

THE NAVAJO NATION

JONATHAN NEZ | **PRESIDENT**

MYRON LIZER | **VICE PRESIDENT**



April 14, 2021

Dear School Leader and Governing School Board President,

Public Health Emergency Order 2021-008 reinstates a shelter-in-place order given the new variants of COVID-19 identified on the Navajo Nation. This Order is indefinite. The Nation continues to remain in a Major Disaster Declaration for the COVID-19 pandemic.

As has been widely reported, the Navajo Nation has been severely impacted by COVID-19. The most recent Navajo Nation situation report records over 30,269 infections and over 1,262 deaths. We continue to watch COVID-19 cases closely, particularly now that the Navajo Nation has documented cases of the highly contagious S UK and California variants. The Nation is seeing early indications of a worrisome trend and our public health experts are trying to prevent a third surge of COVID-19 on the Navajo Nation. Due to this increase in cases, the Nation is returning to a stay-at-home directive.

In the last few weeks, COVID-19 outbreaks are on the rise at schools within the Navajo Nation. These outbreaks and infections are preventable and manageable when schools provide virtual and on-line learning only.

The Nation is adamant that you respect the sovereignty of the Navajo Nation and our decision to protect the health and welfare of Navajo Nation citizens, abide by Public Health Emergency Order 2021-008, and provide virtual and on-line learning only. Ahéheé’.

Sincerely,

Handwritten signature of Jonathan Nez in black ink.

Jonathan Nez, *President*
THE NAVAJO NATION

Handwritten signature of Myron Lizer in black ink.

Myron Lizer, *Vice President*
THE NAVAJO NATION

cc: OPVP File

**PUBLIC HEALTH ORDER
NAVAJO DEPARTMENT OF HEALTH
NAVAJO OFFICE OF ENVIRONMENTAL HEALTH & PROTECTION PROGRAM**

April 9, 2021

**Public Health Emergency Order No. 2021-008
Re-Issuing Stay at Home (Shelter in Place) Order and Continuing Daily Curfew**

- I. Paragraphs I – IX from Public Health Emergency Order No. 2020-004 are included with this Public Health Order, addressing the various Navajo Nation (Nation) authorities related to the current COVID-19 Public Health Emergency.

- II. A Stay at Home (Shelter in Place) Order had been in effect for all residents of the Nation, requiring individuals to limit their movement within and outside of their immediate communities and to limit contact with individuals who are not in their immediate household. (Public Health Emergency Orders No. 2020-003 (March 20, 2020) and No. 2020-004 (March 29, 2020)). Under that Order, individuals could leave their place of residence only to perform “Essential Activities” which primarily include activities and tasks essential to health, safety, and welfare. That Order also advised that public gatherings in excess of five (5) people should be avoided. The Nation was under a “Safer on the Navajo Nation” Public Health Emergency Order No. 2020-014 (October 16, 2020), under which individuals were encouraged to exercise personal responsibility but were not ordered to stay home. Due to an increase in cases on and around the Navajo Nation, a Stay at Home (Shelter in Place) Order was reissued on November 13, 2020. Since that time, the Stay at Home (Shelter in Place) Order has been extended by subsequent Orders until March 15, 2021. The Nation shall be in Orange Status pursuant to Public Health Emergency Order No. 2021-005 (March 9, 2021). Individuals on the Navajo Nation played an important role in slowing the spread of COVID-19 on the Nation by exercising caution when engaging in public activities and by practicing everyday preventive actions, including wearing masks in public, practicing social (physical) distancing, disinfecting high-touch surfaces, avoiding unnecessary travel, avoiding unnecessary public gatherings, and washing hands for a minimum of 20 seconds. Individuals can continue to slow the spread on the Navajo Nation by practicing preventive measures and staying safe, staying local, and staying on the Nation.

- III. The intent and purpose of this Public Health Emergency Order No. 2021-008 is to re-issue the Stay at Home (Shelter in Place) requirements, effective immediately and continuing indefinitely. Individuals are required to stay home and refrain from unnecessary travel. The requirements of this Order may be extended or changed in a future order. These measures are intended to further ensure an effective response to the COVID-19 pandemic by restricting movement of individuals on the Nation to limit contact to prevent the spread of the virus and minimize the strain on medical response capabilities. All provisions of this Order are to be interpreted to effectuate this intent. Failure to comply

with any provision of this Order constitutes an imminent threat and menace to public health.

