



June 19, 2020

To: Ginger Claussen, President
Missoula Maverick's Baseball
From: Ellen Leahy, Health Officer

ORDER TO CANCEL EVENT

Dear Ms. Claussen:

This letter serves as an Order to cancel your event per the local health officer's Order for events and gatherings.

Upon receipt of this letter, you must comply with the local Order for events and gatherings by discontinuing your event.

INVESTIGATION SUMMARY

Yesterday, our office received a complaint from the public regarding the Maverick's tournament held this weekend at American Legion Field. Alisha Johnson, in our Environmental Health Division, reached out to you about the complaint, and you sent her your plan. She reviewed it and found that it did not meet the local Order and an associated appendix for events in Missoula County. It did not show a structured gathering that ensured distancing throughout the event. Additionally, your plan did not cover contact tracing or exclusion of attendees with COVID symptoms. Alisha reached out to you by email, outlining the areas where the plan would need to change to comply and gave you examples of how to do so. She also asked for you to call to discuss the plan.

When you called her, she discussed the Order and how it applied to your operational plan. She covered how social distancing was not possible with the tournament format that you presented. Spectator seating needed to be better structured with managed ingress and egress. She explained how only two teams could play each other for the duration of the event, as round-robin or bracketed tournament play does not meet the distancing requirements outlined in Appendix A. You expressed your concern that you wouldn't be able to make things happen and asked how a tournament was different than regular play, and why this season is different. Alisha explained that COVID-19 changed the way we need to interact with each other. She explained to you how a tournament pulls in a larger number of people from a wider geographical area, and that there is a concern with the number of players and potential spread. Of particular concern with this event was that several teams were traveling here from states with higher COVID numbers. You said that you would think about the requirements and whether you could make them work.

As of the close of business yesterday, Alisha had not heard back from you, yet County Parks told us that the tournament was underway. Alisha reached out to you once again to get additional information around 5 pm to which you did not respond to let her know if you had stopped the event or found a way to comply.

By 5 pm yesterday, we received two more complaints in addition to the original complaint.

This morning I found out that your event is even bigger than your plan covered as people are camping and gathering onsite, and there was a youth clinic with a meal on Thursday night.

Alisha reached out today to give you another opportunity to engage with our office. She let you know that without a way to comply, you would have to stop the event and that our office planned to follow up with this Order. You responded, but your email still did not cover the several requirements in the Appendix, such as distancing throughout the event, group size limits, exclusion of sick attendees, and how you could support contact tracing.

Based on your phone conversation with Alisha yesterday, the observations by our county partners, the complaints that we have received, and your latest email, which did not address remaining deficiencies, your tournament violates the local Order and cannot continue.

STATE AND LOCAL REQUIREMENTS DURING COVID-19 PANDEMIC

On May 19, 2020, the Governor issued a statewide Directive describing Phase Two Reopening requirements for the state of Montana. This Directive included specific guidance for events and gatherings. It states, in part:

Effective June 1, avoid gathering in groups of more than 50 people in circumstances that do not readily allow for appropriate physical distancing. It is recommended to continue to social distance in gatherings.

Groups larger than 50 people should be cancelled unless physical distancing can be maintained.

If you are planning an event with more than 50 people, you should consult with your local public health office on a plan to implement adequate social distancing.

On May 28, 2020, I issued a local Health Order that established requirements for events and gatherings in Missoula County and interpreted the state Directive. The Order states, in part:

Gatherings and events over 50 people need to meet Appendix A or be canceled.

Events that are not conducive to distancing must be canceled.

The health officer may cancel and event or gathering that does not comply regardless of whether a plan was submitted or approved.

PUBLIC HEALTH REASONS

There is a worldwide pandemic of COVID-19. As of 3 pm today, Johns Hopkins reports over 2,213,000 cases of COVID-19 in the US. DPHHS reports 666 cases in the state, 100 of them active. We have eight active cases in Missoula, all in the last week.

We also know that events and gatherings are particularly risky when it comes to spreading the COVID-19 virus among the attendees, with further impacts on the host community. The World Health Organization, Johns Hopkins Coronavirus Resource Center, and the Centers for Disease Control have identified events and gatherings as the highest risk for exposure next to communal living situations or living with an active case.

The CDC website categorizes events, like the Maverick's tournament, as being the "Highest Risk."

Highest risk: Large, in-person gatherings where it is difficult for individuals to remain spaced at least 6 feet apart, and attendees travel from outside of the local area.

The CDC went further to indicate that events and gatherings are particularly risky if there is evidence of community spread (identification of positive cases with no known travel history or contact with an infected case). Missoula has seen a significant increase in cases over the past week and has evidence of community spread. From the CDC website:

The higher the level of community transmission in the area that the gathering is being held, the higher the risk of COVID-19 spreading during a gathering.

Finally, the risk is associated with the duration of the event. Your event started on Thursday, you still have not ceased operation, and the tournament is scheduled through Sunday. This is an especially long event and includes an overnight camping component. From the CDC website:

The more people an individual interacts with at a gathering and the longer that interaction lasts, the higher the potential risk of becoming infected with COVID-19 and COVID-19 spreading.

In previous conversations with representatives of Maverick's Baseball, a claim was made that the restriction on tournaments is only being applied in Missoula County. That is not the case, as we are aware of other jurisdictions with local Orders in place that would prohibit this type of event. Further, please be aware that the absence of a denial or Order to stop, does not constitute an approval. We have information from other county Health Departments that, while similar tournaments have been held in their jurisdiction, they were not made aware of them and would not have allowed them without additional requirements or changes.

Compliance

You have not presented information demonstrating that you can comply with the local Order or the Governor's Directive. **Upon delivery of this letter, you must comply with the local Order by canceling the rest of your event.** You may not host future events operated in a manner inconsistent with the Order as long as the Order is in effect.

The Missoula City-County Health Board may pursue legal action to prevent the continued violation of the Missoula City-County Health Officer's orders.

If you have any questions, please contact our Department.

Sincerely,



Ellen Leahy, MPH, MN, BN
Health Officer and Director

Cc: Shannon Therriault, Environmental Health Director
Jeanna Miller, Environmental Health Manager
Anna Conley, Senior Deputy County Attorney

Erica Grinde, Director of Risk and Benefits
John Hart, Deputy County Attorney
Juniper Davis, Parks and Trails Manager
John Stegmaier, Parks and Trails Coordinator
Dave Strohmaier, County Commissioner
Juanita Vero, County Commissioner
Josh Slotnick, County Commissioner