

Subject: Bylaw No. 20/024 - Face Covering Bylaw**APPROVALS:****Jamie Doyle**_____
Director_____
Chief Administrative Officer**Recommended Motion:**

THAT Bylaw No. 20/024, being the Face Covering Bylaw, be read a third and final time.

Summary:

The RMWB has seen a recent surge in the number of COVID-19 cases. This, along with the recent opening of schools, has prompted concerns that the rate of spread may continue to rapidly increase.

There is substantial evidence indicating that the widespread use of face coverings among the public has a mitigating effect on the spread and severity of COVID-19.

On September 8, 2020, Council passed the following resolution:

“THAT a Special Council Meeting be scheduled for Monday September 14, 2020 at 4:00 p.m. to bring forward a mandatory mask bylaw for consideration at that meeting.”

Therefore, Administration recommends that Council enact the attached *Face Covering Bylaw* No. 20/024.

Background:

The provincial and federal governments recommend that the general public wear “face coverings” or “non-medical masks” while in crowded indoor areas where social distancing is not otherwise possible. Mandatory face covering laws have become widespread in other jurisdictions. First appearing in Ontario and Quebec in mid-June,¹ these bylaws have since been adopted by several major municipalities including Toronto, Ottawa, Calgary, and Edmonton, and many Alberta communities including Grande Prairie, Red Deer, Lethbridge, and others.

COVID-19 is a present and continuing issue in the RMWB. As of September 8th, 2020:

- a. There were 66 active cases of COVID-19 in Fort McMurray and 2 active

cases outside of the Urban Service area, totaling to 68 active cases within the region.

- b. Of the 66 active cases in Fort McMurray, 40 of those were reported over the September long weekend, representing roughly a twofold increase in 3 days. Sadly, during the same period, one person in Fort McMurray had passed away due to COVID-19.
- c. Currently, the Government of Alberta has reported that there are 4 active outbreaks in the region:
 - i. the Northern Lights Regional Health Centre,
 - ii. CNRL Albion,
 - iii. Suncor base plant, and
 - iv. the Syncrude Mildred Lake site.
- d. The status of the RMWB on the Government of Alberta's COVID-19 Status Relaunch map changed over the long weekend, from "Open" to "Watch". A community's status moves to "Watch" when there are at least 10 active cases and more than 50 active cases per 100,000.
- e. Superstore, Rona, McDonalds, and Earls have each recently had to close to perform cleaning and disinfection protocols, as a result of an employee testing positive for COVID-19. On September 8, 2020, portions of the Suncor Community Leisure Centre were temporarily closed for deep cleaning and sanitizing as a result of a confirmed case through contact tracing of COVID-19.
- f. In the RMWB, Syncrude, Walmart, Starbucks, and Superstore have implemented their own face covering requirements for employees or customers entering their premises.
- g. Fort McKay Métis Community Association president Ron Quintal made a presentation at Council's September 8, 2020, meeting confirming that face coverings are currently mandatory in the community of Fort McKay.

Syncrude and Suncor are supportive of a mandatory face covering bylaw.²

Current Understanding of Face Covering Effectiveness:

There is a strong body of evidence supporting widespread use of face coverings as an effective tool for mitigating the spread of COVID-19.

Physical Mechanism

The current scientific consensus is that COVID-19 is primarily spread through small droplets of fluid produced by breathing, talking, or singing.³ Face coverings work by capturing the majority of these droplets, thus reducing the chance of infection.

In early April, a study examining the breath of people with influenza and similar infections found that those who breathed through a surgical mask (that is a “disposable mask”) had significantly reduced or nearly eliminated the percentage of normal coronavirus particles in the breath.⁴

A more recent study examining the filtration effect of various materials against droplets equivalent to those exhaled while breathing found that, while respirators (that is N95 masks) were estimated to prevent 99% of predicted infections,⁵ “non-traditional materials” (that is cotton, silk, and other common clothing materials) would still be able to prevent at minimum 44% of short-term infection events.⁶

Regional Studies

The primary source of data regarding face coverings has been retrospective studies examining the spread and severity of COVID-19 through countries and locations with varying degrees of face covering usage. The consistent finding is that widespread face covering usage strongly correlates with a severe drop in the rate of spread.

