



COLORADO
Department of Public
Health & Environment

May 22, 2020

Heath Harmon
Public Health Director
Eagle County Department of Public Health
and Environment
500 Broadway Street
Eagle, CO 81631

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

Dear Mr. Harmon:

Thank you for your application 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. The approval is specific to the items outlined below in Phase 2 of your plan, it does not extend to Phase 3. You may wish to resubmit Phase 3 for consideration after Phase 2 implementation with data supporting continued disease control in Eagle County.

You asked for a variance related to specific functions, including Public Gatherings, Public Transit, Recreation, Restaurants, Bars, Gyms, Movie and Performance Theaters, Noncritical Retail, Noncritical Offices, Noncritical Manufacturing, and Summer Camps. Your COVID-19 Suppression Plan addresses particular requirements that you propose as an alternative to the Safer at Home model for each of these areas. The data and information included in your request demonstrates that Eagle's COVID-19 cases have been declining since the peak of cases in March, and the county has the capacity to investigate 12 cases a day if needed. Additionally, Vail Health Hospital has confirmed that with the disease prevention model undertaken within the jurisdiction, it has the resources needed to treat patients.

Regarding Eagle's proposed combination of thresholds for rescinding the alternate restrictions proposed in the variance, we generally agree with these triggers including case doubling time, percent positivity, hospital admissions and medical visits.

Public Health Order 20-28 authorizes public gatherings of no more than ten (10) individuals, and you have proposed to increase the size to no more than (50) individuals in Phase 2 and up to (250) individuals in Phase 3. We view the risk of disease transmission to be lower in an outdoor

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environment when the activity is low contact and where ongoing, sustained contact by individuals outside of one's household can be avoided and social distancing can be maintained at all times. This outdoor environment, while not risk-free, coupled with the protections that you describe in your plan and the few additional requirements here, provide a reasonable basis for the approval of this portion of Phase 2 of the variance application. If you wish to provide information at a later date concerning Phase 3, we will consider it at that time. The plans for these gatherings must include a minimum of 6 feet distancing between participants and require face coverings. Indoor and outdoor personal training classes are limited to no more than (50) individuals with appropriate distancing. Indoor personal training classes are limited to no more than (10) individuals with appropriate distancing.

This variance approval is granted based on the facts and circumstances today as you have described them in your request. If the County's threshold of new cases doubling over 2 consecutive 5-day periods of time, a greater than 10% positivity rate, or 12 or greater hospitalizations at one time occurs, then this variance is automatically rescinded. Additionally, CDPHE reserves the right to modify or rescind this variance approval as circumstances warrant. 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 Eagle County residents are safe and healthy as we deal with this global pandemic. Eagle 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