

Stay safe.

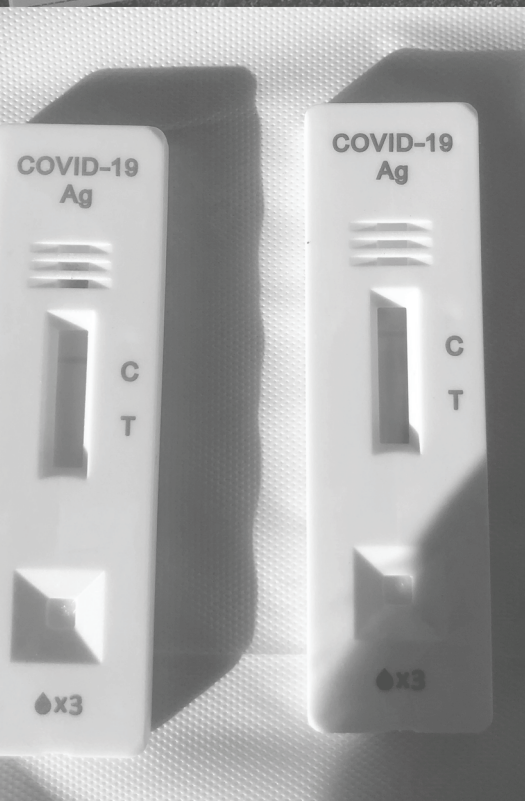
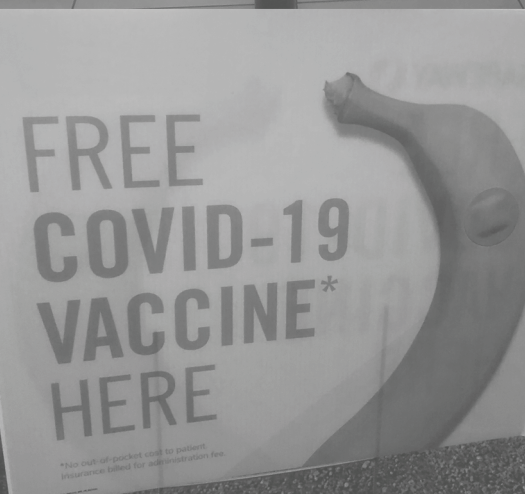
Employees and customers are required to wear face masks.

We provide face masks if you don't have one.

Stay 6 feet apart.

Without a face mask, you're invited to shop with us online at nordstromrack.com or nordstrom.com, or call our store for service.

If you are experiencing symptoms of or have been exposed to COVID 19 in the past 14 days, please refrain from entering.



Health and Safety Guidance for In-Person Events

Steven A. Adelman, Vice President, Event Safety Alliance

Following is health and safety guidance for venue and event professionals contemplating holding in-person events during the latest phase of the COVID-19 pandemic.

This guidance rejects the false equivalency that there are two equally valid positions regarding the value of vaccination. Instead, the material that follows is based on the established science that (a) vaccination leads to healthier outcomes and (b) unvaccinated people put themselves and everyone around them at significantly greater risk of infection. There are no apologies here for taking firm and unambiguous positions – vaccination is the only way to keep the event industry from becoming economically non-viable, the source of super spreader events, or both.

Everything here applies equally to guests, workers, and performers. Under this guidance, vaccinated people may fully participate in events in person; unvaccinated people may participate virtually if that is an option.

SCIENCE: VACCINATION LEADS TO HEALTHIER OUTCOMES

The Pfizer-BioNTech, Moderna, and Johnson & Johnson COVID-19 vaccines are all highly effective at reducing the likelihood a vaccinated person will become infected by SARS-CoV-2 (the virus that causes COVID-19). They also reduce the likelihood of serious illness due to a breakthrough infection and the risk of transmitting coronavirus to others. They are free, widely available everywhere, and have extremely rare side effects. Here is a brief review of the science, with much more available from the [Centers for Disease Control and Prevention \(CDC\)](#) and the [World Health Organization \(WHO\)](#), among other reputable sources.

Vaccination is unquestionably the way out of this pandemic. In the United States, [the latest research](#) shows that unvaccinated people are 11 times more likely to die from COVID-19 than those who are fully vaccinated, and vaccinated people are nearly five times less likely to get infected and 10 times less likely to get so sick they end up in the hospital. Although there remains a risk of “breakthrough infection” among fully vaccinated people, the risk is very small. [Data from Utah, Virginia, and King County, Washington](#) show that about 1 in 5,000 vaccinated people test positive for COVID each day. That figure is worse in low-vaccination areas and closer to 1 in 10,000 in high vaccination areas like Seattle. This is equivalent to the risks people accept every day, like riding in a vehicle.

