

## EXECUTIVE ORDER NO. 250

WHEREAS, Richard Trumka, President of the American Federation of Labor and Congress of Industrial Organizations ("AFL-CIO"), was a dedicated champion of the American working class and an unparalleled leader for organized labor for nearly four decades; and

WHEREAS, President Trumka was born Richard Louis Trumka on July 24, 1949, in Nemaquin, Pennsylvania; and

WHEREAS, as a third-generation coal miner, President Trumka mined coal to pay his way through Pennsylvania State University and later, the Villanova University School of Law; and

WHEREAS, from 1974 to 1979, President Trumka served as a staff attorney for the United Mine Workers of America ("UMWA") and at age 33, was elected as its youngest President;

WHEREAS, during his time as President of UMWA, President Trumka led several large-scale labor movements, including a nationwide strike against Peabody Coal, which garnered him national attention as an advocate for working Americans; and

WHEREAS, in 1995, President Trumka was elected secretary-treasurer of the AFL-CIO, a position he dutifully held for fourteen years, and focused his efforts on building and enhancing the stability of the pension and benefits funds upon which over 12.5 million members rely; and

WHEREAS, President Trumka's leadership roles within the AFL-CIO also included his position as chair of the Industrial Union Council and co-chair of the China Currency Coalition; and

WHEREAS, in 2009, President Trumka was elected President of the AFL-CIO, a position he held until his passing; and

WHEREAS, during his time as President, President Trumka was devoted to strengthening the middle class by restoring workers' freedom to form and join unions and advocating for good, well-paying jobs; and

WHEREAS, President Trumka was committed to ensuring that elected officials at both the local and national levels were held accountable to working Americans and their families; and

WHEREAS, throughout his career, President Trumka worked tirelessly to end unfair trade practices, support American-based manufacturing, and challenge corporate abuses of workers' rights; and

WHEREAS, in 2018, President Trumka was awarded the inaugural World Peace Prize for Labor Leadership for dedicating his life to defending the rights of working men and women; and

WHEREAS, President Trumka's passion for fair treatment of organized labor extended beyond the borders of the United States, as he established an office that promoted solidarity with miners in South Africa fighting apartheid and helped organize the Shell boycott, which challenged the multinational Royal Dutch/Shell Group for its continued business dealings in South Africa; and

WHEREAS, for his efforts in South Africa, President Trumka received the 1990 Letelier-Moffitt Human Rights Award from the Institute for Policy Studies in Washington, D.C.; and

WHEREAS, I had the privilege of building both a personal and professional relationship with President Trumka and often turned to him for advice and counsel; and

WHEREAS, President Trumka was among my first selections for the Restart and Recovery Advisory Council, which I created in May of 2020 to advise on New Jersey's rebuilding from the Coronavirus disease 2019 (COVID-19) pandemic, as I knew his expertise in labor and his intimate knowledge of the challenges facing New Jersey's workers would prove invaluable in developing a plan for the State's recovery; and

WHEREAS, President Trumka is survived by, among others, his son, Richard, who was recently selected by President Biden to serve on the Consumer Product Safety Commission, and his wife, Barbara; and

WHEREAS, President Trumka will be sorely missed not only by his family, friends, and colleagues, but also by all of the working people of the United States, in service of whom he dedicated his career; and

WHEREAS, it is with immense sadness and gratitude we mourn the untimely passing of President Trumka, who brought passion, kindness, and honesty to his many decades of advocacy;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Monday, August 9, 2021, in recognition and mourning of a passionate, committed, voice of the people, President Richard Trumka.

2. This Order shall take effect immediately.

GIVEN, under my hand and seal this  
6<sup>th</sup> day of August,  
Two Thousand and Twenty-one,  
and of the Independence of  
the United States, the Two  
Hundred and Forty-Sixth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

**EXECUTIVE ORDER NO. 251**

WHEREAS, on March 9, 2020, I issued Executive Order No. 103, declaring the existence of a Public Health Emergency, pursuant to the Emergency Health Powers Act ("EHPA"), N.J.S.A. 26:13-1 et seq., and a State of Emergency, pursuant to the New Jersey Civilian Defense and Disaster Control Act ("Disaster Control Act") N.J.S.A. App A:9-33 et seq., in the State of New Jersey for Coronavirus disease 2019 ("COVID-19"); and

WHEREAS, through Executive Order Nos. 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, 222, 231, 235, and 240, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, January 19, 2021, February 17, 2021, March 17, 2021, April 15, 2021, and May 14, 2021, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

WHEREAS, in accordance with N.J.S.A. App. A:9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19; and

WHEREAS, as COVID-19 continued to spread across New Jersey, I have issued a series of Executive Orders pursuant to my authority under the Disaster Control Act and the EHPA, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, Nos. 135-138, Nos. 140-166, Nos. 168-173, No. 175, Nos. 177-181, No. 183, Nos.

186-187, Nos. 189- 198, No. 200, Nos. 203-204, No. 207, and Nos. 210-211 (2020) and Nos. 214-216, Nos. 219-220, Nos. 222-223, No. 225, Nos. 228-235, Nos. 237-244, No. 246, and No. 249 (2021), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, on June 4, 2021, I signed Assembly Bill No. 5820 into law as P.L.2021, c.103 and issued Executive Order No. 244, which terminated the Public Health Emergency declared in Executive Order No. 103 (2020) but maintained the State of Emergency declared in that same Order; and

WHEREAS, P.L.2021, c.103 provided that following the termination of the Public Health Emergency declared in Executive Order No. 103 (2020), the Governor may continue to issue orders related to implementation of recommendations of the Centers for Disease Control and Prevention ("CDC") to prevent or limit the transmission of COVID-19, including in specific settings; and

WHEREAS, the American Academy of Pediatrics ("AAP") has emphasized that in-person learning is critical for educational and social development of children, as evidence demonstrates that remote learning has been detrimental to the educational attainment of students of all ages and has exacerbated the mental health crisis among children and adolescents; and

WHEREAS, the CDC has also cited evidence that suggests virtual learning can lead to learning loss for children and worsening mental health problems for the younger population; and

WHEREAS, the CDC has reported that new variants of COVID-19 have been identified in the United States, and that certain variants, particularly the B.1.617.2 ("Delta") variant, are more transmissible; and

WHEREAS, given new evidence regarding transmission of the Delta variant, the CDC now recommends universal indoor masking for all teachers, staff, students, and visitors in K-12 schools, regardless of vaccination status; and

WHEREAS, the CDC continues to emphasize that children should return to full-time in-person learning in the fall with layered prevention strategies in place, such as masking in indoor settings; and

WHEREAS, AAP similarly recommends universal masking in schools because a significant portion of the student population, specifically individuals under the age of 12, is not yet eligible to receive a vaccine; and

WHEREAS, there is no concrete timeline for authorization for use of currently available COVID-19 vaccinations for children under the age of 12, so it would be impossible for that group to be fully vaccinated before the start of the 2021 - 2022 school year; and

WHEREAS, only the Pfizer vaccination is currently available to youth in the 12 - 17 age group; and

WHEREAS, according to data estimates, only 40 percent of 12 - 15 year-olds and 57 percent of 16 - 17 year-olds in New Jersey have received at least one dose of a COVID-19 vaccine; and

WHEREAS, both the CDC and AAP recognize that masking is a critical tool to reduce transmission of the virus and protect unvaccinated individuals; and

WHEREAS, the State has experienced significant upticks in critical COVID-19 metrics over the past few weeks, including COVID-19 positive cases, the rate of transmission, spot positivity, and new hospitalizations, that warrant additional

precautions in certain settings with a substantial number of unvaccinated individuals; and

WHEREAS, after consultation with the New Jersey Department of Health, I have determined that it is necessary to enforce a uniform masking policy in schools for students, staff, and visitors while vaccination is not available to a significant portion of the student population; and

WHEREAS, this Order is consistent with the terms of P.L.2021, c.103;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. All public, private, and parochial preschool programs and elementary and secondary schools, including charter and renaissance schools (collectively "school districts"), must maintain a policy regarding mandatory use of face masks by staff, students, and visitors in the indoor portion of the school district premises, except in the following circumstances:

- a. When doing so would inhibit the individual's health, such as when the individual is exposed to extreme heat indoors;
- b. When the individual has trouble breathing, is unconscious, incapacitated, or otherwise unable to remove a face masks without assistance;
- c. When a student's documented medical condition or disability, as reflected in an Individualized Education Program (IEP) or Educational Plan pursuant to Section 504 of the Rehabilitation Act of 1973, precludes use of a face mask;

- d. When the individual is under two (2) years of age;
- e. When the individual is engaged in activity that cannot physically be performed while wearing a mask, such as eating or drinking, or playing a musical instrument that would be obstructed by a face mask;
- f. When the individual is engaged in high-intensity aerobic or anaerobic activity;
- g. When a student is participating in high-intensity physical activities during a physical education class in a well-ventilated location and able to maintain a physical distance of six feet from all other individuals; or
- h. When wearing a face mask creates an unsafe condition in which to operate equipment or execute a task.

2. This Order shall not impact the obligation of any school district to comply with requirements issued by the CDC on masking on public transportation conveyances, including school district transportation.

3. The State Director of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to the terms of this Order.

4. 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 in all matters concerning

this Order, and to cooperate fully with any Administrative Orders issued pursuant to this Order.

