

STATE OF INDIANA

EXECUTIVE DEPARTMENT INDIANAPOLIS

EXECUTIVE ORDER 22-06

FOR: WAIVER OF HOURS OF SERVICE REGULATIONS RELATING TO MOTOR CARRIERS AND DRIVERS TRANSPORTING COMPOSTING MATERIALS

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS:

WHEREAS, on February 9, 2022, a confirmed case of H5N1 highly pathogenic avian influenza (hereinafter referred to as “HPAI”) was identified in a turkey flock located at a single farm in Dubois County, which is the first report of HPAI in the commercial poultry industry in Indiana since 2016;

WHEREAS, this virus does not present a food safety risk, and no human cases have been detected in the United States;

WHEREAS, upon confirmation of HPAI, all of the 29,000 turkeys at the affected farm were depopulated in order to prevent the spread of the disease in the area, and no turkeys from this flock will enter the food system;

WHEREAS, a 10-kilometer control area has been established around the farm; a testing regimen has been implemented to ensure this virus has not spread; and the control area will remain in effect until the euthanized turkeys are disposed of and no further cases are detected;

WHEREAS, the euthanized turkeys are being disposed of on-site by composting them with a carbon material (which is a method approved and overseen by state and federal agencies), and the Indiana Board of Animal Health (BOAH) will continue working with these other agencies to respond appropriately to this event;

WHEREAS, an urgent need exists for the requisite composting materials to be obtained and delivered to the affected farm/area as soon as possible; distributors of said materials are experiencing transportation challenges (including hours of service limitations and a shortage of drivers); and the suspension of certain hours of service regulations for the drivers of commercial motor vehicles transporting said materials will help facilitate the above objective;

WHEREAS, drivers of commercial motor vehicles are statutorily limited in the number of hours they may operate in any given day pursuant to 49 CFR § 395 of the Federal Motor Carrier Safety Regulations, incorporated by reference into Indiana statute under Ind. Code § 8-2.1-24-18;

WHEREAS, applicable federal regulations include 49 CFR § 390 through 49 CFR § 399, which allow for an exemption to be issued in connection herewith;

WHEREAS, under Ind. Code § 10-14-3-12, the Governor may suspend the provisions of any regulatory statute prescribing procedures for conduct of state business, or the orders, rules, or regulations of any state agency if strict compliance with any of the provisions would in any way prevent, hinder, or delay necessary action in coping with an emergency; and

WHEREAS, in light of the above, it is necessary and appropriate to assist with and to expedite any and all efforts of transportation of the requisite composting materials to the affected farm/area in Dubois County, Indiana;

NOW, THEREFORE, I, Eric J. Holcomb, by virtue of the authority vested in me as Governor of the State of Indiana, do hereby order that:

1. Motor carriers and drivers transporting the requisite composting materials to the affected farm/area in Dubois County, Indiana, shall be exempt from regulations restricting their hours of service under 49 CFR § 395, incorporated by reference into Indiana statute under Ind. Code § 8-2.1-24-18. This exemption shall be effective from the time of issuance of this order until March 12, 2022, unless it is terminated or further extended by order of the Governor.
2. Nothing contained in this declaration shall be construed as an exemption for any portion of the Motor Carrier Safety Regulations other than those regulating hours of service.



IN TESTIMONY WHEREOF, I, Eric J. Holcomb, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, on this 12th day of February, 2022.

Eric Holcomb
Eric J. Holcomb
Governor of Indiana

Rachel Holmeyer
ATTEST: Holli Sullivan
Secretary of State