

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

PROCLAMATION OF A STATE OF EMERGENCY

WHEREAS Avian influenza A (H5N1), commonly known as "Bird Flu," is widespread in wild birds worldwide, including the United States; and

WHEREAS Bird Flu was first detected in the United States in the wild bird population in South Carolina in January 2022, in the domestic poultry population in Indiana in February 2022, and in the wild bird population in California in July 2022; and

WHEREAS Bird Flu primarily infects birds, but can also infect mammals, including humans; and

WHEREAS on March 25, 2024, an outbreak of Bird Flu infection in dairy cows was first reported in other states; and

WHEREAS since March 25, 2024, there have been 61 total reported confirmed cases of Bird Flu infection in humans across eight states, including 34 reported cases in California, with no documented instances of human-to-human transmission to date; and

WHEREAS on August 30, 2024, Bird Flu infection was confirmed in a dairy cow in Central California, with the California Department of Public Health (CDPH) activating its Medical Health Coordination Center the same day to respond to the emergent situation; and

WHEREAS California has led the nation in milk production since 1993, accounting for 18.2% of the United States' milk production in 2022, across more than 1100 dairies statewide; and

WHEREAS between August 30, 2024, and early December 2024, 641 dairies have confirmed positive tests for Bird Flu across nine California counties limited to Central California; and

WHEREAS in response to the introduction of Bird Flu into California dairy cattle in August 2024, the State of California has mobilized a comprehensive on-scene response to Bird Flu in dairy cattle and poultry farms across the state to minimize farm worker exposures, reduce raw dairy product contamination, and contain the virus; and

WHEREAS the California Department of Food and Agriculture (CDFA) is running a comprehensive testing and quarantine program statewide, with 985 dairies currently under surveillance testing statewide and 614 dairies under quarantine; and

WHEREAS thousands of Bird Flu tests are being completed each week that reflect the disease status of millions of animals, including testing every negative dairy in the state weekly and all poultry in disease control zones at least twice a week, weekly testing for dairies subject to quarantine to establish they are free from disease before releasing quarantine, testing in order to obtain movement permits for dairies and poultry farms, and additional testing at dairies and poultry farms for research; and

WHEREAS to support these testing efforts, CDFA is utilizing the California Animal Health and Food Safety Lab to capacity, as well as four other labs in other states that are certified to provide surge capacity for testing animals; and

WHEREAS CDFA has taken additional actions to monitor for, and combat the spread of, Bird Flu infections in California herds, including but not limited to: epidemiologic trace investigations to identify farms at risk of transmission; halting all movement of cattle, poultry, and products at high risk for spreading virus off of infected farms; establishing movement control zones for dairy and poultry to protect unaffected regions; requiring and auditing enhanced biosecurity on infected dairies and all poultry farms in a disease control zone; working with environmental protection agencies to safely manage mass mortality material; decontaminating infected poultry farms; and managing and coordinating research into mode of transmission and animal health impacts of this novel flu virus; and

WHEREAS the State of California has enlisted local, state, and federal government technical and operational expertise to support all facets of the response; and

WHEREAS the Labor & Workforce Development Agency (LWDA), through the Department of Industrial Relations (DIR), and CDPH are engaging in a robust outreach strategy to educate employers and workers about Bird Flu, including launching a dedicated web page with comprehensive information for employers and employees on prevention and control measures to reduce the risk of exposure to Bird Flu and personal protective equipment (PPE) requirements, along with guidelines for additional safety measures like training and access to medical services; conducting more than 20 outreach events, including industry-focused seminars in both Spanish and English, to educate the public about Bird Flu; and providing numerous publications and factsheets in English, Spanish, and other languages to employers, workers, and other members of the public; and

WHEREAS the State of California has distributed millions of pieces of PPE to high-risk workers at dairy farms, and Cal/OSHA, a division of DIR, is responding to reports of worker illness and conducting programmed inspections of high hazard industries across the state, which includes the dairy industry; and

WHEREAS CDPH has developed a robust system for testing Bird Flu in humans in California, with at least 16 public health labs (15 local public health laboratories and the CDPH Viral and Rickettsial Disease Laboratory) capable of performing testing in humans; and