5. 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 or might in any way interfere with or impede its achievement.

6. Penalties for violations of this Order may be imposed under, among other statutes, N.J.S.A. App. A:9-49 and -50.

7. This Order shall take effect on Monday, August 9, 2021 and shall remain in effect until revoked or modified by the Governor.

GIVEN, under my hand and seal this  
6<sup>th</sup> day of August,  
Two Thousand and Twenty-one,  
and of the Independence of  
the United States, the Two  
Hundred and Forty-Sixth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

**EXECUTIVE ORDER NO. 252**

WHEREAS, on March 9, 2020, I issued Executive Order No. 103, declaring the existence of a Public Health Emergency, pursuant to the Emergency Health Powers Act ("EHPA"), N.J.S.A. 26:13-1 et seq., and a State of Emergency, pursuant to the New Jersey Civilian Defense and Disaster Control Act ("Disaster Control Act"), N.J.S.A. App A:9-33 et seq., in the State of New Jersey for Coronavirus disease 2019 ("COVID-19"); and

WHEREAS, through Executive Order Nos. 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, 222, 231, 235, and 240, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, January 19, 2021, February 17, 2021, March 17, 2021, April 15, 2021, and May 14, 2021, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

WHEREAS, in accordance with N.J.S.A. App. A:9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19; and

WHEREAS, as COVID-19 continued to spread across New Jersey, I have issued a series of Executive Orders pursuant to my authority under the Disaster Control Act and the EHPA, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, Nos. 135-138, Nos. 140-166, Nos. 168-173, No. 175, Nos. 177-181, No. 183, Nos. 186-187, Nos. 189-198, No. 200, Nos. 203-204, No. 207, and Nos. 210-211 (2020) and Nos. 214-216, Nos. 219-220, Nos. 222-223, No. 225, Nos. 228-235, and Nos. 237-244, No. 246, No. 249, and No. 251 (2021), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, on June 4, 2021, I signed Assembly Bill No. 5820 into law as P.L.2021, c.103 and issued Executive Order No. 244, which terminated the Public Health Emergency declared in Executive Order No. 103 (2020) but maintained the State of Emergency declared in that same Order; and

WHEREAS, P.L.2021, c.103 provided that following the termination of the Public Health Emergency declared in Executive Order No. 103 (2020), the Governor may continue to issue Orders related to vaccine distribution, administration, and management, COVID-19 testing, and data collection; and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") has reported that new variants of COVID-19 have been identified in the United States, and that certain variants, particularly the B.1.617.2 (Delta) variant, are more transmissible; and

WHEREAS, the CDC has emphasized that vaccination is a critical means to prevent spread of COVID-19 and to avoid infection of those individuals that cannot be vaccinated because their age or medical conditions precludes them from receiving one; and

WHEREAS, while over 5 million people in the State have been fully vaccinated against COVID-19, additional steps are necessary to ensure continued receipt by individuals in certain settings of concern to protect against spread of COVID-19 and to protect at-risk populations in their care; and

WHEREAS, the CDC has repeatedly emphasized the importance of heightened mitigation protocols in certain congregate and health care settings because of the significant risk of spread and vulnerability of the populations served; and

WHEREAS, on July 6, 2021, the U.S. Department of Justice's Office of Legal Counsel issued an opinion concluding that Section 564 of the Food, Drug, and Cosmetic Act, 21 U.S.C. § 360bbb-3 does not prohibit public or private entities from imposing vaccination requirements

while vaccinations are only available pursuant to emergency use authorization; and

WHEREAS, requiring workers in certain settings to receive a COVID-19 vaccine or undergo regular testing can help prevent outbreaks and reduce transmission to vulnerable individuals who may be at a higher risk of severe disease; and

WHEREAS, this Order is related to vaccination management, COVID-19 testing, and data collection, and is thus consistent with P.L.2021, c.103;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. Covered health care and high-risk congregate settings ("covered settings") must maintain a policy that requires covered workers to either provide adequate proof that they have been fully vaccinated or submit to COVID-19 testing at minimum one to two times weekly. This requirement shall take effect on September 7, 2021, at which time any covered workers that have not provided adequate proof that they are fully vaccinated must submit to weekly or twice weekly testing on an ongoing basis until fully vaccinated.

2. Covered workers may demonstrate proof of full vaccination status by presenting the following documents if they list COVID-19 vaccines authorized for Emergency Use Authorization ("EUA") in the United States and/or the World Health Organization ("WHO"), along with an administration date for each dose:

- a. The CDC COVID-19 Vaccination Card issued to the vaccine recipient by the vaccination site, or an electronic or physical copy of the same;
- b. Official record from the New Jersey Immunization Information System (NJIIS) or other State immunization registry;

- c. A record from a health care provider's portal/medical record system on official letterhead signed by a licensed physician, nurse practitioner, physician's assistant, registered nurse or pharmacist;
- d. A military immunization or health record from the United States Armed Forces; or
- e. Docket mobile phone application record or any state specific application that produces a digital health record.

Covered settings collecting vaccination information from covered workers must comport with all federal and state laws, including but not limited to the Americans with Disabilities Act, that regulate the collection and storage of that information.

3. To satisfy the testing requirement, a covered worker must undergo screening testing at minimum one to two times each week. Where a covered setting requires an unvaccinated covered worker to submit proof of a COVID-19 test, the worker may choose either antigen or molecular tests that have EUA by the U.S. Food and Drug Administration ("FDA") or is operating per the Laboratory Developed Test requirements by the U.S. Centers for Medicare and Medicaid Services. Where a covered setting provides the unvaccinated covered worker with on-site access to COVID-19 tests, the covered setting may similarly elect to administer or provide access to either an antigen or molecular test. If the covered worker is not working on-site in the covered setting during a week where testing would otherwise be required, the worker is not required to submit to testing for that week. This requirement shall not supplant any requirement imposed by the covered setting regarding diagnostic testing of symptomatic workers or screening test of vaccinated workers.

4. Covered settings must have a policy for tracking test results from testing required by this Order and must report results to local public health departments.

5. For purposes of this Order, covered settings shall be defined as follows: Health care facilities shall include acute, pediatric, inpatient rehabilitation, and psychiatric hospitals, including specialty hospitals, and ambulatory surgical centers; long-term care facilities; intermediate care facilities; residential detox, short-term, and long-term residential substance abuse disorder treatment facilities; clinic-based settings like ambulatory care, urgent care clinics, dialysis centers, Federally Qualified Health Centers, family planning sites, and Opioid Treatment Programs; community-based healthcare settings including Program of All-inclusive Care for the Elderly, pediatric and adult medical day care programs, and licensed home health agencies and registered health care service firms operating within the State. High-risk congregate settings include State and county correctional facilities; secure care facilities operated by the Juvenile Justice Commission; licensed community residences for individuals with intellectual and developmental disabilities ("IDD") and traumatic brain injury ("TBI"); licensed community residences for adults with mental illness; and certified day programs for individuals with IDD and TBI. Long-term care facilities that are subject to New Jersey Department of Health ("DOH") Executive Directive No. 20-026 and all subsequent supplemental directives, issued in reliance on the existence of the Public Health Emergency, which remain in effect until January 11, 2022, pursuant to P.L.2021, c.103, must continue to follow any additional requirements in those directives regarding testing.

6. For purposes of this Order, "covered workers" shall include employees, both full- and part-time, contractors, and other individuals working in covered settings, including individuals providing operational or custodial services or administrative support.

7. For purposes of this Order, a covered worker shall be considered "fully vaccinated" for COVID-19 two weeks or more after they have received the second dose in a two-dose series or two weeks or more after they have received a single-dose vaccine. Individuals will only be considered fully vaccinated where they have received a COVID-19 vaccine that is currently authorized for emergency use by the FDA or the WHO, or that are approved for use by the same. Workers who are not fully vaccinated, or for whom vaccination status is unknown or who have not provided sufficient proof of documentation, must be considered unvaccinated for purposes of this Order.

8. Nothing in this Order shall prevent a covered setting from instituting a vaccination or testing policy that includes additional or stricter requirements, so long as such policy comports with the minimum requirements of this Order. A covered setting may also maintain a policy that requires more frequent testing of covered workers.

9. The Commissioner of DOH is hereby authorized to issue a directive supplementing the requirements outlined in this Order, which may include, but not be limited to, any requirements for reporting vaccination and testing data to the DOH. Action taken by the Commissioner of Health pursuant to this Order shall not be subject to the requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq..

10. The State Director of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to the terms of this Order.

11. 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 in all matters concerning this Order, and to cooperate fully with any Administrative Orders issued pursuant to this Order.

12. 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 or might in any way interfere with or impede its achievement.

