

EXECUTIVE ORDER NO. 18

WHEREAS, in April 2026 the State of New Jersey experienced unseasonably warm weather, including two days above 90 degrees in some areas. These unseasonably warm temperatures were felt across the State and pushed fruit trees and other crops into the critical flowering stage; and

WHEREAS, this was immediately followed by a rapid temperature decrease and prolonged freezing temperatures across the entire State, with some areas recording temperatures in the low 20's; and

WHEREAS, as a result of this unusual warm and then freeze cycle, initial reports indicate that producers across much of the State suffered substantial losses in fruits and other crops. This includes but is not limited to known impacts to peaches, cherries, pears, grapes, plums, strawberries, blueberries, blackberries, barley, and apple varieties. Moreover, the full extent of the damage and what other crops may have been impacted will not be known until we progress further into the growing season; and

WHEREAS, reports provided to the New Jersey Secretary of Agriculture recorded losses in excess of 30% in many areas across the State and across many different crops, with some growers anticipating 100% losses for some crops; and

WHEREAS, early assessments from the New Jersey Department of Agriculture show that losses from this freeze event could reach or exceed \$300 million; and

WHEREAS, New Jersey agriculture is an engine of the New Jersey economy, producing over \$1.5 billion in wholesale value across many sectors and tens of thousands of jobs; and

WHEREAS, these catastrophic losses impact not only our State's farmers and agricultural producers, but also have the potential to ripple far beyond farms, impacting downstream producers and sellers, agritourism and other industries, the local supporting economy, and more broadly across our local communities; and

WHEREAS, losses of this magnitude impact the seasonal operations of these farms and existing rules and regulations governing the agricultural industry and the products it produces may unintentionally exacerbate the impact from these agricultural losses; and

WHEREAS, these impacts to our agricultural sector, their downstream partners, and communities endanger the health, safety, and welfare of New Jerseyans across the State, and, as such, constitutes a "disaster" under the Civilian Defense and Disaster Control Act, N.J.S.A. App. A:9-33 et seq.; and

WHEREAS, due to these impacts, this situation may become too large in scope to be handled in its entirety by the normal county and municipal operating services in some parts of this State, and this situation may spread to other parts of the State; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. App.A:9-33, et seq., N.J.S.A. 38A:3-6.1, N.J.S.A. 38A:2-4, and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers;

NOW, THEREFORE, I, MIKIE SHERRILL, Governor of the State of New Jersey, in order to protect the health, safety, and welfare of the people of the State of New Jersey DO DECLARE and PROCLAIM that a State of Emergency exists throughout the State of New Jersey, and I hereby ORDER and DIRECT the following:

1. I authorize and empower the State Director of Emergency Management, who is the Superintendent of the State Police, to take any such emergency measures the State Director may determine necessary, including the implementation of the State Emergency Operations Plan and directing the activation of any county and municipal emergency operations plans, in order to address any actual or potential issues that may result from the impacts of this emergency. The State Director of Emergency Management is authorized

to coordinate the relief effort for this emergency with all governmental agencies, volunteer organizations, and the private sector.

2. I authorize and empower the executive head of any agency or instrumentality of the State government with authority to promulgate rules to waive, suspend, or modify any existing rule, where the enforcement of which would be detrimental to the public welfare during this emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary for the duration of this Order, subject to my prior approval. Any such waiver, modification, or suspension shall be promulgated in accordance with N.J.S.A. App. A:9-45.

3. I authorize and empower the executive head of any agency or instrumentality of the State government to take advantage of all waivers of federal rules, regulations, protocols, agreements, or directives that have been made available by Congress and the departments or agencies of the United States Government, where the implementation of such waivers would be beneficial to the public welfare during this emergency, subject to my prior approval.

4. In accordance with N.J.S.A. App. A:9-34 and N.J.S.A. App. A:9-51, I reserve the right to utilize and employ all available resources of the State government and of each and every political subdivision of the State, whether of persons, properties, or instrumentalities, and to commandeer and utilize any personal services and any privately-owned property necessary to protect against this emergency.

5. In accordance with N.J.S.A. App. A:9-40, no municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will in any way interfere with or impede the achievement of the purposes of this Order.

6. It shall be the duty of every person or entity in this State or doing business in this State, and of the members of the governing body and every official, employee, or agent of every political subdivision in this State, and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully with the State Director of Emergency Management in all matters concerning this State of Emergency.

7. Should any part of this Order be declared to be invalid or unenforceable or should the enforcement of or compliance with any part of this Order be suspended, restrained, or barred by the final judgment of a court of competent jurisdiction, the remainder of this Order shall remain in full force and effect.

8. This Order shall take effect immediately and shall remain in effect until such time as it is determined by me that this emergency no longer exists.

GIVEN, under my hand and seal this
20th day of May,
Two Thousand and Twenty-Six,
and of the Independence of the
United States, the Two Hundred
and Fiftieth.

[seal]

/s/ Mikie Sherrill

Governor

Attest:

/s/ Timothy P. Lydon

Chief Counsel to the Governor