JARED POLIS
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EXECUTIVE ORDER

Ordering the Temporary Suspension of Statute Concerning Bans on Open Burning Due to the Presence of COVID-19

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.* (Act), I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order temporarily suspending statute concerning bans on open burning due to the presence of coronavirus disease 2019 (COVID-19) in Colorado.

I. Background and Purpose

On March 5, 2020, the Colorado Department of Public Health and Environment's (CDPHE) public health laboratory confirmed the first presumptive positive COVID-19 test result in Colorado. Since then, the number of confirmed cases has continued to climb, and we have evidence of community spread throughout the State. I verbally declared a disaster emergency on March 10, 2020, and issued the corresponding Executive Order D 2020 003 on March 11, 2020. On March 25, 2020, I requested that the President of the United States declare a Major Disaster for the State of Colorado, pursuant to the Stafford Act. The President approved that request on March 28, 2020.

My administration, along with other State, local, and federal authorities, has taken a wide array of actions to mitigate the effects of the pandemic, prevent further spread, and protect against overwhelming our health care resources.

The response to COVID-19 is straining State, local, and federal resources. Large wildfires require an inter-agency response that relies on local, state, and federal cooperation and coordination. Given the current strain on government resources due to COVID-19, any wildfire response would be diminished, which risks enabling a fire to grow and spread, which in turn requires even more resources for firefighting. Given the State's need to focus on COVID-19 mitigation efforts, it is imperative that the State take every action to reduce the risk of wildfire.

This Executive Order temporarily suspends statute concerning bans on open burning to give boards of county commissioners broader discretion and more flexibility to implement restrictions on open burning that will decrease the risk of fire and enable firefighters and other first responders to participate in the COVID-19 response efforts throughout the State.

II. Directive

A. I temporarily suspend the provision in C.R.S. § 30-15-401(1)(n.5)(I) that a board of county commissioners (board) may adopt ordinances to ban open fires to a degree and in a manner that the board deems necessary where the danger of forest or grass fires is found to be high based on competent evidence. I urge boards to adopt ordinances banning open fires, including agricultural burning, when the National Weather Service issues a "fire weather watch" or "red flag warning."

III. Duration

This Executive Order shall expire thirty (30) days from April 15, 2020, unless extended further by Executive Order.

GIVEN under my hand and the Executive Seal of the State of Colorado, this fifteenth day of April, 2020

Jared Polis
Governor