Two recent outdoor events underscore the difference vaccination makes. The [2021 Lollapalooza festival](#) in Chicago attracted about 385,000 people over four days. The organizers required proof of vaccination or a negative COVID test. The local health

department estimated that at least 88% of attendees were vaccinated. Two weeks later, just 203 infections and no hospitalizations had been reported, with the highest rate of infection among unvaccinated guests. Just a week after Lollapalooza, about 700,000 people attended the [Sturgis motorcycle rally](#) in South Dakota with no pandemic-related measures at all. In the ensuing three weeks, daily coronavirus cases in the state increased 685%. The infections in South Dakota were both more numerous and more serious, with more than 200 people hospitalized and at least 40 people kept alive only with the help of ventilators.

RECOMMENDATION: REQUIRE PROOF OF VACCINATION FROM ALL EVENT ATTENDEES.

This guidance recommends that in-person participants at any event, whether indoors or outdoors, should be required to present proof that they have been fully vaccinated against COVID-19. Acceptable proof of vaccination may include recognized apps such as New York’s Excelsior Pass or digital passports from Clear and IBM, a photo of one’s completed CDC-issued vaccination card, or the paper card itself. In each instance, proof of vaccination should be accompanied by a valid photo ID, such as a driver’s license or school identification card, all of which should be scanned and uploaded as part of the event registration process, and without which registration cannot be completed. This will help avoid backups and confrontations at the event’s point of ingress.

COMMON OBJECTIONS TO VACCINATION, WITH RESPONSES

HIPAA

Objection: I don't have to present proof of vaccination status because the privacy of medical records is protected by HIPAA.

Response: It is perfectly legal to require proof of vaccination status as a condition of participation in events. This is because the "[Privacy Rule](#)" of the Health Insurance Portability and Accounting Act of 1996 ("HIPAA") applies only to health care providers for the purpose of medical care. Therefore, it does not infringe on any privacy right for venue and event professionals to demand proof of vaccination status.

MEDICAL EXEMPTION

Objection: I am medically exempt from getting vaccinated against COVID-19.

Response: There are very few legitimate bases for a medical exemption from vaccination, and any request for such exemption should be accompanied by a doctor's note. CDC has issued guidance regarding [vaccine allergies](#) that makes it clear that allergic reactions will be rare, primarily to polyethylene glycol ("PEG"), which is a compound commonly used in [household products](#) such as skin care, cosmetics, and baby wipes, as well as each of the vaccines available in the United States. Likewise, testing has shown that [pregnant women](#) may safely get vaccinated and should therefore comply with vaccine requirements. Children younger than 12 years old are not yet eligible to be vaccinated, so they should be exempt.

RELIGIOUS EXEMPTION

Objection: I am entitled to a religious exemption from any vaccination requirement.

Response: Title VII of the [1964 Civil Rights Act](#) requires American employers of more than 15 employees to accommodate employees' religious beliefs, among other things. The Act does not apply to independent contractors or event guests at all. For employees covered by its provisions, they are entitled to accommodations only for "sincerely held religious beliefs." There is, however, no basis in any Judeo-Christian religion to refuse vaccination: [Pope Francis](#) supports vaccination as "an act of love;" evangelical leader [Franklin Graham](#) concluded that Jesus would have supported vaccination; even [Christian Science](#) allows vaccination against COVID-19 in the name of public health.

STATE OR LOCAL LAW

Objection: The Governor signed an Executive Order, or my state legislature passed a law precluding anyone from asking about vaccination status.

Response: The only circumstance in which an organizer may not require proof of full vaccination is where state or local law precludes it from making vaccination a condition of participation. Be aware that many of these state rules are currently subject to legal challenge, enforcement of some laws or executive orders has been temporarily enjoined, and new federal mandates are making vaccination a condition of employment for many workers, so organizers should check the legal situation carefully where the event will be held.

SCIENCE: FACE COVERINGS PREVENT THE SPREAD OF INFECTIOUS RESPIRATORY FLUIDS.

People become infected primarily through exposure to [respiratory fluids](#) carrying the COVID-19 virus. Generally, this refers to one person inhaling someone else's very fine respiratory droplets and aerosol particles, or having someone else's sneezed or shouted respiratory droplets and particles land in another person's mouth, nose, or eye by direct splashes and sprays.

RECOMMENDATION: REQUIRE FACE COVERINGS FOR ALL INDOOR EVENTS AND RECOMMEND THEM FOR OUTDOOR EVENTS.

