Executive Order 2020-31 (COVID-19)

EXECUTIVE ORDER

No. 2020-31

Temporary relief from standard vapor pressure restrictions on gasoline sales

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 Michigan 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-.421, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31-.33.

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).

To mitigate the impact of the COVID-19 pandemic on the health and safety of this state and its residents, it is crucial that all travel and in-person work in Michigan be limited to as great an extent as possible. It is also crucial that the supplies necessary to support the critical functions of this state that must carry on during this crisis, including gasoline, remain adequately available. To that end, it is reasonable and necessary to provide limited and temporary relief from certain vapor pressure requirements applicable to the sale of gasoline in Michigan. As result of changed behavior in response to COVID-19, there is currently an unexpected oversupply of higher volatility winter-blend gasoline, which cannot be sold as of April 1, 2020 under standard vapor pressure requirements. Temporarily extending the period of time during which the winter-blend gasoline can be sold will enable distributors to safely shift to a lower volatility gasoline supply with as little in-person work and travel as possible, while also ensuring that this state maintains a reliable supply of gasoline adequate to meet its critical needs during this emergency.

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

1. Rule 4(g) of Regulation No. 564, promulgated by the Laboratory Division of the Department of Agriculture and Rural Development, 1987 AACS, as amended, R 285.564.4(g) of the Michigan Administrative Code, is temporarily suspended.

2. The Department of Agriculture and Rural Development shall coordinate state compliance with this order.

3. This order is effective immediately and continues through May 31, 2020.

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

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Executive Order 2020-130 (June 19, 2020)

Executive Order 2020-127 (COVID-19) (June 18, 2020) - Declaration of State of Emergency

Executive Order 2020-128 (COVID-19) (June 18, 2020)

Executive Order 2020-129 (COVID-19) (June 18, 2020)

Executive Order 2020-124 (COVID-19) (June 16, 2020)

Executive Order 2020-125 (COVID-19) (June 17, 2020)

Executive Order 2020-126 (COVID-19) (June 17, 2020)

Executive Order 2020-123 (COVID-19) (June 15, 2020)

Executive Order 2020-119 (COVID-19) (June 11, 2020)

Executive Order 2020-120 (COVID-19) (June 12, 2020)

Executive Order 2020-121 (June 12, 2020)

Executive Order 2020-122 (COVID-19) (June 12, 2020)

Executive Order 2020-118 (COVID-19) (June 11, 2020)

Executive Order 2020-117 (COVID-19) (June 9, 2020)

Executive Order 2020-114 (COVID-19) (June 5, 2020)

Executive Order 2020-115 (COVID-19) (June 5, 2020)

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