13. Penalties for violations of this Order may be imposed under, among other statutes, N.J.S.A. App. A:9-49 and -50.

14. This Order shall take effect immediately and shall remain in effect until revoked or modified by the Governor.

GIVEN, under my hand and seal this  
6<sup>th</sup> day of August,  
Two Thousand and Twenty-one,  
and of the Independence of the  
United States, the Two Hundred  
and Forty-Sixth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ McKenzie A. Wilson

Deputy Chief Counsel to the Governor

**EXECUTIVE ORDER NO. 253**

WHEREAS, on March 9, 2020, I issued Executive Order No. 103, declaring the existence of a Public Health Emergency, pursuant to the Emergency Health Powers Act ("EHPA"), N.J.S.A. 26:13-1 et seq., and a State of Emergency, pursuant to the New Jersey Civilian Defense and Disaster Control Act ("Disaster Control Act"), N.J.S.A. App A:9-33 et seq., in the State of New Jersey for Coronavirus disease 2019 ("COVID-19"); and

WHEREAS, through Executive Order Nos. 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, 222, 231, 235, and 240, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, January 19, 2021, February 17, 2021, March 17, 2021, April 15, 2021, and May 14, 2021, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

WHEREAS, in accordance with N.J.S.A. App. A:9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19; and

WHEREAS, as COVID-19 continued to spread across New Jersey, I have issued a series of Executive Orders pursuant to my authority under the Disaster Control Act and the EHPA, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, Nos. 135-138, Nos. 140-166, Nos. 168-173, No. 175, Nos. 177-181, No. 183,

Nos. 186-187, Nos. 189- 198, No. 200, Nos. 203-204, No. 207, and Nos. 210-211 (2020) and Nos. 214-216, Nos. 219-220, Nos. 222-223, No. 225, Nos. 228-235, Nos. 237-244, No. 246, No. 249, and Nos. 251-252 (2021), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, on June 4, 2021, I signed Assembly Bill No. 5820 into law as P.L.2021, c.103 and issued Executive Order No. 244, which terminated the Public Health Emergency declared in Executive Order No. 103 (2020) but maintained the State of Emergency declared in that same Order; and

WHEREAS, P.L.2021, c.103 provided that following the termination of the Public Health Emergency declared in Executive Order No. 103 (2020), the Governor, Commissioner of the Department of Health ("DOH"), and the head of any other State agency may continue to issue Orders related to implementation of recommendations of the Centers for Disease Control and Prevention ("CDC") to prevent or limit the transmission of COVID-19 and related to vaccine distribution, administration, and management, COVID-19 testing, and data collection; and

WHEREAS, the American Academy of Pediatrics ("AAP") has emphasized that in-person learning is critical for educational and social development of children, as evidence demonstrates that remote learning has been detrimental to the educational attainment of students of all ages and has exacerbated the mental health crisis among children and adolescents; and

WHEREAS, the CDC has reported that new variants of COVID-19 have been identified in the United States, and that certain variants, particularly the B.1.617.2 (Delta) variant, are more transmissible than previous strains; and

WHEREAS, the State has experienced significant upticks in critical COVID-19 metrics over the past few months, including COVID-19 positive cases, the rate of transmission, spot positivity, and new hospitalizations, that warrant additional precautions in certain settings, especially those with a substantial number of unvaccinated individuals; and

WHEREAS, the CDC has emphasized that vaccination is a critical means to prevent spread of COVID-19 and to avoid infection of those individuals that cannot be vaccinated because their age precludes them from receiving one, and has strongly recommended vaccination of all eligible teachers and educational staff; and

WHEREAS, while over 5.4 million people in the State have been fully vaccinated against COVID-19, additional steps are necessary to ensure continued vaccinations of individuals in certain settings of concern to protect against spread of COVID-19 and to sustain the provision of full in-person instruction for New Jersey students; and

WHEREAS, on July 6, 2021, the U.S. Department of Justice's Office of Legal Counsel issued an opinion concluding that Section 564 of the Food, Drug, and Cosmetic Act, 21 U.S.C. § 360bbb-3 does not prohibit public or private entities from imposing vaccination requirements while vaccinations are only available pursuant to Emergency Use Authorization ("EUA"); and

WHEREAS, requiring workers in public, private, and parochial preschool programs, and elementary and secondary schools, including charter and renaissance schools (collectively "school districts") to receive a COVID-19 vaccine or undergo regular testing can help prevent outbreaks and reduce transmission to children, including those who are not yet eligible for vaccination; and

WHEREAS, the CDC has emphasized that COVID-19 vaccines are effective, in that they can prevent individuals from getting and spreading the virus, and can prevent severe illness in individuals who do contract COVID-19; and

WHEREAS, preventing transmission of COVID-19 is critical to keeping schools open for in-person instruction; and

WHEREAS, school districts have access to multiple sources of funding to address costs associated with worker vaccination efforts and testing, including three rounds of federal Elementary and Secondary School Emergency Relief funds and Emergency Assistance for Nonpublic Schools within the Governor's Emergency Education Relief funds; and

WHEREAS, the State will continue to work closely with school districts to successfully implement the requirements of this Order; and

WHEREAS, Executive Order No. 251 (2021) requires all school districts to maintain a policy regarding mandatory use of face masks by staff, students, and visitors in the indoor portion of school district premises; and

WHEREAS, that Order allows for exemptions from mask-wearing when "doing so would inhibit the individual's health," "when the individual has trouble breathing," and when a student's documented medical condition or disability precludes use of a face mask; and

WHEREAS, the AAP and CDC continue to emphasize the importance of universal indoor masking for teachers, staff, and students, particularly as the majority of the student population remains ineligible for vaccination at this time; and

WHEREAS, exemptions to mask wearing should be as limited as possible to maximize protections; and

WHEREAS, it is necessary and appropriate that school districts' policies regarding a medical exemption from mask wearing require individuals to submit medical documentation; and

WHEREAS, this Order is related to vaccination management, COVID-19 testing, data collection, and the implementation of CDC recommendations, and is thus authorized under P.L.2021, c.103;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. All public, private, and parochial preschool programs, and elementary and secondary schools, including charter and renaissance schools ("covered settings"), must maintain a policy that requires all covered workers to either provide adequate proof to the covered setting that they have been fully vaccinated or submit to COVID-19 testing at minimum one to two times weekly. This requirement shall take effect on October 18, 2021, at which time any covered workers that have not provided adequate proof that they are fully vaccinated must submit to a minimum of weekly or twice weekly testing on an ongoing basis until fully vaccinated.

2. Covered workers may demonstrate proof of full vaccination status by presenting the following documents if they list COVID-19 vaccines currently authorized for EUA in the United States and/or the World Health Organization ("WHO"), along with an administration date for each dose:

- a. The CDC COVID-19 Vaccination Card issued to the vaccine recipient by the vaccination site, or an electronic or physical copy of the same;

- b. Official record from the New Jersey Immunization Information System (NJIIS) or other State immunization registry;
- c. A record from a health care provider's portal/medical record system on official letterhead signed by a licensed physician, nurse practitioner, physician's assistant, registered nurse or pharmacist;
- d. A military immunization or health record from the United States Armed Forces; or
- e. Docket mobile phone application record or any state specific application that produces a digital health record.

Covered settings collecting vaccination information from covered workers must comport with all federal and State laws, including but not limited to the Americans with Disabilities Act, that regulate the collection and storage of that information.

3. To satisfy the testing requirement, a covered worker must undergo screening testing at minimum one to two times each week. Where a covered setting requires an unvaccinated covered worker to submit proof of a COVID-19 test, the worker may choose either antigen or molecular tests that have EUA by the U.S. Food and Drug Administration ("FDA") or are operating per the Laboratory Developed Test requirements by the U.S. Centers for Medicare and Medicaid Services. Where a covered setting provides the unvaccinated covered worker with on-site access to COVID-19 tests, the covered setting may similarly elect to administer or provide access to either an antigen or molecular test. If the covered worker is not working on-site in the covered setting during a week where testing would otherwise be required, the covered setting's

policy need not require the worker to submit to testing for that week. This requirement shall not supplant any requirement imposed by the covered setting regarding diagnostic testing of symptomatic workers or screening testing of vaccinated workers.

4. Covered settings must have a policy for tracking test results from testing required by this Order and must report results to local public health departments.

5. For purposes of this Order, "covered workers" shall include all individuals employed by the covered setting, both full- and part-time, including, but not limited to, administrators, teachers, educational support professionals, individuals providing food, custodial, and administrative support services, substitute teachers, whether employed directly by a covered setting or otherwise contracted, contractors, providers, and any other individuals performing work in covered settings whose job duties require them to make regular visits to such covered settings, including volunteers. Covered workers do not include individuals who visit the covered setting only to provide one-time or limited-duration repairs, services, or construction.

6. For purposes of this Order, a covered worker shall be considered "fully vaccinated" for COVID-19 two weeks or more after they have received the second dose in a two-dose series or two weeks or more after they have received a single-dose vaccine. Individuals will only be considered fully vaccinated where they have received a COVID-19 vaccine that is currently authorized for emergency use by the FDA or the WHO, or that are approved for use by the same. Workers who are not fully vaccinated, or for whom vaccination status is unknown or who have not provided sufficient proof of documentation, shall be considered unvaccinated for purposes of this Order.

7. Nothing in this Order shall prevent a covered setting from instituting a vaccination or testing policy that includes additional or stricter requirements, so long as such policy comports with the minimum requirements of this Order. A covered setting may also maintain a policy that requires more frequent testing of covered workers.

8. The Commissioner of the DOH is hereby authorized to issue a directive supplementing the requirements outlined in this Order, which may include, but not be limited to, any requirements for reporting vaccination and testing data to the DOH. Actions taken by the Commissioner of the DOH pursuant to this Order shall not be subject to the requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

9. It is hereby clarified that the policy of public, private, and parochial preschool programs, and elementary and secondary schools, including charter and renaissance schools, regarding mandatory mask wearing in the indoor portion of school district premises, as outlined in Executive Order No. 251 (2021), must require individuals seeking a medical exemption from mask wearing under Paragraphs 1(a) - (c) of that Order to produce written documentation from a medical professional to support the exemption. Self-attestations and parental attestations are not sufficient for this purpose.