- IV. Daily curfew hours remain from 10:00 P.M. MDT to 5:00 A.M. MDT.
- V. The Navajo Nation remains vigilant as neighboring states are reducing restrictions rapidly and new COVID variants are present and being monitored in states surrounding the Navajo Nation. The Navajo Nation recently documented cases of COVID-19 UK variant (B.1.1.7) and California variant (B.1.429) within the Navajo Nation. According to the CDC, these variants seem to spread more easily and quickly. There are reported increases in COVID-19 UK variant cases in Utah and Colorado. An increase in the number of cases will put more strain on health care resources. As coronavirus vaccines are being made available on the Navajo Nation, all preventative precautions should continue to be adhered to after receiving the vaccine.
- VI. The safest place to be continues to be at home. According to the Centers for Disease Control and Prevention, "COVID-19 cases and deaths have been reported in all 50 states, and the situation is constantly changing especially due to emerging variants (B.1.1.7 UK, B.1.351 South Africa, P.1 Brazil). Because travel increases your chances of getting infected and spreading COVID-19, **staying home is the best way to protect yourself and others from getting sick.**"
- VII. According to the Centers for Disease Control and Prevention, "Limiting face-to-face contact with others is the best way to reduce the spread of coronavirus disease 2019 (COVID-19)" and "**the more closely you interact with others and the longer that interaction, the higher the risk of COVID-19 spread.**"
- VIII. Limited "Drive-in" gatherings up to 25 vehicles are permitted if the organizers and participants adhere to the requirements herein that include participants remaining in their vehicles for the entire event, all vehicle occupants must be from the same household, and people are not to come within six feet of participants in other vehicles. Such gatherings include parking lot gatherings for internet access, religious services, funeral services, graduations, and similar events.

THEREFORE, NOTICE IS GIVEN that, pursuant to the power and authority set forth in the NDOH enabling legislation (NNC Resolution No. CO-50-14), and in conjunction with the Navajo Nation Public Health State of Emergency Declaration (CEM Resolution No. 20-03-11):

A. All individuals on the Navajo Nation shall **Shelter in Place**, must stay at home, strictly limit movement within the Nation, and limit public contact with others. Individuals may leave their place of residence only for emergencies or to perform "**Essential Activities**," defined herein, which primarily include activities and tasks essential to health, safety, and welfare or in the event of an emergency, as described below:

1. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their immediate family or household members (including, but not limited to, livestock and pets), such as, obtaining medical supplies or medication, or visiting a health care professional.
2. To obtain necessary services or supplies such as canned food, dry goods, produce, pet supplies, meat, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residential living. When people need to leave home to obtain such necessities, they should do so in limited numbers and should at all times adhere to **Social Distancing Standards** (such as: not shaking hands, standing several feet away from other people, avoiding crowds, etc.).
3. Individuals are still permitted to cultivate food (i.e. farming) and tend to livestock.
4. Individuals are not required to remain indoors. Outdoor activity is encouraged and individuals may leave their residence such as running or hiking.
5. Wood and coal collection and hauling are permissible and all safety precautions must be adhered to.
6. Refrain from gathering with individuals outside your household who are not yet vaccinated.
7. Limited gatherings of 10 or fewer people are permitted during non-curfew hours. All unvaccinated or vaccinated people shall wear a mask and continue safety precautions while gathering. Traditional ceremonies of 10 or fewer people are permitted with guidance from PHEO 2021-007. Limited churches and other houses of worship are permitted with requirements from PHEO 2021-007 and guidance from the Health Command Operations Center.
8. "Drive-in" gatherings can be conducted during non-curfew hours, consistent with the current Public Health Emergency Orders (as long as those Orders are in effect), where event organizers ensure the following requirements are in place:
 - a. Outdoor "drive-in" gatherings only where people from the same vehicle remain in their vehicles.
 - b. Vehicles are parked at least six (6) feet from other vehicles, in all four directions.
 - c. Organizers and participants wear masks.
 - d. Gathering is conducted in a no-contact manner and maintaining social distancing standards.
 - e. Event organizers are also required to:
 - i. Limit the number of people in a restroom to no more than five (5) people.
 - ii. Ensure that people have access to a handwashing station, sanitizer, or gloves.
 - iii. Ensure that high-touch surfaces are regularly disinfected.

B. Daily Curfew Hours: A daily 10:00 P.M MDT to 5:00 A.M. MDT curfew applies to all individuals across the Nation.

C. All Businesses must comply with the requirements of Public Health Emergency Order No. 2021-005 Declaring “Orange Status” for Businesses (March 10, 2021).

NOTICE IS FURTHER GIVEN that this Order shall not abrogate any disease-reporting requirements (consistent with HIPAA privacy standards).

NOTICE IS FURTHER GIVEN that it is greatly advised that the public take the following preventive precautions:

1. All persons, especially high risk and unvaccinated individuals, on the Navajo Nation are ordered to stay home and leave home only when absolutely necessary for their health, safety, or welfare or as described herein.

2. Avoid close contact with people who are sick.

3. Wash your hands often with soap and water for at least 20 seconds, especially after blowing your nose, coughing, or sneezing, or having been in a public place. If soap and water are not available, use a hand sanitizer that contains at least 60% alcohol.

4. To the extent possible, avoid touching high-touch surfaces in public places – elevator buttons, door handles, handrails, handshaking with people, etc. Use a tissue or your sleeve to cover your hands or finger if you must touch something.

5. Wear a mask and avoid touching your face, nose, eyes, etc.

6. Clean and disinfect your home to remove germs: practice routine cleaning of frequently touched surfaces (for example: tables, doorknobs, light switches, handles, desks, toilets, faucets, sinks, and cell phones).

