



Kyra Scharffenberg <kyra.scharffenberg@edcgov.us>

Fwd: Public Health Officer

1 message

EDC COB <edc.cob@edcgov.us>

Thu, Sep 24, 2020 at 4:16 PM

To: Kyra Scharffenberg <kyra.scharffenberg@edcgov.us>

20-0526

Office of the Clerk of the Board
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From: jennifer spring <jennmspring@gmail.com>

Date: Wed, Sep 23, 2020 at 5:59 PM

Subject: Public Health Officer

To: The BOSONE <bosone@edcgov.us>, <bosfive@edcgov.us>, <bosfour@edcgov.us>, <bosthree@edcgov.us>, <bostwo@edcgov.us>, <edc.cob@edcgov.us>

Dear Board of Supervisors;

I am writing in response to the most recent BOS meeting September 22, 2020. I am specifically noting the inconsistencies and complete lack of EVIDENCED BASED DATA that Nancy Williams provided. She was condescending, rude and completely ridiculous. Even the board was laughing at her mention of wearing a mask while at home with your family. How in the world, can we take her advice and recommendations seriously? This is an absolute sham and the board needs to see this as not helping El Dorado County. In fact, these ridiculous notions and recommendations based on out of date CDC and misinformation perpetuated by the mainstream media is the very reason we are in this predicament. The residents of our county are intelligent, responsible citizens that can certainly make prudent health decisions based on the mitigating factors. The fact that Nancy so flippantly made comments was unnecessary. Furthermore, not a SINGLE data point was used by recent evidence. This is the very reason our county is in this mess, most of these businesses that are lost, will never come back. Additionally, she did not even speak to the mentalhealth and suicide crisis that has resulted in our county as a result of this lockdown and Draconian measures. Please refer to the following data, and be assured that residents will not continue to vote for the status quo. WE HAVE HAD ENOUGH OF NONACTION!! We will unite and take back our county positions and make certain the people's best interests are represented.

The local health emergency and ALL orders emanating from it should be nullified, and not ratified by the Board of Supervisors, based on this irrefutable evidence:

Health officers are violating two California laws:

- 1) Calling for a local health emergency when there are no legal grounds, as defined in California law (ESA 8558 b) and CHSC Section 101080) and
- 2) Not providing "relevant information" to governmental entities, as required by HSC Div 105, Part 1, Chapter 3, Section 120175.5, which directs the health officers to provide evidence and information to the governing body regarding communicable diseases. If the BOS ratifies these illegal orders, they are complicit in violating these California laws: (ESA 8558 b)

CHSC Section 101080) and
 HSC Div 105, Part 1, Chapter 3, Section 120175.5.

DETAILS: Health officers are violating California Health and Safety Code section 101080, as follows:

NO GROUNDS FOR A LOCAL EMERGENCY:

There are no grounds for a local health emergency. According to the California Emergency Services Act (ESA), a local health emergency may only be proclaimed by a local health officer when:

- 1) There is a release or spill of material that is subsequently determined to be hazardous or medical waste, or
- 2) There is an "imminent and proximate threat of the introduction of any contagious, infectious, or communicable disease, chemical agent, noncommunicable biologic agent, toxin or radioactive agent"

Based on the definition of the above, there are NO GROUNDS for a local emergency in our county.

There is no imminent [definition: "about to happen"] or proximate [definition: "immediate"] threat. Therefore the covid situation does not meet the definition for a local health emergency.

The "introduction" of this disease was declared on February 25, several months ago. That does not meet the definition of an "introduction" of the disease.

Therefore the covid situation does not meet the definition for a local health emergency.

It is the exact opposite. There has been a slowing of deaths. The numbers of "positive cases" are faulty because of the highly unreliability of the tests.

Health officers state as a reason for their local health emergency point (5) that "there is currently no vaccine to prevent COVID-19.

How is that a local emergency? There is no effective vaccine for the flu, and there is no local emergency declared for flu season, where fewer county residents die each year, compared to covid-related deaths.

Further, health officers are violating California Health and Safety Code section 101080, as a local health emergency can only be called when there is an "imminent and proximate threat of the INTRODUCTION of any contagious, infectious or communicable disease..." There is no imminent and proximate threat, and there is no "introduction" of any disease. The introduction happened 3 months ago, so it no longer an EMERGENCY by definition.

FURTHER, NO EVIDENCE FOR WEARING FACE MASKS: HSC Div 105, Part 1, Chapter 3, Section 120175.5 states that regarding the administration of communicable disease prevention and control,

"A local health officer must make any relevant information available to governmental entities." This has not happened.