10. The State Director of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to the terms of this Order.

11. 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 in all matters concerning this Order, and to cooperate fully with any Administrative Orders issued pursuant to this Order.

12. 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 or might in any way interfere with or impede its achievement.

13. Penalties for violations of this Order may be imposed under, among other statutes, N.J.S.A. App. A:9-49 and -50.

14. This Order shall take effect immediately and shall remain in effect until revoked or modified by the Governor.

GIVEN, under my hand and seal this  
 23<sup>rd</sup> day of August,  
 Two Thousand and Twenty-one,  
 and of the Independence of  
 the United States, the Two  
 Hundred and Forty-Sixth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

**EXECUTIVE ORDER NO. 254**

WHEREAS, Norman V. Inferrera, III, was a dedicated first-year lifeguard of the Cape May Beach Patrol; and

WHEREAS, Norman spent his summer patrolling the shores of Cape May helping visitors safely enjoy the beaches; and

WHEREAS, Norman devoted time off-duty to additional lifeguard training to better serve the community he sought to protect; and

WHEREAS, on August 19, 2021, Norman was 16 years old and weeks shy of starting his junior year at Phoenixville Area High School in Pennsylvania where he excelled as a student; and

WHEREAS, Norman was on duty guarding the waters of Reading Avenue Beach when his boat was hit by a wave, and he tragically passed away as a result of his injuries; and

WHEREAS, Norman's heroic legacy will live on as a namesake for scholarships on an annual basis through both the Cape May Beach Patrol and Phoenixville Area High School; and

WHEREAS, a beach in Cape May will also be named in Norman's honor; and

WHEREAS, Norman was a beloved son, brother, nephew, and cousin, whose presence will be missed by his family, his friends, his fellow members of the Cape May Beach Patrol, by his hometown community of Phoenixville, PA, and by the people of New Jersey; and

WHEREAS, it is with immense sadness that we mourn Norman's sudden passing, and extend our deepest sympathy to his family, friends, and fellow lifeguards; and

WHEREAS, it is appropriate to honor the cherished memory of Norman, and to mark his passing;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Friday, August 27, 2021, in recognition and mourning of Norman V. Inferrera, III.

2. This Order shall take effect immediately.

GIVEN, under my hand and seal this  
24<sup>th</sup> day of August,  
Two Thousand and Twenty-One,  
and of the Independence of  
the United States, the Two  
Hundred and Forty-Sixth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

**EXECUTIVE ORDER NO. 255**

WHEREAS, for almost twenty years, members of the United States Armed Forces have been deployed to Afghanistan; and

WHEREAS, over the past several days, as the Taliban returned to power and the United States prepared to withdraw its remaining troops from Afghanistan, members of our United States Armed Forces have bravely and tirelessly worked to protect both United States citizens and our Afghan allies; and

WHEREAS, on August 26, 2021, at least thirteen members of our United States Armed Forces, as well as many dozens of innocent Afghan civilians, were killed in a suicide bomb attack near the Kabul airport in Afghanistan, while hundreds of other individuals suffered injuries; and

WHEREAS, this attack has caused a tremendous loss of life, and further inflicted incalculable pain and anguish on the families who lost loved ones; and

WHEREAS, we are forever grateful to our Armed Forces for their extraordinary sacrifices in the protection of our country and our State; and

WHEREAS, it is with great sorrow that we mourn the passing of all those who lost their lives in the attack on August 26, 2021, and extend our deepest sympathy to their families, friends, colleagues, and communities; and

WHEREAS, it is appropriate for us all to keep in our thoughts and prayers all of those who have been affected by this attack and are suffering; and

WHEREAS, as a mark of respect for those killed in this terrorist attack, President Biden has ordered that all U.S. flags be flown at half-staff at all public buildings and grounds until sunset on August 30, 2021;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, until sunset on Monday, August 30, 2021, in recognition and mourning of the United States Armed Forces members and innocent civilians who lost their lives in the attack at the Kabul airport on August 26, 2021.

2. This Order shall take effect immediately.

GIVEN, under my hand and seal this  
27<sup>th</sup> day of August,  
Two Thousand and Twenty-One,  
and of the Independence of  
the United States, the Two  
Hundred and Forty-Sixth.

[seal]

/s/ Philip D. Murphy  
Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

**EXECUTIVE ORDER NO. 256**

WHEREAS, on April 14, 2021, President Biden announced that the full U.S. troop withdrawal from Afghanistan would begin on May 1, 2021, nearly 20 years after the terrorist attacks on September 11, 2001 and the initiation of major combat in Afghanistan against Taliban forces on October 7, 2001; and

WHEREAS, on July 8, 2021, President Biden announced that the U.S. military operation in Afghanistan would conclude on August 31, 2021; and

WHEREAS, Afghan allies have provided immeasurable support to members of the U.S. military and to the country's operations in Afghanistan for the previous two decades, and stood next to our soldiers in fighting for democracy, stability, and peace; and

WHEREAS, the incoming Taliban regime in Afghanistan poses a severe threat to Afghans who have supported the United States, those who oppose Taliban rule, women's rights advocates, Afghan security forces and government officials, and others whose values do not align with those of the incoming regime; and

WHEREAS, according to the Biden Administration, the United States has relocated over 110,000 people from Afghanistan since the end of July of this year, including tens of thousands of at-risk Afghan nationals and Afghans who have qualified for Special Immigrant Visas ("SIV"), with thousands more expected to be evacuated by the current August 31 withdrawal deadline; and

WHEREAS, Afghans who have been evacuated as part of the military drawdown will be resettled around the world, including across the United States; and

WHEREAS, on August 22, 2021, I informed President Biden by letter that the State of New Jersey stands ready to welcome our Afghan allies, and noted that these brave individuals and families, many of whom have worked to assist our military and put their own lives on the line in support of human rights and American initiatives, must not be left behind; and

WHEREAS, on August 23, 2021, the United States Department of Defense identified Joint Base McGuire-Dix-Lakehurst as a temporary shelter for up to 9,500 Afghan refugees for up to 365 days in accordance with President Biden's "Planning Order for Department of Defense Support to the Department of State for Afghan Relocation"; and

WHEREAS, on August 25, 2021, the first group of Afghan refugees arrived in New Jersey at Joint Base McGuire-Dix-Lakehurst, with the potential for additional arrivals in the coming days or weeks; and

WHEREAS, providing safe harbor for these individuals and families not only expresses our shared American values, but also honors the sacrifice made by U.S. veterans of the War in Afghanistan; and

WHEREAS, we welcome Afghans to New Jersey not only because they will make enormous contributions to our State's culture, community, and economy, but because it is the right thing to do considering the sacrifices these individuals have made in support of the U.S. mission in Afghanistan over the last two decades; and

WHEREAS, coordinated inter-agency efforts are critical and necessary to ensuring efficient and robust supports for this group;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby established the Task Force on Afghan Refugee Assistance ("Task Force") that will report directly to the Office of the Governor.

2. The Chairperson of the Task Force shall be the Adjutant General and Commissioner of the New Jersey Department of Military and Veterans Affairs ("DMAVA"), or her designee.

3. In addition to the Commissioner of DMAVA, the Task Force shall consist of the Chief of Staff to the Governor; the Chief Counsel to the Governor; the Chief Policy Advisor to the Governor; the Executive Director of the Governor's Disaster Recovery Office; and the Commissioners or other heads of the following Executive Branch departments and agencies, or their designees:

- a. The Department of Law & Public Safety;
- b. The New Jersey State Police;
- c. The Department of Health;
- d. The Department of Human Services;
- e. The Department of Children & Families;
- f. The Office of Homeland Security & Preparedness;
- g. The Department of State;
- h. The Department of Transportation;
- i. The Department of Community Affairs; and
- j. The Department of Labor & Workforce Development.

4. The Governor may, as determined to be appropriate, appoint additional members to the Task Force, who shall serve at the pleasure of the Governor.

5. Neither the Chairperson nor any member of the Task Force shall be compensated in addition to the compensation received, if any, as an employee or officer of the State.

6. The Task Force shall meet as often as practicable and as requested by the Governor or Chairperson.

7. The Task Force is charged with coordinating State efforts to appropriately prepare for and respond to the arrival of Afghan refugees and SIV holders in New Jersey. The Task Force will coordinate with and, where necessary, call upon any other department, office, division, or agency deemed necessary for consultation and advice. Specific objectives of the Task Force shall include, but not be limited, to the following:

- a. Developing a mechanism for identifying Afghan refugees and SIV holders who arrive in New Jersey and plan to remain for some period of time;
- b. Managing internal efforts among Executive Branch departments and agencies to welcome and provide support to Afghan refugees and SIV holders as they arrive and/or resettle in New Jersey;
- c. Coordinating communications with representatives of the federal government, including the U.S. Department of State and the U.S. Department of Defense, regarding the relocation of Afghan refugees and SIV holders;
- d. Overseeing the provision of vital support and emergency healthcare services for those who need it upon arrival in New Jersey, including Coronavirus disease 2019 ("COVID-19") testing and vaccination as needed;
- e. Creating an intake mechanism for organizations and individuals seeking to provide aid and support to Afghan refugees and SIV holders to contact the Task Force, evaluating and keeping track of such organizations and individuals, and connecting such organizations and individuals with those in need of assistance; and
- f. Providing any other necessary supports to ensure the safe entry and relocation to New Jersey of Afghan refugees and SIV holders.

