

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

January 21, 2021

Public Health Emergency Order No. 2021-002

Continuing Stay at Home (Shelter in Place) Order and Revising Daily Curfews

- I. Paragraphs I – IX from Public Health Emergency Order No. 2020-004 are incorporated herein, addressing the various Navajo Nation (Nation) authorities related to the current COVID-19 Public Health Emergency as well as escalating incidents and community spread of COVID-19 on the Nation.

- 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 for a period of at least three (3) weeks, or until December 6, 2020. Another Stay at Home (Shelter in Place) Order was issued on December 3, 2020 for another three (3) weeks, until December 28, 2020. On December 24, 2020, another Stay at Home (Shelter in Place) Order was issued for another two weeks, until January 11, 2021. On January 7, 2021, another Stay at Home (Shelter in Place) Order was issued for another two (2) weeks, until January 25, 2021. The Nation continues to be in red status pursuant to Public Health Emergency Order No. 2020-29 (November 13, 2020). 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 Navajo Nation recently experienced an alarming rise in positive COVID-19 cases and uncontrolled spread in several communities across the Navajo Nation. These cluster

cases were a direct result of family gatherings and off-Reservation travel. They also have led to an outbreak and a second surge in cases on the Navajo Nation. Some states, including states surrounding the Nation, recently experienced a record high number of cases. These circumstances have the potential to overwhelm the health care system on the Navajo Nation if not mitigated immediately. As a preventive measure, a Stay at Home (Shelter in Place) Order is warranted.

- IV. The intent and purpose of this Public Health Emergency Order No. 2021-002 is to re-issue the Stay at Home (Shelter in Place) requirements and to change curfew hours, effective on January 25, 2021 and continuing for a period of at least three (3) weeks, through February 15, 2021. This Order may be extended. 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 to 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.
- V. **Individuals are required to STAY HOME and to STAY ON THE NAVAJO NATION. Refrain from off-Reservation travel. Individuals are also advised not to gather with anyone outside your immediate household and to stay within your local communities.**
- VI. To mitigate the risk, individuals are required to stay home (isolate or quarantine) and self-monitor for the next three (3) weeks. Isolation and quarantine help protect the public by preventing exposure to people who have or may be contagious. Isolation separates people who may be sick from people who are not sick. Quarantine separates and restricts the movement of those who are exposed to a contagious disease.
- VII. 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. 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.**”
- VIII. 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.”**
- IX. The Nation’s roads remain closed to Visitors for the duration of the declared public health emergency, and Visitors are advised to refrain from traveling to the Navajo Nation. Tribal parks will not be accessible to Visitors and Tourists during this time. Visitors and Tourists will be informed when the Navajo Nation can safely welcome Visitors back to the Nation.
- X. The Navajo Nation is experiencing a downward trajectory of new cases with no sustained rebound; however, we are cautious as the downward trajectory shows a gradual decline

in the last two months. All service units are plateauing and the rate of new infection has slowed down in the last two months. We remain vigilant as new cases are fluctuating in neighboring states and similarly trending to the Navajo Nation, although Arizona remains a concern. As coronavirus vaccines are slowly made available to Navajo citizens, please continue to take all precautions after receiving the vaccine.

THEREFORE, NOTICE IS GIVEN that, pursuant to the power and authority set forth in the Navajo Department of Health 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. Revised Daily Curfew Hours: Starting Monday, January 25, 2021, a daily curfew from 9:00 P.M. MST to 5:00 A.M. MST applies to all individuals across the Nation. All individuals shall be at home during daily curfew hours, except in the event of an emergency or as described below.

1. Essential Businesses shall limit operations before 7:00 A.M. MST and after 8:00 P.M. MST to permit customers to obey the daily curfew.
2. The daily curfew does not apply to Essential Employees reporting to or from duty, or to employees reporting to an off-reservation worksite. Such employees must carry official identification or a letter of designation from their essential business employer, off-reservation employer, or essential government activity employer on official letterhead, naming a point of contact with contact information for verification.
3. This daily curfew does not apply to Essential Businesses that do not directly serve customers, including Food Cultivation (as described in Public Health Emergency Order No. 2020-003).

B. All individuals on the Navajo Nation shall **Shelter in Place** and must stay at home and strictly limit movement within and outside of their immediate communities, 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 critical medical supplies or medication, or visiting a health care professional for an imminent health need.
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. However, plan ahead to purchase hay and feed, if needed.
 4. Individuals are not required to remain indoors. Outdoor activity is encouraged and individuals may leave their immediate residence or home site area for exercise such as running or hiking, so long as movement is restricted to no more than five (5) miles from one's home.
 5. Wood collection and hauling, with an appropriate permit issued by the Navajo Nation Forestry Department, is a permissible activity; however, groups are limited to no more than 5 people, masks are required, maintain social distancing to the greatest extent possible, and use hand sanitizer. Coal collection and hauling is also permissible with the same preventive measures.
 6. Refrain from gathering with individuals from outside your immediate household.
 7. Practice all individual preventative measures including wearing a mask in public, avoid public gatherings, maintain social (physical) distancing, and remain in your vehicle for curb-side and drive-through services.
 8. These restrictions do not apply to Essential Employees reporting to or from duty at an Essential Business that is exempted from closure below, or employees reporting to duty at a business or worksite located off the Navajo Nation, provided that the employee must have official identification or a letter of designation from their employer on official letterhead which includes a contact name and number for verification.
- C. All Businesses** not otherwise exempted herein shall be closed. The closure and cease operation requirement do not apply to Healthcare Operations, Essential Governmental Functions, or Essential Infrastructure Activities (as those terms are defined below). **The closure requirement also does not apply to Essential Businesses as defined herein to include gas stations, grocery stores, convenience stores, hardware stores, laundromats, restaurants, food establishments, banks and similar financial institutions, and hay vendors, provided they comply with the following requirements:**
1. Essential Businesses may operate between the hours of 7:00 A.M. MST and 8:00 P.M. MST daily.
 2. Ensure that adequate social distancing is practiced.

3. Ensure that high-touch surfaces are regularly disinfected and thoroughly clean retail store areas and employee work areas.
4. Ensure that employees and customers wear masks.
5. Make efforts to ensure that customers have on-site access to handwashing stations, sanitizer, or gloves.
6. Limit the number of customers in any enclosed area.
7. Restaurants and food establishments must operate on a curbside or drive-through basis only.
8. All health facilities should provide an opportunity to access COVID-19 vaccine and testing during the weekend.
9. All businesses should report positive COVID-19 cases to the Navajo Health Command Operations Center at <https://www.ndoh.navajo-nsn.gov/COVID-19>.
10. All businesses should otherwise comply with the requirements of Public Health Emergency Order No. 29 Declaring “Red Status” for Businesses (November 13, 2020).

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 on the Navajo Nation are required 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 all public gatherings.

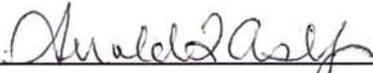
8. Avoid all non-essential travel.

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

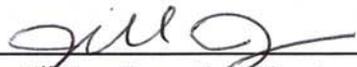
10. Get a COVID-19 vaccination as soon as possible and when safe to do so, and in accordance with the above requirements.

NOTICE IS FURTHER GIVEN that this Order shall take effect on January 25, 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 21st DAY OF JANUARY, 2021.



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Dr. Jill Jim, Executive Director
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Definitions

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, 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)).

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), 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).

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

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).