

## PROCLAMATION OF DISASTER EMERGENCY

**WHEREAS**, beginning on April 13, 2015 and continuing thereafter, there have been a significant number of confirmed diagnosis of highly pathogenic avian influenza in the State of Iowa; and

**WHEREAS**, highly pathogenic avian influenza is a contagious and economically devastating disease that threatens turkeys, chickens, and other poultry; and

**WHEREAS**, the entire state of Iowa is at risk of this serious animal disease spreading; and

**WHEREAS**, the spread of this highly contagious disease threatens the public peace, health, and safety of the citizens of the State of Iowa and has the potential to quickly destroy private property and exhaust local resources and capacities unless its spread is stopped. These facts provide legal justification for the issuance of this Proclamation of a State of Disaster Emergency. Iowa Code §§ 29C.1, 29C.2 (1), 29C.6 (1).

**NOW, THEREFORE, I, TERRY E. BRANSTAD**, Governor of the State of Iowa, by the power and authority vested in me by the Iowa Constitution Art. IV, §§ 1, 8 and Iowa Code §§ 29C.6 (1), 163.1 and all other applicable laws, and in conjunction with the Iowa Department of Agriculture and Land Stewardship, under the authority granted to him under Iowa Code § 163.3A, do hereby proclaim a **STATE OF DISASTER EMERGENCY** for the entire state of Iowa and do hereby **ORDER** and **DIRECT** the following:

**SECTION ONE.** As required by Iowa Code § 29C.6 (1), (10) and 42 U.S.C. § 5170 in cases of presidential disaster declarations, this Proclamation of Disaster Emergency activates the disaster response and recovery aspect of the Iowa Homeland Security and Emergency Management Department's Iowa Emergency Response Plan, any annex to that plan dealing with foreign animal disease, and those local response plans applicable to the counties affected by this disaster.

**SECTION TWO.** This proclamation further authorizes the use and deployment of all available state resources, supplies, equipment, and materials as are deemed reasonably necessary by the Iowa Department of Agriculture and Land Stewardship and Iowa Homeland Security and Emergency Management Department, working in conjunction with the United States Department of Agriculture and the Governor's Office and pursuant to Iowa's Emergency Response Plan, in order to do the following:

- A. Track and monitor instances of confirmed highly pathogenic avian influenza throughout the state of Iowa and the country,
- B. Establish importation restrictions and prohibitions in respect to animals suspected of suffering from this disease,
- C. Rapidly detect any presumptive or confirmed cases of highly pathogenic avian influenza within Iowa's borders,
- D. Contain the spread of highly pathogenic avian influenza within our state through depopulation, disinfections, and disposal of livestock carcasses,

- E. Engage in such surveillance and detection activities, contact tracking, and other investigatory work to stop the spread of highly pathogenic avian influenza within our state, and
- F. Eliminate the disease in those disaster counties where it has been found and lessen the risk of this disease spreading to our state as a whole.

Iowa Code §§ 29C.6 (10), 163.1.

**SECTION THREE.** I temporarily authorize the Iowa Homeland Security and Emergency Management Department, the Iowa Department of Transportation, the Iowa Department of Public Safety, the Iowa Department of Natural Resources, Iowa Department of Public Health, other state agencies, and local law enforcement agencies and private contractors employed by the same to remove and/or dispose of live animals and animal carcasses on publicly or privately owned land when those live animals and/or carcasses threaten public health or safety or otherwise threaten public or private property. Iowa Code § 29C.6 (10).

**SECTION FOUR.** The Iowa Homeland Security and Emergency Management Department, the Iowa Department of Transportation, the Iowa Department of Public Safety, the Iowa Department of Natural Resources, Iowa Department of Public Health, other state agencies, and local law enforcement agencies are hereby authorized to implement such stop movement and stop loading restrictions, surveillance and sampling activities, and other control zone measures as are reasonably deemed necessary, including establishing buffer zones, checkpoints, and cleaning and disinfecting operations at checkpoints and borders surrounding any quarantine areas established by the Department of Agriculture and Land Stewardship or at any other location in the state of Iowa, in order to stop the spread of this contagious disease. Iowa Code §§ 29C.6 (8), (13), (14) and 163.1 (4).

