STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GRETCHEN WHITMER
GOVERNOR

GARLIN GILCHRIST II
LT. GOVERNOR

SECRETARY OF SENATE
2020 APR 17 AM9:28

EXECUTIVE ORDER

No. 2020-52

Temporary extension of certain pesticide applicator certificates

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31 et seq.

In the three weeks that followed, the virus spread across Michigan, bringing deaths in the hundreds, confirmed cases in the thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. On April 1, 2020, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945.

The Emergency Management Act vests the governor with broad powers and duties to "cop[e] with dangers to this state or the people of this state presented by a disaster or emergency," which the governor may implement through "executive orders, proclamations, and directives having the force and effect of law." MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, "the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control." MCL 10.31(1).

The COVID-19 pandemic has disrupted, among many other things, the ability of state agencies and departments to conduct business as usual, including the administration of various regulatory requirements. To protect the health and safety of this state and its residents during this crisis, it is crucial to ensure that this disruption in state operations does not unduly impede Michiganders from meeting their essential needs, such as food.

The food supply of this state depends on the hard work of many, including those who are registered or certified pesticide applicators. The certificates of these applicators expire every three years, but due to the pandemic and its resulting constraints on state operations, many of them have unexpectedly found themselves unable to timely satisfy all of the standard requirements for certificate renewal. Given the dependence of the state's food supply on the availability of certified and registered pesticide applicators and the essential role that these applicators play in protecting public health and safety, it is reasonable and necessary to temporarily extend the validity of certain pesticide applicator certificates, so that these applicators may continue to provide their needed services throughout this crisis.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Notwithstanding any statute, rule, or regulation to the contrary, all three-year certificates for commercial applicators, private applicators, and registered applicators issued pursuant to Part 83 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, MCL 324.8301 et seq., that were set to expire on December 31, 2019, must be deemed unexpired and not to expire until 60 days after the end of the declared states of emergency and disaster.

2. This order is effective immediately.

Given under my hand and the Great Seal of the State of Michigan.

GRETCHEN WHITMER
GOVERNOR

Date: April 17, 2020

Time: 8:13 am

By the Governor:

SECRETARY OF STATE