

Montgomery County Council
sitting as the Montgomery County Board of Public Health

Hearing on the Resolution to approve a Second Amended Board of Health Regulation to prevent
the spread of COVID19, and indoor mask guidance in Montgomery County

January 25, 2022

Testimony of Aaron Droller

Silver Spring, Maryland

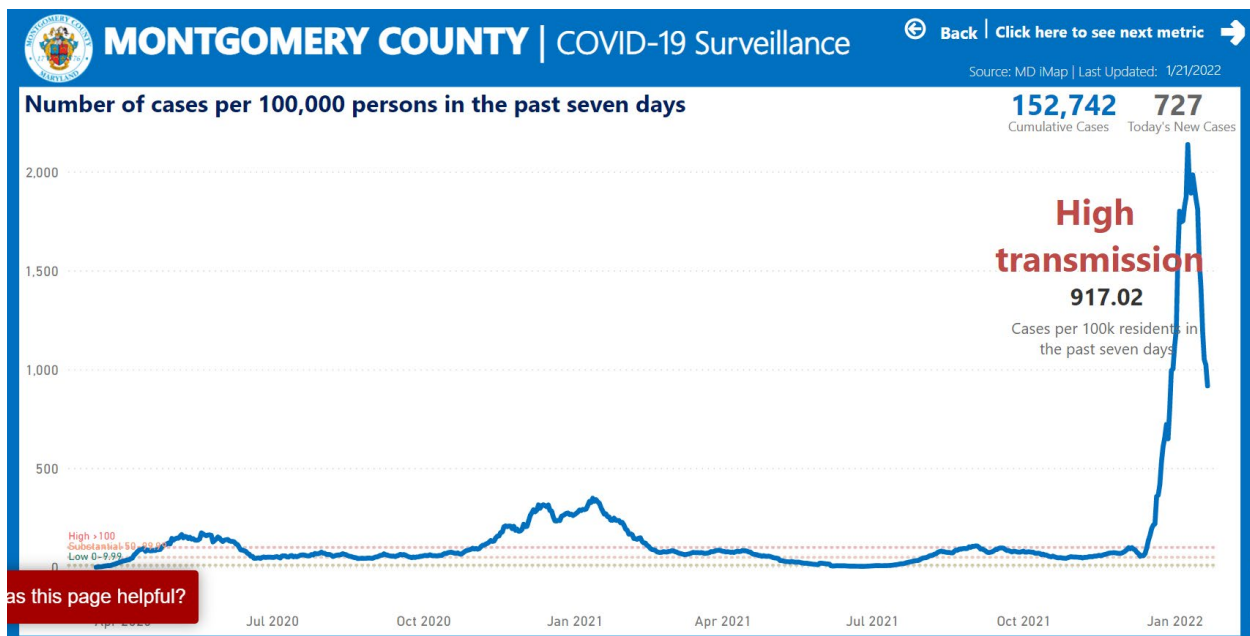
Good morning Council President Alborno and members of the Montgomery County Council. My name is Aaron Droller, and I am a resident of Silver Spring, Maryland. Thank you for the opportunity to submit testimony on the Resolution to approve a Second Amended Board of Health Regulation (“Regulation”) to prevent the spread of COVID19, and indoor mask guidance in Montgomery County.

As proposed, the Regulation requires the Board of Health to meet once a week “to consider whether the indoor mask mandate must continue.” The Regulation permits termination of the indoor mask mandate under the following circumstances:

Termination. This regulation will terminate without any further action by the Board of Health at the earlier of the following:

- a. When the Health Officer notifies the Board of Health that the CDC lists the following three indicators as both below high levels and trending down for seven consecutive days:
 - i. Number of cases per 100,000 residents in the past seven days;
 - ii. Test positivity rate; and
 - iii. COVID-related hospital bed utilization case rate; or
- b. February 28, 2022 at 11:59 p.m.

The Council should not set an automatic termination date of February 28, 2022. As of January 21st, cases are rapidly declining. Extending the indoor mask mandate for over a month is premature and not proportionate to the dramatic downward trend in cases in the county. Given the case trends we are now seeing in the county, the Council should instead set a maximum extension of two weeks to February 14th, and revisit that date every two weeks if needed, and as envisioned in the original amendment passed by the Council on January 4th.



*Source: <https://www.montgomerycountymd.gov/covid19/data/#dashboard-primary-indicators> (last visited January 21, 2022).

Further, the three metrics described in Section 9(a) of the Resolution (quoted above) have been arbitrarily chosen and appear to be purposely set at unnecessarily high levels for removal of the mask mandate. These metrics, requiring a downward trend for seven days in all three enumerated categories, will be very difficult to achieve. A one-day swing in a single category will reset the clock, despite clear evidence that we are beyond the peak of omicron in the county. Further, getting all three metrics into “substantial” transmission territory could take months. I am deeply concerned that the County Executive will use these three metrics as pretext to push out a termination date to the mask mandate well beyond the February 28th proposed automatic termination date. Put simply, if the Council adopts these metrics, there is a very real chance the county will chase them for months, and there will be likely be no political appetite to remove yet another set of arbitrarily chosen metrics.

Recall that this county originally set an 85% vaccination threshold for removal of the mask mandate, with many officials predicting that this metric would be achieved by late December 2021

or early January 2022.¹ As of today, we still have not achieved that metric according to the CDC.² Residents have been subjected to ever changing metrics that are either not achievable or take so long to achieve that they inaccurately reflect the current state of the virus in the county. Residents have endured Covid restrictions far longer than almost any other comparable jurisdiction, despite having one of the highest vaccination rates in the United States. The Council must reject these metrics and remove them from the Resolution.

Thank you for your time and consideration.

¹ See https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2022/20220104/20220104_B-C.pdf ("The Order also terminates without further action when 85% of the total County population is fully vaccinated. We estimate that the County will reach the 85% threshold on or before January 4.").

² https://covid.cdc.gov/covid-data-tracker/#county-view?list_select_state=Maryland&data-type=Risk&list_select_county=24031 (last visited January 21, 2022).