As a supplement to vaccination, face coverings create an [effective physical barrier](#) to the transmission of coronavirus germs. For **indoor events**, in recognition of the relatively low air flow between individuals and correspondingly greater risk of airborne transmission of the virus, event organizers should require all participants to wear a face covering over their nose and mouth at all times during an event, except when they are eating or drinking. For **outdoor events**, where the greater natural air flow mitigates much of the transmission risk, face coverings are recommended but may not be required for vaccinated adults. Children younger than 12 years old who remain unvaccinated should wear a face covering at all events, both indoors and outdoors. Performers or presentation speakers may remove their face covering before they take the stage.

LEGAL ANALYSIS: VACCINATION AND MASK REQUIREMENTS AND THE LAW OF BUSINESS INVITEES.

Legally, every worker, guest, and performer at an event space is there as a result of a contract. A contract is comprised of (a)

an offer, (b) acceptance of that offer, and (c) some consideration. The invitation to participate in the event is the offer; one's agreement to follow the venue or event rules is the acceptance; the consideration is usually payment of money. Once these three requirements are satisfied, the visitor's legal status is that of a "business invitee." Importantly, a business invitee's right to remain on someone else's property is based on their continuing compliance with the rules. Where those rules specify "No shirt, no shoes, no service," for example, the right to service is conditioned on covering one's chest and feet. Fan codes of conduct and lists of prohibited items are familiar conditions on fan invitations.

When a business invitee breaches their contract by violating a condition of their invitation, their legal status automatically changes from invitee to trespasser. A "trespasser" is anyone on the property of another person or entity without permission. Event organizers know that the remedy for a trespasser is to trespass them off the property. Participation in public events is not a right, it is the product of a contractual agreement that puts responsibilities on both the offeror and offeree. There is no legal or logical difference between these two signs.

The only circumstance in which an event organizer may not require face coverings is where state or local law precludes them from making face coverings a condition of participation. In those situations, event organizers may wish to revisit their dress code, which is usually [outside the scope](#) of state mask prohibitions.

PCR AND ANTIGEN TESTS.

In the rare instance where an individual is exempted from a vaccination requirement, this guidance recommends they obtain a Polymerase Chain Reaction (“PCR”) test taken within three days before they arrive at the event. [PCR tests](#) detect viral ribonucleic acid (RNA) genes and indicate a current or recent infection. They have the [highest test efficacy](#) and are free and available in most communities, but lab results can take up to 72 hours. Because PCR tests give a relatively accurate snapshot of a day the event organizer doesn’t care about, the individual should isolate as much as possible after testing. No individual relying on a PCR test should come to an event site before their Negative test result arrives.

Antigen tests have the advantages of being simpler and faster than PCR tests, providing results in just minutes rather than days. But they are less sensitive, meaning that antigen tests report more false positive tests (unlikely, but annoying) and more false negative tests (more likely and more dangerous). Antigen tests are also not free.

SYMPTOM-BASED QUESTIONNAIRES ARE “HEALTH THEATER.”

COVID-19 is insidious. At least 40 percent of people who are contagious will be [never experience symptoms](#). Even people who eventually show symptoms are most likely to spread the virus to others during the [48 hours before](#) they look or feel sick. For these reasons, there is little medical value to asking how people feel. Anyone who feels sick should definitely stay away from other people. Someone may feel great and still be infectious.

PHYSICAL HYGIENE.

Although COVID-19 is transmissible through the air we breathe, and only incidentally by physical contact, many humans have distressing personal habits. For this reason, event organizers should regularly clean high-touch surfaces and provide sanitizer throughout the event site. Microphones used during an event should be designated for individual speakers and sanitized between uses according to manufacturer’s specifications. These measures will reduce the risk of spreading all germs, and they will also reassure participants that health and safety are being taken seriously.

The Event Safety Alliance is a non-profit international trade association focused on improving life safety at all types of live events. Through education, training, and advocacy, ESA members work to change the culture among venue and event professionals from “the show must go on” to “life safety first.” For information about programs and membership, please visit eventsafetyalliance.org.

Steven A. Adelman is head of [Adelman Law Group, PLLC](#) in Scottsdale, Arizona, and Vice President of the Event Safety Alliance. His practice focuses on risk and safety at live events throughout North America, he provides health and safety consulting for event producers, and he serves as an expert witness in crowd-related lawsuits. He is principal author of the authoritative Crowd Management standard, ANSI ES1.9-2020, as well as three prior rounds of reopening guidance for the event industry.