

King County Council Clerk
clerkemergencyprocess@kingcounty.gov

King County Courthouse
516 Third Avenue, Room 1200
Seattle, WA 98104
Telephone: (206) 477-1020

Tuesday, 5 October 2021
Re: Request for formal hearing.

Dear Council Clerk,

I am writing to you in accordance with your office's March 18, 2020 missive discovered at kingcounty.gov/council/clerk.aspx.

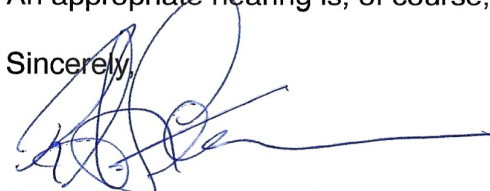
On Tuesday morning, September 21, 2021 I sought to present a hand-delivered letter (see attached) to Dr. Jeff Duchin at the Office of Director of Public Health for Seattle and King County located at 401 Fifth Avenue, Seattle, Washington. I was greeted by a security guard who arranged over the telephone that my letter would be delivered to the designated person. A full two weeks has passed, and I have yet to receive even an acknowledgment of receipt from the designated party.

On October 25, 2021 a county ordinance authored and signed by said party (see attached) is scheduled to go into effect. As I strongly believe that this ordinance is neither appropriate by law, nor properly justified by science, I am requesting a formal hearing to discuss the matter before the ordinance is scheduled to go into effect.

Please advise forthwith so that I might proceed in a timely manner according to appropriate legal procedures should the hearing be denied.

An appropriate hearing is, of course, the preferred course of action.

Sincerely,



Roddy A. Stegemann, A.B., M.A., M.A.
Founding Director
kiausau@me.com

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Dr. Jeff Duchin
Local Health Officer

Office of the Director
Public Health for Seattle and King County
401 Fifth Avenue, Suite 1300
Seattle, Washington. 98104-1818

Telephone: (206) 296-4600
Facsimile: (206) 296-0166

Monday, 20 September 2021

Re: Proof of Vaccination or Negative PCR and Rapid Test Results

Dear Dr. Duchin,

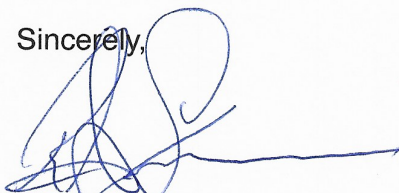
In your office's recent order entitled *Local Health Officer Verification of Vaccination* dated 16 September 2021 you provided a long list of reasons why you believe that your order is worthy of the imposed access restrictions placed on King County residents and a very large number of privately owned businesses.

What you did not include as a justification for these restrictions are the results of your exploration of the negative consequences that these restrictions will have on the physical, mental, and economic well-being of those who will be impacted by them.

Could you please provide the evidential considerations that resulted from your investigation in these latter regards?

If no investigation was conducted, could you please provide the justification for having not conducted one?

Sincerely,



Roddy A. Stegemann, A.B., M.A., M.A.
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LOCAL HEALTH OFFICER *VERIFICATION OF VACCINATION* ORDER

Whereas state law, RCW 70.05.070(2) - (3), requires and empowers the Local Health Officer to take such action as is necessary to maintain health and to control and prevent the spread of any contagious or infectious diseases within the jurisdiction, and;

Whereas state regulation, WAC 246-100-036, requires the Local Health Officer, when necessary, to institute disease control measures as he, she, or they deem necessary based on his, her, or their professional judgment, current standards of practice, and the best available medical and scientific information;

Whereas SARS-CoV-2 spreads from person to person primarily through inhalation of air carrying very small droplets and aerosol particles that contain infectious virus, and;

Whereas the risk of transmission is greatest within three to six feet of an infectious source, but can also occur more than six feet away, and;

Whereas COVID-19 infections can be spread from persons who are symptom-free and before symptoms appear, and;

Whereas in King County SARS-CoV-2 transmission is increasing largely due the spread of the more contagious Delta variant, the discontinuation of the Heathy Washington Roadmap to Recovery community level CoV-19 restrictions, and a corresponding increase in activities and opportunities for SARS-CoV-2 transmission from person to person;