**SECTION FIVE.** The Iowa Homeland Security and Emergency Management Department working in conjunction with the Iowa Department of Transportation, the Iowa Department of Public Safety, the Iowa Department of Natural Resources, the Iowa Department of Public Health, other state agencies, and local law enforcement agencies are authorized to assist the Iowa Department of Agriculture and Land Stewardship and the United States Department of Agriculture in disinfection, depopulation, and livestock carcass disposal efforts. Iowa Code § 29C.6 (10).

**SECTION SIX.** I temporarily waive those restrictions set out in 567 Iowa Admin. Code 100.4(2)(b) as to allow for the timely and efficient disposal of poultry carcasses, subject to the restrictions set out in 567 Iowa Admin. Code 100.4(2)(c). Iowa Code § 29C.6 (10).

**SECTION SEVEN.** I temporarily suspend the regulatory provisions of Iowa Code § 321.449 pertaining to hours of service for commercial vehicle drivers hauling poultry carcasses infected with or exposed to highly pathogenic avian influenza or while hauling loads otherwise related to the response to this disaster during its duration and on routes approved by the Iowa Department of Transportation, subject to these conditions:

- A. Nothing contained in this Proclamation shall be construed as an exemption from the controlled substances and alcohol use and testing requirements under 49 CFR Part 382, the commercial drivers' license requirements under 49 CFR Part 383, the financial responsibility requirements of 49 CFR Part 387, or any other portion of the Code of Federal Regulations not specifically identified in this proclamation.
- B. No motor carrier operating under the terms of this proclamation shall require or allow a fatigued or ill driver to operate a motor vehicle. A driver who informs a carrier that he or she needs immediate rest shall be given at least ten consecutive hours off duty before the driver is required to return to service.
- C. Upon the request of a driver, a commercial motor carrier operating under this proclamation must give a driver at least thirty-four (34) consecutive hours off when the driver has been on duty for more than seventy (70) hours during any eight consecutive days.

- D. Motor carriers that have an out-of-service order in effect may not take advantage of the relief from regulations that this declaration provides under title 49 CFR § 390.23.
- E. Upon the expiration of the effective date of this Proclamation, or when a driver has been relieved of all duty and responsibility to provide direct assistance to the emergency effort, a driver that has had at least thirty-four (34) consecutive hours off duty shall be permitted to start his or her on-duty status hours and 60/70 hour clock at zero.

Iowa Code § 29C.6 (6).

**SECTION EIGHT.** I temporarily suspend the regulatory provisions of Iowa Code §§ 321.463(5) (a), (5) (b) and 321E.29 and 761 Iowa Admin. Code Chapter 511, pertaining to hours of service for commercial vehicle drivers hauling poultry carcasses infected with or exposed to highly pathogenic avian influenza or while hauling loads otherwise related to the response to this disaster during its duration and on routes approved by the Iowa Department of Transportation, when such loads:

- A. Do not exceed a maximum of 90,000 pounds gross weight,
- B. Do not exceed by more than twelve and one-half percent (12.5%) the maximum axle weight limit determined under the non-primary highway maximum gross weight table in Iowa Code § 321.463(5) (b),
- C. Do not exceed the legal maximum axle weight limit of 20,000 pounds, and
- D. Comply with posted weight limits on roads and bridges.

Iowa Code § 29C.6 (6).

**SECTION NINE.** I temporarily suspend the regulatory provisions of Iowa Code Chapter 8A, 11 Iowa Admin. Code Chapters 117 and 118, and 641 Iowa Admin. Code Chapter 176, requiring the Department of Homeland Security and Emergency Management, the Iowa Department of Transportation, the Iowa Department of Public Safety, the Iowa Department of Natural Resources, the Iowa Department of Public Health, and other state agencies to procure goods and services through a competitive selection process. Suspension of these provisions is limited to the duration of this proclamation and is further limited to procurements which are necessary to prevent or contain the spread of the disease that is the subject of this proclamation of disaster emergency. Iowa Code § 29C.6(6).

**SECTION TEN.** This state of disaster emergency shall be effective immediately today, May 1, 2015, shall continue for thirty (30) days, and shall expire on May 31, 2015 at 11:59 p.m., unless sooner terminated or extended in writing by me. Iowa Code § 29C.6 (1).

**IN TESTIMONY WHEREOF**, I have hereunto subscribed my name and caused the Great Seal of the State of Iowa to be affixed at Des Moines, Iowa this 1<sup>st</sup> day of May in the year of our Lord Two Thousand Fifteen.

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TERRY E. BRANSTAD  
GOVERNOR

**ATTEST:**

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PAUL D. PATE  
SECRETARY OF STATE