8. The Task Force is authorized to call upon any department, office, division, or agency of this State to supply it with public data and information, as well as any personnel or other assistance available to such agency as the Task Force determines to be necessary to discharge its duties under this Order. Each Executive Branch

department, office, division, or agency of this State is hereby required, to the extent not inconsistent with law, to cooperate fully with the Task Force and to furnish the Task Force with such assistance on as timely a basis as is necessary to accomplish the purposes of this Order.

9. For purposes of this Order, "Executive Branch departments and agencies" shall mean any of the principal departments in the Executive Branch of State government and any agency, authority, board, bureau, commission, division, institution, office, or other instrumentality within or created by any such department, and any independent State authority, commission, instrumentality, or agency over which the Governor exercises executive authority, as determined by the Attorney General.

10. The Task Force shall be purely advisory in nature and shall provide advice to the Governor and other Executive Branch departments and agencies as requested.

11. This Order shall take effect immediately.

GIVEN, under my hand and seal this  
27<sup>th</sup> day of August,  
Two Thousand and Twenty-one,  
and of the Independence of the  
United States, the Two Hundred  
and Forty-Sixth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

**EXECUTIVE ORDER NO. 257**

WHEREAS, Nicholas R. Felice, age 94, was a beloved Assemblyman and Mayor from Fair Lawn who served as Assembly Speaker Pro Tempore; and

WHEREAS, Assemblyman Felice was born in Passaic in 1927, attended Passaic High School, the RCA Institute of Technology, and Farleigh Dickinson University; and

WHEREAS, Assemblyman Felice served in the Pacific Theater for the United States Army during World War II as a Technical Sergeant, Communications Chief, 24th Division; and

WHEREAS, Assemblyman Felice served as Mayor of Fair Lawn from 1972 to 1974; and

WHEREAS, prior to becoming a full-time legislator, Assemblyman Felice had a successful career as a Chief Engineer and Vice President at Smith-Meeker Engineering Co., traveled the world as a consulting Radio Engineer for other companies, supervised the Teterboro Airport Aviation Division, and served on the Project Mercury Space Recover Team for NASA; and

WHEREAS, Assemblyman Felice won his first election to the New Jersey General Assembly in 1982 and represented the 40th District in the Assembly until 2002; and

WHEREAS, in 1983, Assemblyman Felice happily responded to calls by children looking to speak to Santa Claus due to a misprinting of the "Santa Hot Line" telephone number; and

WHEREAS, Assemblyman Felice's many leadership roles in the Assembly included Speaker Pro Tempore, Deputy Speaker, Assistant Minority Leader, Assistant Majority Leader, and Vice Chair of the Health Committee; and

WHEREAS, Assemblyman Felice made countless critical contributions as a legislator, including with respect to health insurance reform, drug free school zones, spinal cord research,

funding for infantile autism, health information network technology legislation, and other protective legislation for seniors, nursing homes, and individuals with disabilities; and

WHEREAS, Assemblyman Felice's many decades of public service and volunteerism included time on the Fair Lawn Borough Council, the Fair Lawn Planning Board, the Board of Trustees for Children's Aid and Family Services, and countless other boards, clubs, and committees; and

WHEREAS, Assemblyman Felice was also a Life Member of Veterans of Foreign Wars ("V.F.W.") Post 281, American Legion Post 171, and received the Achievement Award from the Department of New Jersey V.F.W.; and

WHEREAS, Assemblyman Felice was married to his wife, Vivian C. Felice (née Micciche) for 64 years, before she passed away in 2017; and

WHEREAS, Assemblyman Felice passed away on August 24, 2021 after spending his final years in Mahwah; and

WHEREAS, Assemblyman Felice is survived by his three sons and their wives, seven grandchildren, his nephew, and his nephew's wife and son; and

WHEREAS, Assemblyman Felice will be remembered for his enduring commitment to his community, State, and country; and

WHEREAS, it is with deep sadness that we mourn the passing of Assemblyman Felice, whose passion and dedication as a public servant will be sorely missed;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Wednesday, September 1, 2021, in recognition and mourning of Assemblyman Nicholas R. Felice.

2. This Order shall take effect immediately.

GIVEN, under my hand and seal this  
31<sup>st</sup> day of August,  
Two Thousand and Twenty-one,  
and of the Independence of  
the United States, the Two  
Hundred and Forty-Sixth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

**EXECUTIVE ORDER NO. 258**

WHEREAS, Keith Pinto was a resident of Toms River and a 2020 graduate of Toms River High School North; and

WHEREAS, Keith was a valued member of the Berkeley Township Beach Patrol; and

WHEREAS, Keith devoted his summer to service as a lifeguard, helping ensure the safety of those enjoying White Sands Beach in South Seaside Park; and

WHEREAS, Keith was well known for his kindness, cheerful disposition, and loyalty to his family and friends; and

WHEREAS, on August 30, 2021, Keith was 19 years old and about to resume classes at Ocean County College; and

WHEREAS, Keith was on duty guarding the waters of Twenty-First Avenue Beach when an unexpected cluster of thunderstorms quickly descended on the coastline; and

WHEREAS, Keith was struck by lightning and tragically died from his injuries, while seven other individuals sustained serious injuries; and

WHEREAS, Keith was a beloved son, twin brother, nephew, and cousin, whose joyful and uplifting presence will be forever missed by his family, his friends, his fellow members of the Berkeley Heights Beach Patrol, his Toms River community, and by the people of New Jersey; and

WHEREAS, it is with immense sadness that we mourn Keith's sudden passing and extend our deepest sympathy to his family, friends, and fellow lifeguards; and

WHEREAS, it is appropriate to honor the cherished memory of Keith and to mark his passing;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Friday, September 3, 2021, in recognition and mourning of Keith Pinto.

2. This Order shall take effect immediately.

GIVEN, under my hand and seal this  
1<sup>st</sup> day of September,  
Two Thousand and Twenty-one,  
and of the Independence of  
the United States, the Two  
Hundred and Forty-Sixth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

**EXECUTIVE ORDER NO. 259**

WHEREAS, Tropical Storm Ida began impacting New Jersey on Wednesday, September 1, 2021, bringing severe weather conditions including strong winds, reports of tornadoes, and heavy and sustained rainfall which is forecasted to reach up to ten (10) inches in some areas; and

WHEREAS, reported tornadic activity has caused severe damage to private property, public facilities, and other structures in several counties throughout the State of New Jersey; and

WHEREAS, these severe weather conditions have caused and are expected to continue to cause downed trees and power lines, damages to structures, and stream and river flooding; and

WHEREAS, widespread roadway flooding has been observed along inland waterways, making roadways impassable; and

WHEREAS, strong rains and winds have caused and are expected to continue to cause downed power lines and trees, resulting in power outages that will impede the normal operation of public and private entities; and

WHEREAS, these serious weather conditions will make it difficult or impossible for residents to obtain the necessities of life, as well as essential services such as police, fire, and first aid; and

WHEREAS, this tropical storm constitutes an imminent hazard that threatens and presently endangers the health, safety, and resources of the residents of the State; and

WHEREAS, 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 the 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, PHILIP D. MURPHY, 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, effective at 9:00 p.m. on September 1, 2021; and I hereby ORDER and DIRECT the following:

1. I authorize and empower the State Director of Emergency Management, who is the Superintendent of State Police, to implement the State Emergency Operations Plan and to direct the activation of county and municipal emergency operations plans, as necessary, and to coordinate the recovery effort from this Emergency with all governmental agencies, volunteer organizations, and the private sector.

2. I authorize and empower, in accordance with N.J.S.A. App. A:9-33, et seq., as supplemented and amended, the State Director of Emergency Management, who is the Superintendent of State Police, through the police agencies under his control, and with consideration of any Administrative Order issued by the Commissioner of the Department of Transportation ("DOT"), to determine and control the direction of the flow of vehicular traffic on any State or interstate highway, municipal or county road, and any access road, including the right to detour, reroute, or divert any or all traffic and to prevent ingress or egress from any area that, in the State Director's discretion, is deemed necessary for the protection of the health, safety, and welfare of the public, and to remove parked or abandoned vehicles from such roadways as conditions warrant.

3. I authorize and empower the Attorney General, pursuant to the provisions of N.J.S.A. 39:4-213, acting through the Superintendent of State Police, and with consideration of any Administrative Order issued by the Commissioner of the DOT, to

determine and control the direction of the flow of vehicular traffic on any State or interstate highway, municipal, or county road, and any access road, including the right to detour, reroute, or divert any or all traffic, to prevent ingress or egress, and to determine the type of vehicle or vehicles to be operated on such roadways. I further authorize all law enforcement officers to enforce any such order of the Attorney General or Superintendent of State Police within their respective municipalities.

4. I authorize and empower the State Director of Emergency Management to order the evacuation of all persons, except for those emergency and governmental personnel whose presence the State Director deems necessary, from any area where their continued presence would present a danger to their health, safety, or welfare because of the conditions created by this Emergency.