Whereas the Delta variant of SARS-CoV-2 virus that causes CoV-19 infection is significantly more contagious than previous SARS-CoV-2 viruses and has been associated with a greater risk for hospitalization;

Whereas fully-vaccinated people have a very high level of protection against serious illness due to CoV-19, and are at lower risk for transmitting the infection to others;

Whereas currently some 68% of King County residents are fully vaccinated against CoV-19. However, approximately 720,000 King County residents are *not* fully-vaccinated, including some

290,000 people who *are* eligible for vaccination, 120,000 residents who have started but not yet completed their vaccination series, approximately 308,000 children less than 12 years of age who are not currently eligible, and tens of thousands of persons with underlying immunocompromise. All these groups are at increased risk for CoV-19 due to the Delta variant compared with previously circulating SARS-COV-2 lineages;

Whereas in King County CoV-19 vaccine completion rates vary by age, race, ethnicity, and geography. The completion rate is significantly lower in younger age groups (66% in 12-19 years old, 65% in 20-29 years old; 74% in 30-39 years old populations);

Whereas the risk of being exposed is higher for everyone – vaccinated and unvaccinated – and more infections will occur, primarily among unvaccinated people, when CoV-19 spreads at a high rate primarily among the unvaccinated, and;

Whereas reducing the number of infected adults in the community will also decrease the risk for children not yet eligible for vaccination;

Whereas the risk of CoV-19 cases, hospitalizations and deaths is greatest among unvaccinated persons, and vaccination affords excellent protection against serious CoV-19 infections. In the last 30 days in King County, unvaccinated individuals were 41 times more likely to be hospitalized, and 42 times more likely to die of COVID-19 than vaccinated individuals;

Whereas our regional healthcare system is experiencing serious challenges managing the patient loads from increased hospitalizations and intensive care unit admissions related to the current Delta surge. Local hospitals are seeing more COVID-19 patients now than at any other time during the pandemic;

Whereas there is concern that COVID-19 transmission, hospitalization and deaths will increase during the fall and winter months of 2021;

Whereas reducing the spread of COVID-19 in the community through multiple strategies will result in reduced cases, hospitalizations, and deaths;

Whereas when unvaccinated people gather indoors, they are particularly at risk both of getting CoV-19 themselves as well as spreading it to others. The risk of exposure is especially higher in crowded indoor spaces with unvaccinated people, poor ventilation, and activities that can increase the amount of virus in the air such as singing, shouting and aerobic exercise, or when removing masks for prolonged periods of time to eat or drink;

Whereas the University of Washington’s Institute of Health Metrics and Evaluation estimates that a vaccine verification system would prevent a substantial number of COVID-19 infections, hospitalizations, and deaths in King County over the next 6 months;

Based upon all the above, as the Local Health Officer, I hereby find that at this time, the verification of vaccination upon entry for individuals attending social, recreational, entertainment events and establishments, is reasonable and necessary in King County to reduce the risk for CoV-19 transmission.

EFFECTIVE IMMEDIATELY, as Local Health Officer I hereby **ORDER** as follows:

VERIFICATION OF VACCINATION ORDER

For all **patrons and customers 12-years of age and older**, verification that they are **fully vaccinated** is **required** prior to entry to the following public events and establishments:

- ***Outdoor recreational and entertainment events with 500 or more people***, such as collegiate sports, professional sports, and concerts.
Effective Date: October 25, 2021
- ***Indoor restaurants, bars, and taverns with seating capacity of 12 and more AND entertainment and recreational establishments***, such as entertainment and performing arts venues, night clubs, music and concert venues, movie theaters, museums, collegiate and professional sports stadiums and arenas, exhibition halls, and convention centers.
Effective Date: October 25, 2021
- ***Indoor restaurants, bars, and taverns with seating capacity of less than 12.***
Effective Date: December 6, 2021

For purposes of this **ORDER**, “fully vaccinated” means that a person has received all the required doses of an FDA-authorized COVID-19 vaccine (two doses of the Moderna or Pfizer-BioNTech vaccines, or one dose of the Johnson & Johnson vaccine) or a WHO-authorized COVID-19 vaccine series, and 14 days have passed since the final dose.