"Where is the science?"

Health officers have "passed the buck" and are **breaking California law by not providing reputable evidence in favor of healthy or asymptomatic residents to wear face masks.**

Health officers refer to CDC guidance, which has zero evidence regarding wearing face masks. None of the links provided by the CDC even mention wearing masks, let alone if they are effective.

Further, Health officers rely on guidance from the CDP as the evidence for the mask mandate.

Yet, here is what the CDPH states regarding face masks:

1. The CDPH states: (link is here) "Our best community and individual defense against COVID 19 is washing our hands frequently, avoiding touching our eyes, nose and mouth with unwashed hands, avoiding being around sick people and physical distancing, especially by staying at home.
2. "Face coverings may **increase risk if users reduce their use of strong defenses,**" "You may **CHOOSE to wear a cloth face covering when you must be in public**" **"There is limited evidence to suggest that use of cloth face coverings by the public during a pandemic could help reduce disease transmission.**" And those "who feel comfortable wearing a mask should do so."

HSC Div 105, Part 1, Chapter 3, Section 120175.5 states that regarding the administration of communicable disease prevention and control:

"A local health officer must make any relevant information available to governmental entities."

THUS, WE, THE ELECTORATE, WHO OVERSEE THIS BOARD OF SUPERVISORS, CALL ON THE BOARD TO NOT RATIFY THE UNLAWFUL AND INVALID LOCAL HEALTH EMERGENCY:

There are no grounds for a local health emergency based on California Law (ESA section 8558);

- 1) Calling for a local health emergency when there are no legal grounds , as defined in California law (ESA 8558 b) and
- 2) Not providing "relevant information" to governmental entities, as required by HSC Div 105, Part 1, Chapter 3, Section 120175.5, which directs the health officers to provide evidence and information to the governing body regarding communicable diseases. (Which Nancy has not done)!

Once again, I urge all board members to consider these factors and the general return to our family life. El Dorado County residents deserve public officials that use actual data, not numbers of cases. (which when compared to actual hospitalizations and deaths, are far better than other measures indicate). By no means is this "grandstanding" (a term used by your board); but rather prudent precautions and necessary viable actions to move life forward in our county. Voters will surely be watching the actions of this current board as re-election and terms are voted on in the next couple of months. Nancy Williams frankly, has not done her job, and is in no way supportive of this county. She has provided no data and no responses to viable solutions. We do not need more rhetoric, we need ACTION!

Respectfully,

Jennifer Spring

REFERENCES: (2) California Department of Public Health states. "There is limited evidence to suggest that the use of cloth face coverings by the public during a pandemic could help reduce disease transmission." "Face coverings may INCREASE RISK." <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Face-Coverings-Guidance.aspx>

(2) CAL/OSHA statement that "cloth face covers do not protect against COVID-19." <https://dir.ca.gov/dosh/coronavirus/COVID-19-Infection-Prevention-in-Logistics.pdf>

(3) CAL/OSHA "Oxygen deficient atmosphere means an atmosphere with an oxygen content below 19.5% by volume." <https://www.dir.ca.gov/title8/5144.html>

(4) CDC has no evidence supporting the wearing of cloth face coverings <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-facecoverings.html>

(5) Video showing no evidence from CDC references regarding masks: <https://tinyurl.com/ycoeckfv>

(6) New England Journal of Medicine: "We know that wearing a mask outside health care facilities offers little, if any, protection from infection." <https://www.nejm.org/doi/full/10.1056/NEJMp2006372>

9/24/2020

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(7) Psychological harms of mask-wearing: Columbia University: "Many young children burst into tears or recoil when someone wearing a mask approaches. By putting on masks, we take away information that makes it especially difficult for children to recognize others and read emotional signals, which is unsettling and disconcerting." <https://bit.ly/2XDASx>

(8) Physical harms of mask-wearing: "Face Masks Pose Serious Risk to the Healthy" <https://www.technocracy.news/blaylock-face-masks-pose-serious-risks-to-the-healthy/>

(9) "Face coverings present a possible choking or strangulation hazard to your child" <https://bit.ly/3cEX4SC>

(10) California Health and Safety Code Section 120290 -- Exposure to an Infectious Disease in California. The defendant must (a) know they are afflicted with an infectious disease and (b) the defendant acts with SPECIFIC INTENT to transmit that disease to another person http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=HSC&ionNum=120290.