5. I authorize and empower the State Director of Emergency Management to utilize all facilities owned, rented, operated, and maintained by the State of New Jersey to house and shelter persons who may need to be evacuated from a residence, dwelling, building, structure, or vehicle during the course of this Emergency.

6. 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 Executive Order, subject to my prior approval and in consultation with the State Director of Emergency Management. Any such waiver, modification, or suspension shall be promulgated in accordance with N.J.S.A. App. A:9-45.

7. I authorize and empower the Adjutant General, in accordance with N.J.S.A. 38A:2-4 and N.J.S.A. 38A:3-6.1, to order to active duty such members of the New Jersey National Guard who, in the Adjutant General's judgment, are necessary to provide aid to those localities where there is a threat or danger to the public health, safety, and welfare and to authorize the employment of any supporting vehicles, equipment, communications, or supplies as may be necessary to support the members so ordered.

8. In accordance with the 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.

9. 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.

10. 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.

11. In accordance with N.J.S.A. App. A:9-34, N.J.S.A. App. A:9-40.6, and N.J.S.A. 40A:14-156.4, no municipality or public or semipublic agency shall send public works, fire, police, emergency medical, or other personnel or equipment into any non-contiguous disaster-stricken municipality within this State, nor to any disaster-stricken municipality outside this State, unless and until such aid has been directed by the county emergency management coordinator or their deputies in consultation with the State Director of Emergency Management.

12. This Order shall take effect at 9:00 p.m. on September 1, 2021 and shall remain in effect until such time as it is determined by me that an emergency no longer exists.

GIVEN, under my hand and seal this  
 1<sup>st</sup> day of September,  
 Two Thousand and Twenty-one,  
 and of the Independence of the  
 United States, the Two Hundred  
 and Forty-Sixth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

**EXECUTIVE ORDER NO. 260**

WHEREAS, Tropical Storm Ida reached New Jersey on Wednesday, September 1, 2021, and impacted the State with high winds, tornadoes, and heavy and sustained rainfall which resulted in severe flooding in several counties; and

WHEREAS, I declared a State of Emergency that evening, in recognition of the fact that the severe weather conditions brought on by Tropical Storm Ida posed an imminent hazard to health and safety in many parts of the State and that the resulting damage would make it difficult or impossible for residents to obtain the necessities of life, as well as essential services; and

WHEREAS, over 90,000 customers in New Jersey lost power during Tropical Storm Ida, and tens of thousands remained without power even after the storm subsided; and

WHEREAS, one especially powerful tornado destroyed several homes in Mullica Hill in Gloucester County; and

WHEREAS, the rains accompanying Tropical Storm Ida overwhelmed counties along the Delaware River and inland waterways; and

WHEREAS, estimates suggested that in some parts of New Jersey, 8 to 10 inches of rain fell in just a few hours, leading to flash flooding that overwhelmed roadways, homes, vehicles, businesses, public facilities, and other infrastructures; and

WHEREAS, in the days following the storm, New Jersey's first responders heroically rescued numerous people trapped in dangerous situations; and

WHEREAS, on September 2, 2021, I asked President Joe Biden to declare Emergency and Major Disaster Declarations for the State of New Jersey as a result of Tropical Storm Ida; and

WHEREAS, on September 2, 2021, President Biden declared an Emergency in all 21 counties of New Jersey; and

WHEREAS, on September 5, 2021, President Biden approved a Major Disaster Declaration in the State of New Jersey for the counties of Bergen, Gloucester, Hunterdon, Middlesex, Passaic, and Somerset, enabling the provision of critical federal aid and support to the many residents and businesses of New Jersey impacted by the storm; and

WHEREAS, I am hopeful that the President will approve Major Disaster Declarations in additional counties following the completion of damage assessments, which are occurring on a rolling basis; and

WHEREAS, in the week following the storm, I have visited towns impacted by the storm throughout the State, including Mullica Hill, Hillsborough, Passaic, Millburn, Cranford, Haledon, Elizabeth, Piscataway, Lodi, Paterson, Lambertville, and Manville to meet with residents and local leaders as well as to survey the damage; and

WHEREAS, my Administration has reported that 27 individuals across eight counties have died as a result of Tropical Storm Ida, while three individuals are missing in Passaic County and a fourth is missing in Essex County; and

WHEREAS, it is with immense sadness that we mourn the passing of these 27 New Jerseyans and pray that we are able to locate the four New Jerseyans who remain missing;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Wednesday, September 8, 2021 through Friday, September 10, 2021, in recognition and mourning of the 27 individuals who have passed away and the 4 individuals who remain missing as a result of Tropical Storm Ida.

2. This Order shall take effect immediately.

GIVEN, under my hand and seal this  
7<sup>th</sup> day of September,  
Two Thousand and Twenty-one,  
and of the Independence of  
the United States, the Two  
Hundred and Forty-Sixth.

[seal]

/s/ Philip D. Murphy  
Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

**EXECUTIVE ORDER NO. 261**

WHEREAS, on September 11, 2001, unprecedented terrorist attacks were committed in New York, Washington, D.C., and Pennsylvania; and

WHEREAS, these horrific attacks caused the largest loss of life from a foreign attack on American soil, and the largest single loss of rescue personnel in U.S. history; and

WHEREAS, approximately one quarter of the victims of the September 11, 2001 attacks were New Jerseyans, with nearly 700 residents of our State killed in the attacks; and

WHEREAS, the terrorist attacks on our nation not only caused an immense loss of life, but also inflicted immeasurable agony and anguish on those who lived through the events, which include hundreds of New Jersey families whose lives have been forever altered by the loss of a parent, spouse, child, or other loved one; and

WHEREAS, following these appalling attacks, people of all backgrounds stood together, united not only in our grief, but in our resolve to persevere; and

WHEREAS, many New Jerseyans, including thousands of police, fire, military, emergency, and construction personnel responded to this tragedy, and many first responders continue to deal with chronic health effects decades later; and

WHEREAS, as we reach the twentieth anniversary of this tragic event, it will be remembered by all New Jerseyans both in private and public remembrances and memorial ceremonies; and

WHEREAS, it is also appropriate to remember all those who have served in the U.S. military and intelligence agencies defending our nation during the 20 years since the September 11<sup>th</sup> attacks, including the thousands of servicemembers who have lost their lives in overseas engagements, up to last month's terrorist attack at the Kabul airport in which 13 U.S. servicemembers were killed; and

WHEREAS, it is fitting that this day be observed with full solemnity, in tribute to the thousands of innocent victims who perished in the attacks;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Saturday, September 11, 2021 in recognition and mourning of all of those lost in the September 11<sup>th</sup> attacks, including the nearly 700 New Jerseyans lost from our home State.

2. This Order shall take effect immediately.

GIVEN, under my hand and seal this  
10<sup>th</sup> day of September,  
Two Thousand and Twenty-one,  
and of the Independence of  
the United States, the Two  
Hundred and Forty-Sixth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

**EXECUTIVE ORDER NO. 262**

WHEREAS, New Jersey is among the most racially diverse states in the nation, as the 2020 Census demonstrated that over 48% of New Jersey's nearly 9.3 million residents are people of color; and

WHEREAS, New Jersey is estimated to have approximately 1.2 million residents who identify as Black or African American, and approximately 2 million residents who identify as Hispanic or Latino; and

WHEREAS, our diversity is one of New Jersey's greatest strengths, but there remain substantial disparities in the State that put Black and Hispanic or Latino families at a significant disadvantage in building and maintaining wealth across generations; and

WHEREAS, in order to rectify these disparities, we must grapple with our own history, including that New Jersey was the last northern state to eliminate slavery, and that the State Legislature initially voted against ratification of the 13th Amendment in 1865; and

WHEREAS, as we now seek to reaffirm our commitment to equality and justice, we recognize that there is a legacy of lingering and continuing impact from policies and practices that created and perpetuated systemic inequities; and

WHEREAS, significant wealth gaps exist in New Jersey, as the median net worth for white families in New Jersey is \$352,000, while for Black families in the State that number is \$6,100, and for Latino families the number is \$7,300; and

WHEREAS, these severe wealth disparities predominantly harm Black and Hispanic or Latino families, limit their access to fundamental and essential resources, severely limit socioeconomic upward mobility, and separate our communities; and

WHEREAS, there are significant disparities in race and ethnicity with respect to households that are unbanked or underbanked, and a lack of access to or use of banking services stands in the way of building wealth; and

WHEREAS, good credit is critical to building wealth, but statistics around credit scores and debt starkly reflect and perpetuate wealth disparities in the State, as a study of Newark by the Urban Institute found that while the median credit score in white areas was 615, the median credit score in areas that were predominantly nonwhite was 567, and, as of 2018, the share of people in communities of color in New Jersey with debt in collections was 37%, while the share of people in majority-white communities with debt in collections was 18%; and

WHEREAS, homeownership both reflects and contributes to a household's wealth, but homeownership rates further reflect deep-rooted disparities based on race and ethnicity in New Jersey and are the product of policies like redlining and restrictive covenants, as nearly 77% of white families in the State own their homes, while the same can be said for only 41% of Black families and 37% of Latino families; and

WHEREAS, entrenched disparities in the criminal justice system substantially limit the abilities of Black and Hispanic or Latino families and individuals to achieve financial success and build wealth, and as of 2016, Black people were incarcerated in New Jersey State prisons at a rate 12 times higher than white people, and Hispanic people were incarcerated at twice the rate of white people; and