Verification of vaccination may be established by any of the following methods of documentation:

- CDC COVID-19 Vaccine Record Card, or photo of CDC Vaccine Record Card
- QR Code, digital or printed certificate from MyIRmobile.com (WA Department of Health partner website, My Immunization Records)
- Vaccine administration record from a vaccine provider, including an individual’s doctor, pharmacy, or other official immunization record from within or outside the U.S., including a photo or photocopy
- Specific mobile applications that verify vaccination status will be allowed if approved by the WA Department of Health or Public Health – Seattle & King County

Additional identification, such as a driver’s license or ID, is **not** required.

As an alternative to providing vaccine verification, prior to entry individuals **must** provide digital or printed **documentation** from a testing agent, including a laboratory, health care provider, or pharmacy of:

- A negative FDA-approved **PCR test** administered within the **previous 72 hours**, or
- A negative FDA-approved **rapid test** administered by a testing provider on site **at the event site**

Medical and religious vaccine exemptions are **not** accepted in place of vaccine verification or documentation of a negative COVID test.

This **ORDER** does **not** apply to:

- Children **under 12-years of age**
- *Outdoor* or *indoor* youth sporting events for elementary, middle school, and high school age participants, and the spectators at these events
- *Outdoor* dining
- Take-out from restaurants, taverns, and bars
- *Indoor* dining in buildings that primarily serve non-dining purposes such as in airports, mall food courts, and school cafeterias
- Funerals
- Weddings, except those occurring in any of the above public *indoor establishments*. However, proof of vaccination or documentation of a negative CoV-19 test is strongly **recommended**.
- Faith-based gatherings, except those occurring in any of the above public *indoor establishments*. However, proof of vaccination or documentation of a negative CoV-19 test is strongly **recommended**.
- Vote centers sanctioned by King County Elections, held at any location.

As the Local Health Officer, I strongly **recommend** that employers and event organizers require vaccination for the workers and volunteers at the events and establishments covered by this **ORDER**. Guidance and resources are available from the Washington Department of Labor & Industries, Washington State Coronavirus Response, and U.S. Equal Employment Opportunity Commission, and available here:

- <https://lni.wa.gov/agency/outreach/coronavirus-covid-19-vaccines-and-paid-sick-leave-common-questions>
- <https://www.coronavirus.wa.gov/>
- <https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>.

ANTI-DISCRIMINATION REQUIREMENT

Discrimination will not be tolerated in the implementation of this **ORDER**.

Employers, their employees, and volunteers, **must** implement this **ORDER** equitably and may **not**:

- Scrutinize proof of vaccination more closely based on an individual's race, national origin, religion, sexual orientation, gender identity, disability, age, or
- Refuse to accept valid proof of vaccination that is authorized by this **ORDER**, such as WHO approved vaccination from countries outside of the U.S. or photographs of CDC vaccination cards.

Employers, employees, and volunteers should provide reasonable accommodation for those with disabilities who attest to having completed their vaccination series but are unable to provide proof of vaccination due to a disability.

King County government and Public Health – Seattle & King County are dedicated to providing all residents and visitors with fair and equal access to services, opportunities, and protection, and reflecting consideration for cultural differences and disabilities.

As the Local Health Officer, I strongly recommend and urge all people and businesses in King County to voluntarily comply with this ORDER and its anti-discrimination requirements.

This **ORDER** will remain in effect for 6-months and reevaluated at that time, or sooner based on the status and impacts of the COVID-19 outbreak in King County.

Signed and ordered this 16th day of September 2021, in Seattle, Washington, by

A handwritten signature in black ink, appearing to read 'J. Duchin', written over a horizontal line.

Dr. Jeff Duchin
Local Health Officer
Public Health – Seattle & King County