COVID-19 OUTBREAK
HEALTH ORDER NO. 5
Critical Infrastructure

Issued: **January 14, 2021**
Effective: **January 15, 2021**

By: Governor Mike Dunleavy
Commissioner Adam Crum Alaska Department of Health and Social Services
Dr. Anne Zink, Chief Medical Officer, State of Alaska

WHEREAS, on March 11, 2020, I issued a Public Health Disaster Emergency Declaration due to the imminent threat of a COVID-19 outbreak. That emergency declaration was extended by the Legislature, and expired on November 15, 2020;

WHEREAS, on November 16, 2020, I declared a Public Health Disaster Emergency due to the COVID-19 outbreak in Alaska, including over 17,000 confirmed cases, and 84 deaths from COVID-19;

WHEREAS, on December 10, 2020, Department of Health and Social Services (DHSS) Commissioner Adam Crum certified that an outbreak of the COVID-19 virus is occurring throughout Alaska, as evidenced by the current significant and widespread community transmission of the virus, including significant positive testing rates, and record daily numbers of new cases;

WHEREAS, on January 12, 2021, Department of Health and Social Services Commissioner Adam Crum certified that Alaska is currently experiencing a severe statewide outbreak of COVID-19 and will continue to do so, without immediate intervention, which includes the distribution of vaccines;

WHEREAS, on January 12, 2021, Alaska has had over 47,000 confirmed cases and 222 deaths, and in January 2021, a new strain of the SARS-CoV-2 was identified as being more contagious than the original strain, and is spreading in the United States;

WHEREAS, to minimize the spread of the COVID-19 virus, and to respond to the effects of the outbreak, I am issuing this Order based on my authority under the Public Health Disaster Emergency Declaration issued on January 14, 2021, and made effective on January 15, 2021;

The purpose of COVID-19 Outbreak Health Order No. 5, Critical Infrastructure, is to provide clear guidance for Critical Infrastructure businesses operating in the State of Alaska.

NOW, THEREFORE, I, Mike Dunleavy, Governor of the State of Alaska, pursuant to the authority vested in me under AS 26.23.020, am hereby issuing the following order.

IT IS SO ORDERED:

The State of Alaska is issuing COVID-19 Outbreak Health Order No. 5, Critical Infrastructure. This order goes into effect January 15, 2021 at 12:00 a.m.

1. **Critical Infrastructure Workforce Definition.** For purposes of this Health Order, the State of Alaska is adopting the Federal guidance published by the Cyber and Infrastructure Security Agency (CISA) "Guidance on the Essential Critical Infrastructure Workforce." Version 4.0 of the CISA guidance published on August 18, 2020, and as further amended https://www.cisa.gov/sites/default/files/publications/Version_4.0_CISA_Guidance_on_Essential_Critical_Infrastructure_Workers_FINAL%20AUG%2018v3.pdf.

2. **Community/Workforce Protective Plans**. All private sector Critical Infrastructure Businesses that have staff arriving from outside the State of Alaska, and/or staff traveling to or between communities off the road system or Alaska Marine Highway System, are required to submit a Community/Workforce Protective Plan (CWPP) to the Alaska COVID-19 Unified Command.

    a. Detailed instructions for developing and submitting CWPPs can be found at: https://covid19.alaska.gov/unified-command/protective-plans/.
    b. Private sector Critical Infrastructure Businesses, which do not meet the travel definitions above, are still strongly encouraged to develop a CWPP using the posted instructions, but are not required to submit those plans to the Unified Command.
    c. All Federal, State, local, and tribal government entities are expected to establish internal policies for travel, testing and quarantine, but they are not required to submit those policies to the Unified Command. Government agencies may elect to develop protective plans for contracted businesses to follow. If contracted companies have not been directed to follow a plan developed by the government agency that they are contracted with, they must develop and submit their own plan if they have workers arriving to the State or moving between Alaskan communities.
    d. School districts must follow the guidance published by the Alaska Department of Education and Early Development (DEED), and submit any required protective plans to DEED at: AKsmartstart2020@alaska.gov.
    e. Arriving or transiting aircrew members employed by interstate or international passenger and cargo air carriers must follow the procedures in the Federal Aviation Administration (FAA) Safety Alert for Operators (SAFO) 20009, dated 29 Sep 2020, and all future revisions. In lieu of a CWPP, interstate and international air carriers are required to submit an affidavit to the Unified

Command stating that they will follow the FAA SAFO. Alaska-based air carriers are required to develop and submit a CWPP to the Unified Command.