WHEREAS, the possibility of racial and ethnic disparities, among other challenges, in New Jersey K-12 educational achievement and in obtaining college degrees potentially limit the ability to achieve future financial success; and

WHEREAS, wealth is inextricably intertwined with health and access to health care, but the percentage of white New Jerseyans with health insurance outpaces the percentage of Black and Hispanic New Jerseyans with health insurance, and the lack of health insurance contributes directly to an increased likelihood of incurring medical debt and insurmountable expenses related to health care, creating another barrier to building wealth; and

WHEREAS, the Coronavirus disease 2019 ("COVID-19") pandemic exposed and exacerbated both the wealth and health gaps based on race and ethnicity, and for that reason earlier this year I signed Assembly Bill No. 4004 (Fifth Reprint), creating the COVID-19 Pandemic Task Force on Racial and Health Disparities, which will, among other things, study how and why the COVID-19 pandemic "has disproportionately affected the State's minority and vulnerable communities, and the short-term and long-term consequences of the pandemic on these communities," as well as make recommendations for reducing and eliminating disparities "among the various racial and ethnic populations within the State's minority and vulnerable communities with respect to health status, access to high-quality health care, and utilization of health care services"; and

WHEREAS, despite the State's complex history and the many causes of wealth gaps in New Jersey, there have always been activists, advocates, community leaders, faith leaders, scholars, students, and professionals, as well as elected officials at the State and local level, who have worked tirelessly to lay bare and counteract all of the contributors to the wealth gaps that have been in place for far too long; and

WHEREAS, our State will only be stronger when we work toward ensuring equity and justice in our economy; and

WHEREAS, it will require sustained, collective action on the part of all of these leaders as well as the rest of the State to close these wealth gaps once and for all; and

WHEREAS, on June 18, 2021, I announced that I intended to create a task force focused on wealth disparities;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby established the Wealth Disparity Task Force (the "Task Force") to examine the causes of and remedies for the long-standing wealth disparities that affect Black and Hispanic or Latino New Jerseyans. The Task Force will be divided into five Working Groups, which collectively are charged with reviewing research, data, and analysis in order to provide a report and evidence-based recommendations to the Governor for remedying these long-standing wealth disparities, which may include recommendations for one or more future disparity studies.

2. The five Working Groups shall consist of the following:
- a. Working Group on Economy, which shall be responsible for examining the many interwoven factors in the economy that contribute to the persistence of the racial and ethnic wealth gaps, including disparities affecting Black and Hispanic or Latino New Jerseyans in income levels, unemployment, business ownership, and access to quality banking, credit, and financial services, and for developing recommendations to address these issues;

- b. Working Group on Housing, which shall be responsible for analyzing the root causes and short-term and long-term consequences of the substantial differences in homeownership rates and access to stable housing for Black and Hispanic or Latino families as compared to white families, the ways in which renting as opposed to owning a home limits a household's ability to build wealth, and proposing solutions to ensure equal opportunity to own or rent a home and build wealth whether or not the household has access to home equity;
- c. Working Group on Criminal Justice, which shall be responsible for identifying disparities in the criminal justice system with respect to the Black and Hispanic or Latino populations, researching the ways in which release from incarceration and a criminal record inhibits a person's ability to find a home and maintain a steady living, identifying unnecessary barriers to successful reentry, and suggesting ways that New Jersey should be supporting returning residents as they attempt to build wealth and stability;
- d. Working Group on Education, which shall be responsible for examining potential disparities both inside and outside the classroom and how such disparities may lay the groundwork for perpetuating the racial and ethnic wealth gaps from a young age, and for identifying innovative solutions and interventions at all grade levels and in higher education to make sure Black and Hispanic or Latino students are set up for success; and

- e. Working Group on Health, which shall be responsible for exploring the links between health and access to health care, on the one hand, and wealth, on the other, for developing strategies to ensure that racial or ethnic disparities do not lead to the failure to receive medical treatment because of a lack of health insurance or because of the cost of health care and that medical bills do not interfere with a family's ability to build and maintain wealth, and coordinating with the COVID-19 Pandemic Task Force on Racial and Health Disparities where appropriate.

3. The Task Force shall be led by four chairpersons, who shall be the Lieutenant Governor in her capacity as Commissioner of the Department of Community Affairs, the Commissioner of the Department of Banking and Insurance, the President of Rutgers University, and the President and Chief Executive Officer of the Council of New Jersey Grantmakers. The four chairpersons shall participate on a steering committee which shall also include the Commissioner of the Department of Health, the Commissioner of the Department of Labor and Workforce Development, the Commissioner of the Department of Education, the Attorney General, the Secretary of Higher Education, the Chief Executive Officer of the Economic Development Authority, the Director of the Division on Civil Rights, the Chief Policy Advisor to the Governor, or their designees, and any additional members who shall be appointed by and serve at the pleasure of the Governor, and who may include additional government officials, academic researchers, and faith and community leaders.

4. The Governor shall designate at least two co-leads of each Working Group, who shall be selected from among the members of the steering committee.

5. The Governor may, as determined to be appropriate, appoint additional members, and may designate these additional members to serve on any of the Working Groups or as generalists to serve as members of the Task Force as a whole. These additional members shall also serve at the pleasure of the Governor. All members of the Task Force shall serve without compensation.

6. The Task Force shall organize as soon as practicable after the appointment of its members, and the Working Groups shall convene at least as often as requested by the Governor or chairpersons.

7. Each Working Group shall issue a report with its recommendations to the Task Force on a date to be determined by the co-chairs. The co-chairs shall then submit a final comprehensive report to the Governor no later than 18 months after the effective date of this Order. The report shall be made available to the Legislature and the public at the same time.

8. The Task Force shall expire upon submission of its final report.

9. The co-chairs of the Task Force are authorized to call upon any Executive Branch department or agency to supply it with information or other assistance available to such agency as the Task Force determines to be necessary to discharge its duties under this Order. Each Task Force department and agency is hereby required, to the extent not inconsistent with law, to cooperate fully with the Task Force and to furnish such assistance on as timely a basis as is necessary to accomplish the purpose of this Order. The Task Force may consult with experts and other knowledgeable individuals in the public or private sector on any

aspect of its mission.

10. For purposes of this Order, "Executive Branch departments and agencies" shall mean any of the principal departments in the Executive Branch of State government and any agency, authority, board, bureau, commission, division, institution, office, or other instrumentality within or created by any such department, and any independent State authority, commission, instrumentality, or agency over which the Governor exercises executive authority, as determined by the Attorney General.

11. The Task Force may elicit public input from individuals, including those associated with institutions of higher education, organizations, community groups, and other interested parties.

12. The Task Force shall be purely advisory in nature and shall provide advice to the Governor and other Executive Branch departments and agencies as requested.

13. This Order shall take effect immediately.

GIVEN, under my hand and seal this  
 14<sup>th</sup> day of September,  
 Two Thousand and Twenty-one,  
 and of the Independence of  
 the United States, the Two  
 Hundred and Forty-Sixth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

**EXECUTIVE ORDER NO. 263**

WHEREAS, on March 9, 2020, I issued Executive Order No. 103, declaring the existence of a Public Health Emergency, pursuant to the Emergency Health Powers Act ("EHPA"), N.J.S.A. 26:13-1 et seq., and a State of Emergency, pursuant to the New Jersey Civilian Defense and Disaster Control Act ("Disaster Control Act"), N.J.S.A. App A:9-33 et seq., in the State of New Jersey for the Coronavirus disease 2019 ("COVID-19"); and

WHEREAS, through Executive Order Nos. 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, 222, 231, 235, and 240, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, January 19, 2021, February 17, 2021, March 17, 2021, April 15, 2021, and May 14, 2021, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

WHEREAS, in accordance with N.J.S.A. App. A:9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19; and

WHEREAS, as COVID-19 continued to spread across New Jersey, I have issued a series of Executive Orders pursuant to my authority under the EHPA and the Disaster Control Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, Nos. 135-138, Nos. 140-166, Nos. 168-173, No. 175, Nos. 177-181, No. 183, Nos.

