STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 2020-17

Whereas, An outbreak of the severe respiratory disease, COVID-19, which is caused by the person-to-person spread of the novel coronavirus, started in late 2019 and has currently been detected across the world, including the United States; and,

Whereas, The World Health Organization and the Centers for Disease Control and Prevention ("CDC") have declared the COVID-19 outbreak a public health emergency and pandemic; and,

Whereas, South Dakota has confirmed cases of COVID-19, making this a public health emergency posing a danger to public health and safety in all of South Dakota and causing a state of emergency to be declared by Executive Order 2020-04 on March 13, 2020, which has been extended by Executive Order 2020-15, and continues to currently exist within the State of South Dakota until its expiration on May 31, 2020, unless sooner terminated or extended; and,

Whereas, A regional pork processor announced a temporary closure of a processing plant in Minnehaha County, South Dakota due to the COVID-19 pandemic; and,

Whereas, The Secretary of the Department of Health declared a public health emergency to exist in Minnehaha County, South Dakota on April 10, 2020; and,

Whereas, More than 500 independent pork producers supply hogs to the plant for processing, making the plant an important part of the country's food supply of pork and providing an important market for South Dakota producers; and,

Whereas, With the plant's temporary closure, the pork industry market is disrupted, which puts unanticipated burdens on South Dakota's pork producers to find new markets for their hogs or find safe and humane care for their animals until the market disruption is resolved; and,

Whereas, Producers may need to temporarily exceed the number of animals allowed under their regulatory permits due to these market conditions caused by the pandemic; and,

Whereas, Strict compliance with the statutory and regulatory requirements of state and county permits limiting the number of animals permitted will prevent, hinder, or delay necessary action to cope with this emergency in all counties of our state:

NOW, THEREFORE, I, KRISTI NOEM, Governor of the State of South Dakota, by the authority vested in me by the Constitution and the Laws of this State, including but not limited to SDCL 34-48A, do hereby Order and Direct the following:

Section 1 State Flexibility. Subject to appropriate notice to the Department of Environment and Natural Resources, the department shall exert regulatory flexibility for the temporary overstocking of pork operations above their maximum permitted animal number due to the COVID-19 pandemic and pork market disruption caused by the closure of a regional pork processing plant until market opportunities are restored for those animals.

Section 2 Suspension of County Enforcement. I temporarily suspend the authority granted to the board of county commissioners in SDCL 11-2-25 from being used to enforce violations of the overstocking of pork operations above the maximum permitted animal number due to the COVID-19 pandemic and pork market disruption caused by the closure of a regional pork processing plant.

Section 3 Continued Compliance. Pork producers affected by this Executive Order should maintain proper soil testing and manure management protocols and diligently strive to attain the limits of all permits as soon as practical.

BE IT FURTHER ORDERED That this Executive Order shall be in effect immediately and shall continue for the duration of the state of emergency declared by Executive Order 2020-04 and extended by subsequent Executive Order 2020-15, unless sooner terminated or extended.

Dated in Pierre, South Dakota this 20th day of April, 2020.

Kristi Noem
Governor of South Dakota

ATTEST:

Steve Barnett
Secretary of State