



BERRIEN COUNTY HEALTH DEPARTMENT

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For Immediate Release

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Berrien County Health Department Forced to Rescind Public Health Order Requiring Face Masks in Educational Settings or Face Defunding

(Benton Harbor, MI) --- The Berrien County Health Department is being forced to rescind the Sept. 1 public health order requiring the use of face masks by individuals in pre-kindergarten through grade 12 indoor educational settings - or face loss of nearly \$1.5 million in budget.

The order is rescinded as of 11:59 p.m. tonight. The decision comes Wednesday on the heels of Gov. Whitmer signing the 2022 state budget to avoid a loss of funding for essential local public health services threatened in language included in Senate Bill 82; House Bill 4400. According to boilerplate language included in these bills, any health department that has issued an emergency order in attempt to combat COVID-19, including enacting or enforcing an order requiring masks by anyone in a school setting, will be negatively impacted financially. Although Gov. Whitmer stated that this language was “unconstitutional”, Berrien County legal counselors have advised it stands until proven otherwise in a court of law.

The Berrien County Health Department cannot risk losing these essential dollars, which fund vital community programs and services such as immunizations, infectious disease control, sexually transmitted disease control and prevention, hearing screening, vision services, food protection, public water supply, private groundwater supply and on-site sewage management.

While local health departments are unable to enact public health orders to protect against COVID-19 without jeopardizing funding, mask orders can be enacted by to local school districts and individuals schools.

“It is appalling that local health departments in Michigan must choose between safeguarding school children from the threat of COVID-19 and the future funding for our essential public health programs,” said Courtney Davis, acting BCHD health officer. “Our hands are tied. We make this decision citing grave concerns over the health of our community.”

Davis continued, “We strongly urge all local school boards of education and school leaders to continue to align with sound public health practice and to immediately enact a requirement for universal masking within their districts and institutions to continue protecting their students and staff from the ongoing risk of COVID-19.”

Under the Michigan Public Health Code, local public health officers are authorized to “take actions and make determinations necessary or appropriate to carry out the local health department’s functions to protect the public health and prevent disease.” Berrien County has experienced ongoing, sustained high transmission of COVID-19 since mid-August and continues to urge all people to be wearing a mask when in indoor public spaces.

Peg Kohring, Berrien County Board of Health chairwoman said, “When this unconstitutional language is deemed as illegal in a court of law, and if the data still supports the need for a public health order requiring masks in pre-K through grade 12 settings because of ongoing high transmission, the Board of Health fully supports the local health officer to reinstate this order to keep students and teachers in the classroom.”

Since the order was put into effect on Sept. 6, the Health Department noted an over 50% decrease in the numbers of new cases and quarantines experienced in school settings among students and staff despite ongoing increased transmission within the community. After the rescission of this order, schools that do not require universal masking will risk greater numbers of COVID-19 cases and will need to adhere to an extended 6-foot quarantine radius, as well as lose options for reduced or modified quarantine for students and staff.

BCHD Medical Director Dr. Rex Cabaltica said: “The science is clear: masks are an effective layer of protection to mitigate against the spread of COVID-19, especially when indoors in a congregate setting, like our schools.”

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