

23 July 2020

To: Ravalli County Commissioners, Board of Health.

From: James R. Olsen

Subject: Input to Health Board Meeting scheduled for July 24.

It is hard to see Dr. Calderwood go.

EFFECTIVE STRATEGY. She and the public health staff have done a tremendous job in implementing what nearly every study on the subject says is an effective tool to manage COVID-19 – contact tracing and isolation. As I reported previously, this, along with extensive testing, including testing asymptomatic people – along with boarder control and starting early – have had the best outcomes. The fatality rate per capita – the metric which really counts – has been impacted by a factor of a hundred in populated countries with these strategies.¹

ENFORCEMENT. On April 23, the Board of Health considered adoption a resolution that would provide for the law enforcement of the Governor’s COVID-19 directive. The board decided NOT to make that resolution – instead leaving any enforcement to civil action. While it was mischaracterized in the press, the Sheriff’s statement reported in the press was compliant with the Board of Health’s prior decision. *Please make that clear to the press during the meeting.*

It seems that the Board could have helped here. It is very unfortunate that the decision to close the main part of the County Fair was not done with prior public comment. If the Health Officer thought that was a good idea, it was not up to the County Commissioners to step in, but the County Health Board.

The closing of the fair was done under the Health Officers own authority and not as an implementation of a Health Board resolution or it appears, a direct implementation of the Governor’s directives — which call for businesses and non-profits to implement the directive using methods they develop and do not contemplate prior restraint. Further, there was plenty of time to contemplate the decision. *The board should rescind the decision and create an immediate public participation process to revisit it.*

The Governor has made a series of directives. The mask directive was not an emergency – it is obvious that it was contemplated for some time – the medical studies regarding the effectiveness of masks has been incremental – with no definitive study suddenly creating new insight. Like much of what surrounds COVID-19, the studies related to masks are full of caveats – and must be taken to total to make a determination that they are probably effective.

While the legislature made the governor exempt from the constitutional requirement for public participation, it does not make the Department of Public Health and Human Services exempt under Title 50 – which is what is cited in the mask directive.

¹ <https://coronavirus.jhu.edu/data/mortality>.

So, even though I have voted for Governor Bullock every time he has run for office, I feel strongly that he failed us by not taking public input prior to issuing this mask mandate.

If he had let his intentions be known in advance and solicited comments, he would have been informed of the predictable consequences of a mandate – small, vocal groups denigrate who don't wear masks and another refusing to wear masks. One group worried that this is all a precursor to a dictatorship and forced vaccinations and another wondering why someone would be so selfish as to want to make them sick – I didn't surmise this – this is what people have told me.

I have read too much history. It is dangerous to get used to being ruled by fiat during a time of uncertainty and fear. That is when this county has done things it later regretted. That is when other countries have had the democracy slip away into authoritarianism during a “continuous emergency” — whether real, imagined, or manufactured.

The Health Board should request (or demand) that the Governor implement prior public input before issuing any directive that is not explicitly and clearly in response to a sudden, unexpected event.

By law, it is the Health Board's decision to make. By law you need to give prior notice and take public input. My input is: *Asking law enforcement to enforce the order is a really bad idea* – do you really want to throw people in jail? – because in the end that is what en-force means. It is really a bad idea to insist that employees of a small business enforce the order – it is a formula for confrontations which employees are not trained to engage in. I believe that Commissioners and Sheriff got it right.

On the other hand, capitalism has voted. Costco was the first large retailer to mandate masks and the sales of a brick and mortar store soared as did their stock. Now, one-by-one the big chains are following suit.

The death rate attributed to COVID-19 and deaths not attributed to COVID-19 have both gone up – suggesting that the cure may be deadly as well as the disease.² Plus, there is an economic impact. Thus, the Health Board *must* consider in any fact-finding related to any decision:

- 1) The impact on COVID-19.
- 2) The impact on public health overall.
- 3) The mental health impact.
- 4) The economic impact.

I encourage the Board to take the time to effectively respond to public input, attempting to take any substantive inputs into account. I have interacted with a lot of public officials, boards, agencies – and have been on the other side responding as a government official. Jeff Burrows has one of the best I have seen.

Regards,



James R. Olsen

² <https://coronavirus.jhu.edu/data/mortality>