



Board of Health

Kathleen Ward Brown, ScD

Edward Cosgrove, PhD

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Public Health Emergency Order Mandating Mask Usage in Select Municipal Locations

Whereas, on March 10, 2020, Massachusetts Governor Charles D. Baker, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared a state of emergency in the Commonwealth of Massachusetts due to the outbreak of the 2019 novel Coronavirus (COVID-19, or SARS-CoV2 virus); and

Whereas, the Select Board of the Town of Needham issued a local Declaration of Emergency on March 20, 2020; and

Whereas, current scientific understanding is that the SARS-CoV2 virus can be transmitted both by asymptomatic and symptomatic cases;¹ and

Whereas the SARS-CoV2 virus is transmitted through both aerosols and droplets; and

Whereas, scientific evidence supports the use of masks to reduce transmission;² and

Whereas, the Board of Health of the Town of Needham is vested by M.G.L. c. 111, § 104³ with the authority and responsibility to prevent the spread of infection; and

Whereas, the Board of Health of the Town of Needham is given authority to enact emergency orders by 310 C.M.R. 11.05;⁴ and

¹ <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-covid-spreads.html>

² National Academies of Sciences, Engineering, and Medicine 2020. Rapid Expert Consultation on the Effectiveness of Fabric Masks for the COVID-19 Pandemic (April 8, 2020). Washington, DC: The National Academies Press. <https://doi.org/10.17226/25776>.

³ M.G.L. § 104 provides: "If a disease dangerous to the public health exists in a town, the selectmen and board of health shall use all possible care to prevent the spread of infection..."

⁴ 310 C.M.R. 11.05 states: "Whenever an emergency exists in which the interest of protecting public health ... requires that ordinary procedures be dispensed with, the board of health or its authorized agent, acting in accordance with the provisions of M.G.L. c. 111 §30, may, without notice or hearing, issue an order reciting the existence of the emergency and requiring that such action be taken as the board of health deems necessary to meet the emergency."

Whereas, the Board of Health of the Town of Needham is vested by M.G.L. c. 111, § 31⁵ with the authority and responsibility to make reasonable health regulations; and

Whereas, the Board of Health of the Town of Needham is vested by M.G.L. c. 111, § 122 to examine and destroy, remove, or prevent causes of sickness;⁶

Now therefore, the Board of Health of the Town of Needham does hereby order the following:

All person's age five and older shall wear a mask⁷ at all times when indoors at select municipal locations where priority or high-risk populations (such as young children and senior citizens) gather. These locations include the Center at the Heights, the Needham Free Public Library, the Rosemary Recreation Complex, and any other locations where Town departments might hold classes or programs for those populations (for instance, a Park & Recreation exercise program for seniors regardless of physical location).

This Emergency Order shall not apply to anyone under the age of five, anyone who has trouble breathing, or is unconscious, incapacitated, or otherwise unable to remove the mask without assistance, and/or any other person exempted by Center for Disease Control & Prevention guidelines or Massachusetts Department of Public Health guidelines. Those who are unable to safely don a mask due to access or functional needs should not wear one.

This Emergency Order shall not reduce or eliminate the importance of not entering these spaces if experiencing even mild symptoms.⁸ The use of a mask should be combined with social distancing, when possible, and frequent handwashing and refraining from touching one's face. The use of a mask is NOT intended to replace those activities but rather to supplement them.

This Emergency Order does not require the use of a mask in outdoor settings.

Nothing in this order is intended to encourage residents to act as an enforcement authority for the Town of Needham. Residents should not take it upon themselves to

⁵ M.G.L. § 31 provides: "Boards of health may make reasonable health regulations."

⁶ M.G.L. § 122 provides: "'The board of health shall examine into all nuisances, sources of filth and causes of sickness within its town, or on board of vessels within the harbor of such town, which may, in its opinion, be injurious to the public health, shall destroy, remove or prevent the same as the case may require, and shall make regulations for the public health and safety relative thereto...'"

⁷ It is strongly recommended that all residents of Needham use a high-quality mask (surgical grade quality or higher equivalent to KN-95, for example) in publicly-accessible indoor settings.

⁸ <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>

approach people in violation of this order. Residents are urged to focus solely on their personal and family compliance with this order.

This emergency order took effect on Thursday January 6, 2022 at 6:01 a.m. The Emergency Order shall remain in effect until notice is given, pursuant to the Board of Health's judgement, that the Public Health Emergency no longer exists.

To the extent necessary, this Order shall be enforced by the Director of Health & Human Services and others he chooses to empower as agents of the Board of Health.

ORDERED by vote of the Needham Board of Health on January 5, 2022, by,



Kathleen Ward Brown, ScD Edward Cosgrove, PhD Stephen Epstein, MD,
MPP



Christina S. Mathews, MPH Robert Partridge, MD, MPH