7. Avoid unnecessary public gatherings.

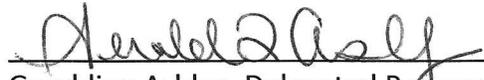
8. Avoid all non-essential travel.

9. Get an influenza (flu) vaccination as soon as possible and when safe to do so, and in accordance with the above requirements.

10. All persons are highly encouraged to get any COVID-19 vaccination as soon as possible and when safe to do so, and in accordance with the above requirements.

NOTICE IS FURTHER GIVEN that this Order shall take effect on Friday, April 9, 2021 and shall remain in effect until otherwise rescinded or modified by a subsequent Order.

ADDITIONAL ADVISORIES AND ORDERS WILL FOLLOW AS CONDITIONS WARRANT. SO ORDERED THIS 9th DAY OF APRIL, 2021.



Geraldine Ashley, Delegated Program Supervisor III
Navajo Office of Environmental Health &
Protection Program
Navajo Department of Health



Dr. Jill Jim, Executive Director
Navajo Department of Health
Health Command Operations Center

Definitions

Drive-In: means attending a gathering without leaving one's car.

Emergency: a serious, unexpected, or dangerous situation requiring immediate action, including a medical condition that requires immediate treatment.

Essential Activities: (1) activities or tasks essential to the health and safety of one's household (including livestock and pets), such as obtaining critical medical supplies or medication, banking, or visiting a health care professional for an imminent health need, or participating in a Traditional Navajo ceremony or prayer; (2) obtaining necessary services or supplies (such as canned food, dry goods, produce, pet supplies, meat, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of a residence); (3) engaging in daytime outdoor activity such as walking, hiking, or running (From Public Health Emergency Order No. 2020-003, March 20, 2020); (4) Voting (From Public Health Emergency Order No. 2020-009, May 14, 2020); (5) Cultivate food (i.e. farming) and tend to livestock (From Public Health Emergency Order No. 2020-015 (June 16, 2020)); (6) Working for an essential business or in an essential government function, or providing essential infrastructure services; (7) Wood collection and hauling (From Public Health Emergency Order No. 2020-024 (September 29, 2020)); (8) Hunting with a permit from the Navajo Nation Department of Fish and Wildlife (From Public Health Emergency Order No. 2020-026 (October 22, 2020)); (9) Churches and other houses of worship are essential and must operate within Navajo Health Command Operations Center guidelines.

Essential Businesses: Healthcare Operation, Essential Governmental Functions, Essential Infrastructure (e.g., courts of law, medical providers for urgent care, public utilities, banks and other financial institutions, and critical school operations such as nutrition programs) (From Public Health Emergency Order No. 2020-002, March 19, 2020 and expanded through Public Health Emergency Order No. 2020-003, March 20, 2020 to include food cultivation (including farming and livestock), banks and other financial institutions, grocery stores, food banks, convenience stores, hardware stores and other establishments engaged in the retail sale of groceries and non-grocery products necessary to maintaining the safety, sanitation and essential operation of residences, among other things).

Essential Employees: Those employees identified by Essential Businesses or off-reservation employers as necessary to the continued operation of those Essential Businesses or off-reservation employers.

Essential Governmental Functions: means all services needed to ensure the continuing operation of the government agencies and provide for the health, safety and welfare of the public. (From Public Health Emergency Order No. 2020-002, March 19, 2020).

Essential infrastructure: Public works construction, construction of housing, water, sewer, gas, electrical, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services). (From Public Health Emergency Order No. 2020-003, March 20, 2020).

Fully vaccinated: two weeks after completion of any COVID-19 vaccination (both doses of Pfizer or Moderna vaccines or single dose of Johnson and Johnson Janssen vaccine)

Gathering: means any grouping together of individuals in a single connected location. (From Public Health Emergency Order dated March 18, 2020).

High-risk individuals: individuals who are 65 years and older; individuals who have cancer; chronic kidney disease; chronic lung disease such as chronic obstructive pulmonary disease, asthma; Dementia; Down Syndrome; HIV; Liver Disease; serious heart conditions, such as heart failure, coronary artery disease, or cardiomyopathies; Sickle cell disease; Type 2 diabetes mellitus; individuals who are immunocompromised (weakened immune system) from solid organ transplant; individual who have a body mass index of 30 or higher; Individuals who are pregnant; Individuals who smoke; and Other individuals determined to be high risk by a licensed healthcare provider.

Religious services: Related to spirituality, traditional beliefs, or religion.

Social Distancing Requirements: Physical distancing by limiting contact of people within 6 feet from each other. (From Public Health Emergency Order No. 2020-002, March 19, 2020).

Social Distancing Standards: Physical distancing by not shaking hands, standing several feet away from other people, avoiding crowds, etc.) (From Public Health Emergency Order No. 2020-003, March 20, 2020).

Unvaccinated individuals: people who have not received a covid-19 vaccination. As vaccines are currently unavailable for children, this includes children under 16.