

County of Santa Clara

Department of Environmental Health

1555 Berger Drive, Suite 300
San Jose, CA 95112-2716
(408)918-3400 FAX (408)298-6261
www.EHinfo.org



May 8, 2020

NOTICE OF MAY 4, 2020 COUNTY HEALTH OFFICER SHELTER IN PLACE ORDER AND REQUIREMENTS FOR FOOD FACILITIES

Dear Permit Holder:

On April 29, 2020, the Santa Clara County Health Officer issued a new mandatory legal order (“Order”), extending shelter-in-place requirements through May 31, 2020. From May 4, 2020, all individuals and businesses in the County must comply with the new Order. Similar orders are in effect across the Bay Area.

The Order directs all individuals living in the County to continue sheltering at their place of residence except to perform essential work or activities. It also allows certain additional essential and low-risk outdoor businesses and activities to resume.

Exemptions for Food Facilities

The Order continues to allow the following food facilities to remain open to meet the public’s essential needs:

- Grocery stores, certified farmers’ markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments that sell significant amounts of food, hygienic products, and/or household consumer products necessary for personal hygiene or the sanitation, habitability, or operation of residences (like cleaning supplies). To qualify, at least 25% of the total floor area of your store regularly uses for product sales must be currently occupied by these essential products.
- Restaurants, cafes, mobile food facilities, and other establishments that prepare and serve food to the public, but only on a delivery or carryout basis. Dining at the premises (both indoors and outdoors) remains prohibited.
- Schools, soup kitchens, food banks, and other charitable feeding entities that provide free or reduced priced food goods or meals to students or other members of the public, but only on a delivery or carryout basis. Dining at the premises (both indoors and outdoors) remains prohibited.

You are encouraged to continue operating if you meet these criteria, subject to the requirements in the Order and in the attached COVID-19 Risk Mitigation Measures for Food Facilities.

**Board of Supervisors: Cindy Chavez, Mike Wasserman, Dave Cortese, Susan Ellenberg, S. Joseph Simitian
County Executive: Jeffrey V. Smith**

New Requirements for Food Facilities

- **Update your Social Distancing Protocol**

To continue operating, you must complete and implement a revised Social Distancing Protocol for each of your facilities in the County frequented by the public or your personnel. Post a copy at or near each public entrance of your facility and provide a copy to all your personnel.

If you previously posted a Social Distancing Protocol to comply with the March 31 Order, you must revise it to comply with the new requirements in the May 4 Order. The updated Protocol template is Appendix A to the May 4 Order:

<https://www.sccgov.org/sites/covid19/Documents/Appendix-A-Social-Distancing-Protocol.pdf>.

- **Require Face Coverings in Your Facilities**

You must require face coverings to be worn by all personnel and customers entering your facility (except for those for whom face coverings are not recommended, like children 6 and younger, anyone who has trouble breathing or is unable to remove a face covering without assistance, or workers for whom the face covering would be a safety hazard). Include face covering instructions on signage at each public entrance of the facility.

Face coverings *should not be* surgical or medical masks, which are in short supply and urgently needed by healthcare workers. Instead, face coverings such as bandanas, scarfs, or home-sewn fabric coverings should be used. These should be cleaned and sanitized frequently. Note that face coverings are not a substitute for social distancing and hygiene measures.

- **Supplemental Sick Leave Requirement**

Effective April 16, 2020, California Executive Order N-51-20 requires that all employers with 500 or more employees nationwide provide up to 80 hours of supplemental paid sick leave for their full-time food sector workers (as well as leave calculated on prior hours for those who work less than full-time). This includes grocery workers, restaurant and fast food workers, workers at warehouses where food is stored, and workers who pick up or deliver any food items.

Workers can use this supplemental sick leave if they are (1) subject to a quarantine or isolation order, (2) advised by a health care provider to self-quarantine or self-isolate due to concerns related to COVID-19, or (3) prohibited by their hiring entity from working because of health concerns related to the transmission of COVID-19.

- **Comply with the Updated COVID-19 Risk Mitigation Measures**

These and other measures are outlined in the updated COVID-19 Risk Mitigation Measures guidance document enclosed with this letter. The Order requires you to comply with this industry-specific guidance.

Among other important updates, the guidance document contains information on a new state law requirement that food facilities allow employees to wash their hands every 30 minutes and additionally as needed.

- **New Instructions on Customer Use of Reusable Bags**

The guidance document also contains updated measures to prevent contact with reusable bags that customers bring from home. You may allow customers to use reusable bags they bring from home so long as you implement measures to prevent contact between customers' bags and your staff, like requiring customers to bag their own groceries. If you elect to implement these precautionary measures, the requirement in the Social Distancing Protocol that you prevent customers from bringing reusable bags into your facility is not applicable. Update your Social Distancing Protocol or post signage at the facility entrance to inform customers of the requirements if you make this change. You must, however, continue to prohibit customers from making use of their own mugs, food containers, or other items they bring from home to carry food or drink out of your facility.

Stay Up To Date

The May 4 Order may be modified or extended and others may be issued. For up-to-date COVID-19 information and mandates, including answers to Frequently Asked Questions, visit the SCC Public Health Department website at <http://sccphd.org/coronavirus> and the SCC Department of Environmental Health website at <http://EHinfo.org/coronavirus>. Please send specific questions related to food service operations to dehweb@cep.sccgov.org. For additional updates, follow us on Facebook at @cepascc and @sccpublichealth.

Thank you for your cooperation.

Respectfully,



George Han, MD, MPH
Deputy Health Officer
Public Health Department



Michael Balliet, CHMM, REHS, REPA
Director
Department of Environmental Health

enclosure: Social Distancing Protocol Template (Appendix A to May 4, 2020 Order)
COVID-19 Risk Mitigation Measures for Food Facilities
Guidance for Workers