WHEREAS the State of California has been working in close collaboration with the Centers for Disease Control, the United States Food and Drug Administration, and the United States Department of Agriculture, as well as local health jurisdictions, to mitigate the current impact of Bird Flu, while also taking steps to prevent the spread of Bird Flu to areas beyond those currently impacted by it; and

WHEREAS the State of California has been working with local affected health departments to coordinate, implement and ensure timely surveillance and investigation of potential cases of Bird Flu, its potential spread, and potential measures to mitigate such spread; and

WHEREAS CDPH and affected local health departments have conducted farm worker health checks and timely testing and treatment; and

WHEREAS despite these focused efforts to contain the spread of Bird Flu in dairy cows, on December 12, 2024, dairy cows at four Southern California dairies tested positive for Bird Flu, necessitating a shift from regional containment to statewide monitoring and response to active cases; and

WHEREAS additional flexibility around staffing, contracting, and other rules will be critical to support the State's evolving response; and

WHEREAS under the provisions of Government Code section 8558(b), I find that conditions of extreme peril to the safety of persons and property exist due to Bird Flu; and

WHEREAS under the provisions of Government Code section 8558(b), I find that the conditions caused by Bird Flu, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single local government and require the combined forces of a mutual aid region or regions to appropriately respond; and

WHEREAS under the provisions of Government Code section 8625(c), I find that local authority is inadequate to cope with the magnitude of the damage caused by Bird Flu; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Proclamation would prevent, hinder, or delay the mitigation of the effects of Bird Flu.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code section 8625, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist statewide due to Bird Flu.

IT IS HEREBY ORDERED THAT:

1. All agencies of the state government utilize and employ state personnel, equipment, and facilities for the performance of any and all activities consistent with the direction of the Office of Emergency Services and the State Emergency Plan. Also, all residents are to obey the direction of emergency officials with regard to this emergency in order to protect their safety.
2. As necessary to assist local governments and for the protection of public health and the environment, state agencies shall enter into contracts to arrange for the procurement of materials, goods, and services necessary to quickly assist with the response to and recovery from the impacts of this emergency. Applicable provisions of the Government Code and the Public Contract Code, including but not limited to travel, advertising, and competitive bidding requirements, are suspended to the extent necessary to address promptly the effects of Bird Flu.
3. Adequate state staffing during this emergency is necessary for all state agencies and departments with an assigned response and/or recovery role. Consistent with applicable federal law, work hour limitations for retired annuitants, permanent and intermittent personnel, and state management and senior supervisors, are suspended. Furthermore, reinstatement and work hour limitations in Government Code sections

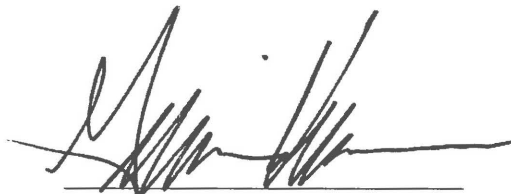
21220, 21224(a), and 7522.56(b), (d), (f), and (g), and the time limitations in Government Code section 19888.1 and California Code of Regulations, title 2, sections 300-303 are suspended. All other restrictions must be adhered to for retired annuitants. The Director of the California Department of Human Resources must be notified of any individual employed in state government pursuant to these suspensions. The suspension of statutes identified in this Paragraph shall also apply to local governments, as applicable, to ensure adequate staffing to appropriately respond to Bird Flu. Local governmental agencies shall notify the California Public Employees' Retirement System or any other retirement system in which they participate, as applicable, of any individual employed by an agency pursuant to this Paragraph.

4. The limitation for the period of employment for State Personnel Board emergency appointments, as provided in Government Code section 19888.1, is suspended for positions required for emergency response and/or recovery operations related to the spread of Bird Flu. The requirements and period of employment for such appointments will be determined by the Office of Emergency Services, but shall not extend beyond the termination date of the State of Emergency.

I FURTHER DIRECT that as soon as hereafter possible, this Proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this proclamation.

This Proclamation is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have
hereunto set my hand and caused
the Great Seal of the State of
California to be affixed this 18th day
of December 2024.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY WEBER, PH.D
Secretary of State