



D 2024 008

EXECUTIVE ORDER

Declaring and Extending a Disaster Emergency Due to Highly Pathogenic Avian Influenza in Weld County

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 and extending a state of disaster emergency due to the Highly Pathogenic Avian Influenza in Weld County, enabling State agencies to better support our agriculture sector by coordinating for statewide monitoring and mitigation of disease spread, response, consequence management, and recovery efforts, and enabling statewide surveillance and additional statewide protective measures for Grade A dairy operations.

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. HPAI has spread across the United States over the past 2.5 years. The disease spreads rapidly among wild and domestic poultry. It has a mortality rate above ninety percent in poultry.

HPAI was detected in wild birds in Colorado on March 24, 2022, with ongoing detection in the State since that time. Cases in Colorado are occurring in wild, domestic, and commercial flocks, including occasional spillover into mammals.

In March 2024, the USDA confirmed the detection of HPAI (H5N1 avian flu virus) in dairy cattle in the Texas Panhandle region. Since then, the virus has spread to 12 states, impacting more than 163 dairies. The spread of this virus has been via cow-to-cow and farm-to-farm transmission. Unlike in previous outbreaks, the virus is not currently being spread by wild birds. Colorado has the highest number of reported cases of HPAI in dairy herds in the United States, with 50 confirmed detections.

On July 5, 2024, HPAI was confirmed in a commercial table egg layer facility in Weld County, affecting 1.8 million birds. On July 15, 2024, HPAI was confirmed in a second commercial egg layer facility in Weld County, affecting approximately 1.4 million birds. A third commercial facility in Weld County was confirmed on July 19, 2024, impacting approximately 300,000 birds. The same day, five human HPAI infections in workers at the site were also confirmed by the Colorado Department of Public Health & Environment. As of July 23, 2024, a total of 10 people have confirmed infections associated with the current outbreak in Weld County.

Through genomic sequencing, it was determined that the strain of the virus in the poultry facilities is the same as that found in the affected dairies. This suggests that infected dairy cattle may be a significant source of the virus infecting poultry.

Oversight of the response to the outbreak in livestock and implementation of statewide surveillance and protective measures requires the deployment and coordination of multiple State agencies, including the Colorado Department of Agriculture, Colorado Department of Public Health & Environment, Colorado Division of Homeland Security and Emergency Management, and federal partners including the United States Department of Agriculture and Centers for Disease Control and Prevention.

On July 5, 2024, at approximately 7:00 PM, I verbally declared a disaster emergency for the Highly Pathogenic Avian Influenza in Weld County and activated the State Emergency Operations Plan. This Executive Order memorializes that verbal declaration and extends the declaration of a disaster emergency for an additional thirty (30) days due to the ongoing need to identify HPAI cases and due to the potential for further response to affected facilities.

II. Declarations and Directives

- A. HPAI in Weld County and associated statewide impacts constitute a disaster emergency under C.R.S § 24-33.5-701, *et seq.* My verbal order of July 5, 2024, 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. Personal Protective Equipment at the Office of Emergency Management's Resource Asset Management site shall be made available to protect the health and safety of response workers and support personnel at the affected sites, and to minimize further spread of HPAI.
- D. I authorize expanded statewide testing and surveillance of Grade A dairy facilities to minimize and contain the spread of HPAI. I authorize oversight of response activities, including depopulation, for impacted commercial poultry locations in Weld County. I also authorize HPAI testing and treatment for human workers at response sites.
- E. Funds in the Disaster Emergency Fund (DEF) are hereby found insufficient to pay for statewide monitoring and mitigation of disease spread, response, consequence management, and recovery efforts related to HPAI. Therefore, I order that three million five hundred thousand dollars (\$3,500,000) be transferred from the State Emergency Reserve Cash Fund (SERCF) to the DEF. I encumber three million five hundred thousand dollars (\$3,500,000) in the DEF, established in C.R.S. § 24-33.5-706(2)(a), for costs associated with the State's statewide monitoring and mitigation of disease spread, response, consequence management, and recovery efforts related to the Highly Pathogenic Avian Influenza in Colorado since July 5, 2024.
- F. 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.E above shall remain available for this purpose until seventy-two (72) months from the date of this Executive Order, and any unexpended funds shall remain in the Disaster Emergency Fund.
- G. The Office of Emergency Management, in coordination with the Colorado Department of Agriculture and the Colorado Department of Public Health & Environment, 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 2024

Highly Pathogenic Avian Influenza Emergency Cooperative Agreement, and make payments as needed to agencies providing assistance on this incident.

III. Duration

This Executive Order, declaring and extending the disaster emergency, shall expire thirty (30) days from August 3, 2024, unless extended further by Executive Order, except that the funds described in Section II.E above shall remain available for the described purposes for seventy-two (72) months from the date of this Executive Order.



GIVEN under my hand and the
Executive Seal of the State of
Colorado this second
day of August, 2024.

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

Jared Polis
Governor