



D 2022 039

EXECUTIVE ORDER

Declaring a Disaster Emergency Due to Highly Pathogenic Avian Influenza in Colorado

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution and the relevant portions of the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, *et seq.*, I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order declaring a state of disaster emergency due to the Highly Pathogenic Avian Influenza in Colorado, enabling State agencies to coordinate for mitigation of disease spread, response, consequence management, and recovery efforts.

I. Background and Purpose

The Governor is responsible for meeting the dangers to the State and people presented by disasters. C.R.S. § 24-33.5-704(1). The Colorado Disaster Emergency Act defines a disaster as “the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural cause or cause of human origin.” C.R.S § 24-33.5-703(3).

Highly Pathogenic Avian Influenza (HPAI) was initially detected in the United States in the wild bird population in January 2022 in South Carolina and in the domestic poultry population in February 2022 in Indiana. Following a short summer reprieve, it resumed spreading across the United States. The disease spreads rapidly among wild and domestic poultry. It has a mortality rate above ninety percent.

HPAI was first detected in wild birds in Colorado on March 24, 2022. The disease was detected in domestic poultry on April 8, 2022. As of September 21, 2022, HPAI has been confirmed in 17 Colorado counties, with cases occurring in wild, domestic, and commercial flocks.

On April 19, 2022, HPAI was confirmed in a commercial broiler breeder facility in Montrose County, affecting 58,000 birds. On April 29, 2022, HPAI was confirmed in a commercial table egg layer facility in Weld County, affecting 1.4 million birds and more than seven million eggs. Both facilities were depopulated.

On April 29, 2022, I verbally declared a disaster emergency for the Highly Pathogenic Avian Influenza in Colorado which was memorialized in Executive Order 2022 022. Executive Order 2022 022 was extended in May and June 2022, and expired on July 25, 2022 as the

mitigation, consequence management and recovery efforts caused a decline in the HPAI case trends.

On September 20, 2022, HPAI was confirmed in a commercial facility in Weld County, affecting approximately 1.1 million birds.

Depopulation of the facility is required. The United States Department of Agriculture has limited staff to support depopulation activities, and requires the support of State agencies, including the Colorado Department of Agriculture, Colorado Department of Public Health and Environment, and the Colorado Division of Homeland Security and Emergency Management.

On September 21, 2022, at approximately 9:45 AM, I verbally declared a disaster emergency for the Highly Pathogenic Avian Influenza in Colorado and activated the State Emergency Operations Plan. This Executive order memorializes that verbal declaration.

II. Declarations and Directives

- A. HPAI in Colorado and associated impacts constitute a disaster emergency under C.R.S. § 24-33.5-701, *et seq.* My verbal order of September 21, 2022, declaring a disaster emergency is hereby memorialized by this Executive Order and shall have the full force and effect of law as if it were contained within this Executive Order.
- B. The State Emergency Operations Plan is hereby activated. All State departments and agencies shall take whatever actions may be required and requested by the Director or Acting Director of the Office of Emergency Management, pursuant to the Emergency Support Function 5 Annex of the State Emergency Operations Plan, and the Food and Agriculture Incident Annex of the State Emergency Operations Plan, including provision of appropriate staff and equipment as necessary.
- C. In Executive Order D 2022 022, I ordered that one million dollars (\$1,000,000) be transferred from the State Emergency Reserve Cash Fund (SER) to the Disaster Emergency Fund (DEF). I encumbered one million dollars (\$1,000,000) in the Disaster Emergency Fund, established in C.R.S. § 24-33.5-706(2)(a), for costs associated with the State's disease mitigation, response, consequence management, and recovery efforts related to the Highly Pathogenic Avian Influenza in Colorado since April 29, 2022. A portion of the one million dollars (\$1,000,000) I encumbered in Executive Order D 2022 022 remains available for the State's efforts related to the Highly Pathogenic Avian Influenza. Accordingly, the total amount of funds previously encumbered shall remain encumbered for costs associated with the State's disease mitigation, response, consequence management, and recovery efforts related to the Highly Pathogenic Avian Influenza in Colorado throughout 2022. In Executive Order D 2022 022, I

directed that the funds encumbered shall remain available for six (6) months from the date of that Executive Order, which was May 28, 2022. As described in Section II.D below, these funds shall now remain available for six (6) months from the date of this Executive Order.

- D. Pursuant to C.R.S. § 24-33.5-705.4(5), the Director of the Office of Emergency Management is hereby authorized and directed to allocate the funding to the appropriate government agencies and non-profit organizations and execute awards, purchase orders, or other mechanisms to effect the allocation of the funds. The funds described in Section II.C above shall remain available for this purpose until six (6) months from the date of this Executive Order, and any unexpended funds shall remain in the Disaster Emergency Fund.
- E. The Office of Emergency Management, in coordination with the Colorado Department of Agriculture, is authorized to coordinate application for any funds available related to this disaster emergency. Specifically, the Colorado Department of Agriculture is directed to seek reimbursement, including reimbursement from the United States Department of Agriculture for response activities under the 2022 Highly Pathogenic Avian Influenza Emergency Cooperative Agreement, and make payments as needed to agencies providing assistance on this incident.

III. Duration

This Executive Order shall expire thirty (30) days from September 21, 2022, unless extended further by Executive Order, except that the funds described in Section II.C above shall remain available for the described purposes for six (6) months from the date of this Executive Order.



GIVEN under my hand and the Executive Seal of the State of Colorado, this twenty-ninth day of September 2022.

A handwritten signature in blue ink that reads "Jared Polis".

Jared Polis
Governor