JARED POLIS
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D 2022 041

EXECUTIVE ORDER

Extending Executive Order D 2022 039 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 extending Executive Order D 2022 039, 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. On September 21, 2022, at approximately 9:45 AM, I verbally declared a disaster emergency for the HPAI in Colorado and activated the State Emergency Operations Plan. Since that time, five additional sites in Mesa, Weld, Boulder, Larimer, and La Plata counties were confirmed, with the most recent case confirmed October 7, 2022.

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.

This Executive Order extends Executive Order D 2022 039, due to the ongoing need to identify HPAI cases and potential for further response to commercial poultry facilities for an additional thirty days.

II.   Duration

This Executive Order, extending Executive Order D 2022 039, shall expire thirty (30) days from October 20, 2022, unless extended further by Executive Order, except that the funds described in Section II.C of Executive Order D 2022 039 shall remain available for the described purposes for six (6) months from the date of Executive Order D 2022 039

GIVEN under my hand and the Executive Seal of the State of Colorado, this twentieth day of October 2022.

Jared Polis
Governor