A forerunner of these studies (published in April) examined the per capita number of COVID-19 cases in 8 countries 100 days after the first confirmed infection. These numbers were compared with those of the Hong Kong Administrative Region, as the region bore a uniquely high rate of mask adoption (96.6%). Hong Kong, despite being a highly dense urban region, had a mere 129 cases per million, compared to 2983.2 per million in Spain (which had minimal face covering use at the time) and 200.5 in South Korea (which began implementing mandatory face covering rules soon after the first reported case).⁷

A similar study examined the German city of Jena, which adopted a mandatory face covering law two weeks before the surrounding state.⁸ Comparing the rate of increase between Jena and its state, researchers concluded that masks reduced the rate of spread by 40-60%.⁹

Another US study compared the rates of spread for the 16 states which implemented public mandatory face covering laws between April 1 and May 21. The authors estimate that these mandates may have prevented 230,000 - 450,000 COVID-19 infections during that period.¹⁰

Decreased Mortality

Recent thinking has emerged that face coverings not only reduce the spread but also the *severity* of COVID-19 cases. This idea is born from the fact that in jurisdictions and locations where face coverings usage is widespread the mortality rate is far lower than in regions going without.

Research demonstrates that a person wearing a face covering has a better chance of developing into a mild or asymptomatic case, rather than a severe case.¹¹ This explains why countries with high levels of face covering usage often have much lower rates of spread *and* mortality.¹²

Implementation in other Jurisdictions

At least 17 municipalities in Alberta have enacted a mandatory face covering bylaw which largely contain the following general provisions:

- a. A requirement to wear a face covering in an indoor, public place.¹³
- b. All have exceptions to the general face covering requirement, which include:
 - i. children ranging from the age of 2 to 10 years old,
 - ii. persons with a medical condition, disability, or who otherwise cannot safely use or remove a mask,
 - iii. persons eating or drinking at an establishment traditionally offering food or beverages,
 - iv. persons engaged in a fitness or athletic activity,
 - v. persons providing a caregiving service where wearing a mask would impair their ability to deliver that service,
 - vi. persons engaging in a service requiring the temporary removal of a mask, and
 - vii. persons in an indoor area not accessible to the public, or otherwise separated from the public by physical barriers (that is plexiglass shields).
- c. A requirement for businesses to put up signs indicating the requirement for face coverings while indoors.
- d. A fine for non-compliance ranging from \$50-\$250,¹⁴ with most having a penalty of \$100 for the first offence and \$200 for subsequent offences.

The City of Edmonton's face covering bylaw initially allowed residents to obtain an exemption card if they had a "legitimate exemption" reason as set out in the bylaw. This provision was ended within 4 days of the bylaw's enactment due to widespread abuse by "individuals who do not have legitimate exemptions".¹⁵

Transit services in Toronto, Montreal, Edmonton, and Calgary found that mask compliance went up to 90 to 97 percent upon the issuance of a mandatory face covering bylaw. In Vancouver, the transit service found that there was very little need to

enforce the bylaw.¹⁶

Though there have been some public protests against the use of face coverings in general, these have remained relatively minor and inconsistent events.¹⁷ For example, protests against Edmonton's bylaw on the day of its implementation drew roughly 50 people,¹⁸ and a similar protest to Lethbridge's face covering bylaw drew 60-80 people.¹⁹

Additionally, the RMWB has been distributing free non-medical masks on public transit buses.

Rationale for Recommendation:

There is a robust body of evidence supporting the idea that widespread use of face coverings can reduce the spread of COVID-19.

Requiring mandatory face coverings in the RMWB will help ensure as few people as possible suffer an infection and will help limit the duration of the pandemic's presence in the region.

Endnotes:

- (1) Implemented in Guelph, Wellington County, and Dufferin County, Ontario, by the local medical officer of health, see Kate Bueckert, "Masks must be worn in Guelph or Wellington County, medical officer of health says", June 10 2020, CBC News Kitchener Waterloo, online at: <[cbc.ca/news/canada/kitchener-waterloo/masks-must-be-worn-commercial-businesses-guelph-wellington-1.5606133](https://www.cbc.ca/news/canada/kitchener-waterloo/masks-must-be-worn-commercial-businesses-guelph-wellington-1.5606133)>.
- (2) Vincent McDermott, "Scott warns region 'trending in the wrong direction' as Fort McMurray sees five new cases" (September 9, 2020) Fort McMurray Today, online at: <[fortmcmurraytoday.com/news/local-news/scott-warns-region-trending-in-the-wrong-direction-as-fort-mcmurray-sees-five-new-cases](https://www.fortmcmurraytoday.com/news/local-news/scott-warns-region-trending-in-the-wrong-direction-as-fort-mcmurray-sees-five-new-cases)>.
- (3) See generally World Health Organization, "Modes of transmission of virus causing COVID-19: implications for IPC precaution recommendations", online at: <[who.int/news-room/commentaries/detail/modes-of-transmission-of-virus-causing-covid-19-implications-for-ipc-precaution-recommendations](https://www.who.int/news-room/commentaries/detail/modes-of-transmission-of-virus-causing-covid-19-implications-for-ipc-precaution-recommendations)>.
- (4) Nancy Leung, "Respiratory virus shedding in exhaled breath and efficacy of face masks", (2020) Nature Medicine 26, online at: <[nature.com/articles/s41591-020-0843-2#Sec3](https://www.nature.com/articles/s41591-020-0843-2#Sec3)>.
- (5) This estimation was based on mathematical modelling of the likelihood of infection if a person was exposed to a consistent source of COVID-19 bearing droplets over a period of 30 seconds.

