emergency through May 2, 2021.
 - c. Pursuant to ORS 401.165 and ORS 401.204 and based on the facts described above, I find that COVID-19 continues to threaten public health and safety, and remains a statewide emergency under ORS 401.025. Accordingly, I hereby extend Executive Order 20-03 and the COVID-19 state of emergency for an additional 60 days, through June 28, 2021, unless extended or terminated earlier by the Governor.
2. Periodic Review of COVID-19 Emergency Orders
 - a. Review Process. As part of the response to the COVID-19 state of emergency, and pursuant to my emergency powers, I have issued a series of emergency orders, designed to address the threat. It is important to continually evaluate the ongoing need for these orders. Accordingly, I have committed to re-evaluating each of the COVID 19 related orders once every 60 days, to decide whether it should be continued, modified, or rescinded.



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- b. Results of Review. As part of my decision to extend the state of emergency for COVID-19, I have reviewed all COVID-19 emergency orders which remain in effect. I have decided the following:
- (1) Executive Orders 20-06 and 20-15 (Abnormal Market Disruption). Upon consultation with the Oregon Department of Justice, I find that the need for this emergency order has ended. Executive Orders 20-06 and 20-15 are rescinded as of the date of this Executive Order.
 - (2) Executive Order 20-58 (Housing Protections for Agricultural Workers). Executive Order 20-58 extends COVID-19 protections for agricultural workers in employer-provided housing during the off-season, through April 30, 2021. I have determined, in light of the imminent adoption of an Oregon Occupational Safety and Health rule covering these spaces, that Executive Order 20-58 can be allowed to expire April 30, 2021, its current expiration date.
 - (3) Executive Order 20-19 (Childcare Facilities). Executive Order 20-19 sets forth directives relating to emergency childcare facilities. I find there remains an ongoing need for this emergency order, and I continue it without modification at this time.
 - (4) Executive Order 20-22 (Resumption of Non-urgent Healthcare Procedures using PPE; Restricting Visitation). Executive Order 20-22 sets forth directives that allow the resumption of non-urgent healthcare procedures using PPE, and that place restrictions on visitation in certain healthcare facilities. I find there remains an ongoing need for this emergency order, and I continue it without modification at this time.
 - (5) Executive Order 20-28 (Higher Education). Executive Order 20-28 sets forth directives relating to in-person instruction and other activities at higher education

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institutions. I find there remains an ongoing need for this emergency order, and I continue it without modification at this time.

- (6) Executive Order 21-06 (K-12 Education). Executive Order 21-06 sets forth directives relating to the provision of K-12 education services in Oregon. I find there remains an ongoing need for this emergency order, and I continue it without modification at this time.
 - (7) Executive Order 20-66 (Risk and Safety Framework). Executive Order 20-66 sets forth directives relating to the management of the ongoing COVID-19 emergency. I find there remains an ongoing need for this emergency order, and I continue it without modification at this time.
- c. For all of the emergency orders continued at this time, I remain committed to ongoing review of these orders, and to working towards relaxing the restrictions imposed under them, and ultimately lifting them, as soon as conditions permit.

Done at Medford, Oregon, this 29th day of April, 2021.

A handwritten signature in black ink that reads "Kate Brown".

Kate Brown
GOVERNOR

ATTEST:

Shemia Fagan
SECRETARY OF STATE