3. **Appendix 5-01, Enhanced Protective Measures for Seafood Processing Workers**. Appendix 5-01 to this Order applies to all resident employees and all workers traveling into Alaska to work in a shore-based seafood processing plant or onboard a processor or catcher-processor vessel.
   a. Seafood processing companies are still required to develop and submit CWPPs using the posted instructions. The protective measures enacted by the company CWPP must meet or exceed the requirements of Appendix 5-01.

4. **Appendix 5-02, Protective Plan for Independent Commercial Fishing Vessels**. Appendix 5-02 of this Order applies to all independent commercial fishing vessels operating in Alaskan waters and ports.
   a. For the purposes of this Order, "independent commercial fishing vessels" are defined as all catcher and tender vessels that have not agreed to operate under a fleet-wide plan submitted by a company, association, or entity that represents a fleet of vessels.
   b. Independent commercial fishing vessels operating in Alaskan waters and ports must enact the protective measures and procedures described in Appendix 5-02, the Alaska Protective Plan for Commercial Fishing Vessels. Vessels are not required to develop or submit a stand-alone Community/Workforce Protective Plan. Appendix 5-02 serves as their CWPP.
   c. Vessel captains must enact controls on their vessel to ensure crewmember compliance with this Health Order and the Appendixes.

5. **Appendix 5-03, Protective Plan for Independent Commercial Fishing Harvesters**. Appendix 5-03 of this Order applies to all independent commercial fishing harvesters who are harvesting catch from Alaskan waters.
   a. For the purposes of this Order, "independent commercial fishing harvesters" are defined as all commercial fishing harvesters who do not meet the definition for independent commercial fishing vessels above, and that have not agreed to operate under a fleet-wide plan submitted by a company, association, or entity that represents a fisheries sector.
   b. Independent commercial fishing harvest operations in Alaskan waters must enact the protective measures and procedures described in Appendix 5-03, the Alaska Protective Plan for Independent Commercial Fishing Harvesters. Harvesting sites are not required to develop or submit a stand-alone Community/Workforce Protective Plan. Appendix 5-03 serves as their CWPP.
   c. Site Managers must enact controls at their harvesting operation to ensure harvester compliance with this Health Order and the Appendixes.

6. **Appendix 5-04, Acknowledgement Form for Commercial Fishing Vessels and Harvesting Sites**. For the 2021 season, each commercial fishing vessel captain and/or

owner and each harvesting site manager must sign a copy of Appendix 5-04, Acknowledgement Form, prior to actively participating in the 2021 commercial fishing season. This is required for all vessels, even those operating under a fleet or association protective plan.

a. Prior to accepting any fish, or making any payment for fish to an independent fishing vessel, a tender or processor must receive and confirm a signed copy of the vessel's Acknowledgement Form. The vessel captain must submit a copy of the Acknowledgement Form the first time they sell fish to a tender or processor. Electronic copies of pictures or scans of the signed hard copy of the Acknowledgement Form are acceptable. Subsequent sales to the same tender or processor do not require submission of another copy of the Acknowledgement Form (e.g., the form only needs be submitted once per fishing season per tender or processor), but every tender or processor that a commercial fishing vessel sells to must have, and retain until December 31, 2021, a signed copy of the Acknowledgement Form. This form shall be provided to the Alaska Department of Fish and Game upon request.

b. By accepting the Acknowledgement Form, the tender or processor may rely upon the submission of the Acknowledgement Form as proof of compliance of this Health Order. The tender or processor is not required to confirm compliance with this Health Order, other than to collect the Acknowledgment Form, and assumes no liability for any failure to comply by any commercial fishing vessels or harvesting sites.

This Order shall have the power of law and shall supersede all conflicting laws during the duration of the Order. This Order is in effect for the duration of the Public Health Disaster Emergency Declaration, effective January 15, 2021 at 12:00 a.m. This Order may be amended, and additional Orders may be issued to address mitigation efforts to control the spread of the COVID-19 virus.