- (6) AM Wilson et al, “COVID-19 and use of non-traditional masks: how do various materials compare in reducing the risk of infection for mask wearers?”, (2020) J Hospital Infections 105(4), online at: ncbi.nlm.nih.gov/pmc/articles/PMC7264937/>.
- (7) Vincent Cheng et al, “The role of community-wide wearing of face mask for control of coronavirus disease 2019 (COVID-19) epidemic due to SARS-CoV-2”, (2020) J Infection 81, online at: sciencedirect.com/science/article/pii/S0163445320302358>.
- (8) This was during the “post easing period” when many social distancing measures were being lifted, but soon reintroduced and extended. See generally The Local, “EXPLAINED: What to know about Germany's social distancing rules”, (June 11, 2020), online at: thelocal.de/20200527/explained-what-to-know-about-germanys-new-coronavirus-social-distancing-rules-june>.
- (9) Timo Mitze et al, “Face Masks Considerably Reduce COVID-19 Cases in Germany: A Synthetic Control Method Approach”, (2020) Institute of Labour Economics (Discussion Paper, 13319), at 12, online at: iza.org/publications/dp/13319/face-masks-considerably-reduce-covid-19-cases-in-germany-a-synthetic-control-method-approach>.
- (10) Wie Lyu and George Wehby, “Community Use Of Face Masks And COVID-19: Evidence From A Natural Experiment Of State Mandates In The US”, (2020) Health Affairs, 30:8, at 1422, online at: healthaffairs.org/doi/pdf/10.1377/hlthaff.2020.00818>.
- (11) Monica Gandhi et al, “Masks Do More Than Protect Others During COVID-19: Reducing the Inoculum of SARS-CoV-2 to Protect the Wearer”, (2020) J GIM, online at: link.springer.com/article/10.1007/s11606-020-06067-8#ref-CR37>.
- (12) See Vincent Cheng et al, *supra* note 9.
- (13) Toronto’s bylaw being the interesting exception in that it technically only requires that business develop a policy requiring people to wear masks while on the premises.
- (14) Some municipalities simply place the fine at “not less than \$10,000”, which is the maximum amount allowed for a municipal bylaw fine as set out in the *Municipal Government Act*, RSA 2000 c M-26, s 8(i)(ii).
- (15) Dustin Cook, “City of Edmonton abruptly ends contentious mask exemption card distribution after four days”, (August 12, 2020) Edmonton Journal, online at: edmontonjournal.com/news/local-news/city-of-edmonton-abruptly-ends-mask-exemption-card-distribution-after-four-days>.

- (16) Jennifer Saltman, “COVID-19: Transit agencies report high compliance with mandatory mask rules”, (August 11, 2020) *Vancouver Sun*, online at: <vancouver.sun.com/news/covid-19-transit-agencies-report-high-compliance-with-mandatory-mask-rules>.
- (17) See generally Demi Knight, “Anti-mask rallies draw crowds in Calgary and Edmonton amid coronavirus pandemic”, (July 19, 2020) *Global News*, online at: <globalnews.ca/news/7193611/calgary-edmonton-anti-mask-rally-july-19-coronavirus-covid-19/>.
- (18) Lauren Boothby, “Masks face some resistance in Edmonton on first day of bylaw”, (August 2, 2020) *Edmonton Journal*, online at: <edmontonjournal.com/news/local-news/masks-face-some-resistance-in-edmonton-on-first-day-of-bylaw>.
- (19) CBC News, “Lethbridge anti-mask protesters crowd city council meeting”, (September 9, 2020) CBC News Calgary, online at: <cbc.ca/news/canada/calgary/lethbridge-anti-mask-protest-city-council-1.5717826>.

Strategic Priorities:

Responsible Government
Regional Economic Development
Rural and Indigenous Communities and Partnerships

Attachments:

- 1. Bylaw No. 20/024**
- 2. Bylaw No 20-024 Face Covering Bylaw - as amended**
- 3. Bylaw No 20-024 Face Covering Bylaw - Redlined**