186-187, Nos. 189- 198, No. 200, Nos. 203-204, No. 207, and Nos. 210-211 (2020), and Nos. 214-216, Nos. 219-220, Nos. 222-223, No. 225, Nos. 228-235, Nos. 237-244, No. 246, No. 249, and Nos. 251-253 (2021), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, in Executive Order No. 127 (2020), I determined that strict enforcement of the timelines required by the Administrative Procedure Act would be detrimental to the public health and welfare because it would require responses from the public and could deprive Executive Branch departments and agencies, which faced unprecedented challenges in responding to the Public Health Emergency, of adequate time to ensure that their findings of fact, conclusions of law, and decisions comply with statutory requirements and are based upon sufficient, competent, and credible evidence; and

WHEREAS, Executive Order No. 136 (2020) tolled certain environmental deadlines to provide members of the public additional time to comply with certain deadlines due to the interruptions related to the Public Health Emergency; and

WHEREAS, N.J.S.A. 13:1E-127.1 requires that any business wishing to engage in Soil and Fill Recycling Services submit a registration form to the Department of Environmental Protection ("DEP") no later than April 20, 2020, and the DEP must issue such registration 90 days from submission of the registration form; and

WHEREAS, N.J.S.A. 13:1E-127.1 further provides that no business without a valid registration may engage in Soil and Fill Recycling Services after July 20, 2020, and a registrant must submit a valid and administratively complete application for a Soil and Fill Recycling License to the Attorney General no later

than October 20, 2020, which may only be extended for an additional 90 days upon a showing of good cause; and

WHEREAS, Paragraph 2 of Executive Order No. 136 (2020) extended the timeframe for businesses to submit a registration form to DEP to engage in soil and fill recycling services pursuant to N.J.S.A. 13:1E-127.1, DEP's time to review and issue such registration, the deadline after which a business may not engage in Soil and Fill Recycling Services without a valid registration, and the timeframe for a registrant to submit an administratively complete license application to the Attorney General by the number of days of the Public Health Emergency plus an additional 60 days; and

WHEREAS, on June 4, 2021, I signed Assembly Bill No. 5820 into law as P.L.2021, c.103 and issued Executive Order No. 244, which terminated the Public Health Emergency declared in Executive Order No. 103 (2020) but maintained the State of Emergency declared in that same Order; and

WHEREAS, P.L.2021, c.103 provides that the executive orders that relied on the existence of the Public Health Emergency shall expire 30 days following the termination of the Public Health Emergency; and

WHEREAS, the expiration date of Executive Order No. 136 (2020) was July 4, 2021, and thus the timeframe for calculating the deadlines extended pursuant to Paragraph 2 of Executive Order No. 136 (2020) began to run on that date; and

WHEREAS, P.L.2021, c.103 further provided that, following the termination of the Public Health Emergency, certain listed executive orders, including Executive Order No. 127 (2020), shall remain in effect until January 1, 2022; and

WHEREAS, P.L.2021, c.103 provides that the Governor may revoke or modify the listed executive orders, including Executive Order No. 127 (2020), prior to January 1, 2022; and

WHEREAS, the inclusion of Executive Order No. 127 (2020) in P.L.2020, c.103, indicates a recognition that some of the barriers to meeting statutory deadlines and timeframes for resolution of contested cases and rulemaking still exist, and individualized decisions with respect to Executive branch departments' and agencies' compliance with these deadlines are appropriate in the period immediately following the end of the Public Health Emergency; and

WHEREAS, New Jersey has long been recognized as a leader in the protection of public health, safety, and the environment through its statutory and regulatory initiatives to protect residents from the effects of inappropriate development and discharges of pollutants into the environment; and

WHEREAS, New Jersey's leadership in protection of public health, safety, and the environment has been based upon a history of reviewing the adequacy of existing protections in light of developments in scientific knowledge and, where appropriate, acting in an expeditious manner to institute amendments to regulations, policies, and guidance to ensure consistency with scientific developments; and

WHEREAS, the DEP and those offices and agencies allocated to the DEP in accordance with N.J. Const. art. V, § 4, ¶ 1 are responsible for the promulgation of regulations to implement these necessary protections of public health, safety, and the environment; and

WHEREAS, it is critical that regulatory programs in the areas regulated by the DEP and the offices and agencies allocated to it are reviewed and, where appropriate, updated in a timely manner to ensure necessary protection; and

WHEREAS, accordingly, continued applicability of Paragraph 5 of Executive Order No. 127 (2020) to the regulations promulgated by the DEP and its allocated offices and agencies is no longer necessary or appropriate; and

WHEREAS, this Order is a modification of Executive Order No. 127 (2020), and thus consistent with P.L.2021, c.103; and

WHEREAS, this Order also notes the deadlines under N.J.S.A. 13:1E-127.1, in light of the impact of both Executive Order No. 136 (2020) and P.L.2021, c.103, which allowed for the end of the Public Health Emergency;

NOW, THEREFORE I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The deadlines for complying with N.J.S.A. 13:1E-127.1, set forth in Executive Order No. 136 (2020), shall be as follows:
  - a. Any business concern wishing to engage in Soil and Fill Recycling Services that did not already possess an A-901 License on January 21, 2020 must submit a Registration form to the DEP no later than October 14, 2021;
  - b. Any business concern that does not possess a valid A-901 License or Soil and Fill Recycling Registration must cease to engage in Soil and Fill Recycling Services after January 13, 2022; and

c. To obtain an A-901 License, a Registrant must submit a valid and administratively complete A-901 License application to the New Jersey Office of the Attorney General no later than April 15, 2022.

2. All rules of the DEP and its allocated offices and agencies that, pursuant to N.J.S.A. 52:14B-5.1 and N.J.A.C. 1:30-6.4, that were scheduled to expire prior to the effective date of this Order but were extended pursuant to Executive Order No. 127 (2020), shall expire on the effective date of this Order.

3. All rules of the DEP and its allocated offices and agencies that, pursuant to N.J.S.A. 52:14B-5.1 and N.J.A.C. 1:30-6.4, are scheduled to expire after the effective date of this Order, shall expire upon the expiration date established pursuant to N.J.S.A. 52:14B-5.1 and N.J.A.C. 1:30-6.4.

4. Paragraph 5 of Executive Order No. 127 (2020) is superseded by this Order with respect to those rules of the DEP and those offices and agencies allocated to the DEP in accordance with N.J. Const. art. V, § 4, ¶ 1 with expiration dates falling after the effective date of this Order.

5. Nothing in this Order is intended to deny or alter the authority of any agency or instrumentality of the State government, or any other person or entity, to request, grant, or consent to any extension that would otherwise be permissible under existing law.

6. In continuing to administer the extensions set forth in this Order, the DEP and those offices and agencies allocated to the DEP in accordance with N.J. Const. art. V, § 4, ¶ 1 shall adopt the least disruptive means of addressing the health and safety concerns of this Order while faithfully enforcing the requirements of the affected statutes to the fullest extent.

7. This Order is not intended to, and does not confer any legal rights upon businesses or others whose activities are regulated by New Jersey's agencies, boards, commissions, or departments and shall not be used as a basis for legal challenges to regulations, rules, approvals, permits, licenses, or other actions, or to any inaction of the governmental entity subject to it.

8. This Order shall take effect immediately.

GIVEN, under my hand and seal this  
17<sup>th</sup> day of September,  
Two Thousand and Twenty-one,  
and of the Independence of  
the United States, the Two  
Hundred and Forty-Sixth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

**EXECUTIVE ORDER NO. 264**

WHEREAS, on March 9, 2020, I issued Executive Order No. 103, declaring the existence of a Public Health Emergency, pursuant to the Emergency Health Powers Act ("EHPA"), N.J.S.A. 26:13-1 et seq., and a State of Emergency, pursuant to the New Jersey Civilian Defense and Disaster Control Act ("Disaster Control Act"), N.J.S.A. App A:9-33 et seq., in the State of New Jersey for Coronavirus disease 2019 ("COVID-19"); and

WHEREAS, through Executive Order Nos. 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, 222, 231, 235, and 240, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, January 19, 2021, February 17, 2021, March 17, 2021, April 15, 2021, and May 14, 2021, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

WHEREAS, in accordance with N.J.S.A. App. A:9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19; and

WHEREAS, as COVID-19 continued to spread across New Jersey, I have issued a series of Executive Orders pursuant to my authority under the EHPA and the Disaster Control Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, Nos. 135-138, Nos. 140-166, Nos. 168-173, No. 175, Nos. 177-181, No. 183, Nos. 186-187, Nos. 189-198, No. 200, Nos. 203-204, No. 207, and Nos. 210-211 (2020) and Nos. 214-216, Nos. 219-220, Nos. 222-223, No. 225, Nos. 228-235, Nos. 237-

244, No. 246, No. 249, Nos. 251-253, and No. 263 (2021), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, on June 4, 2021, I signed Assembly Bill No. 5820 into law as P.L.2021, c.103 and issued Executive Order No. 244, which terminated the Public Health Emergency declared in Executive Order No. 103 (2020) but maintained the State of Emergency declared in that same Order; and

WHEREAS, P.L.2021, c.103 provided that following the termination of the Public Health Emergency declared in Executive Order No. 103 (2020), the Governor, Commissioner of the Department of Health ("DOH"), and the head of any other State agency may continue to issue orders related to implementation of recommendations of the Centers for Disease Control and Prevention ("CDC") to prevent or limit the transmission of COVID-19 and related to vaccine distribution, administration, and management, COVID-19 testing, and data collection; and

WHEREAS, the American Academy of Pediatrics ("AAP") has emphasized that an in-person environment is critical for educational and social development of children; and

WHEREAS, child care centers provide critical support to tens of thousands of families across the State who rely on safe, in-person environments for their children during the work day; and

WHEREAS, the CDC has reported that new variants of COVID-19 have been identified in the United States, and that certain variants, particularly the B.1.617.2 ("Delta") variant, are more transmissible than previous strains; and

WHEREAS, the State has experienced significant upticks in critical COVID-19 metrics over the past few months, including COVID-19 positive cases, the rate of transmission, spot positivity, and new hospitalizations, that warrant additional precautions in certain settings, especially those with a substantial number of unvaccinated individuals; and

WHEREAS, the CDC has emphasized that vaccination is a critical means to prevent the spread of COVID-19 and to avoid infection of those individuals that cannot be vaccinated because their age precludes them from receiving one, and has strongly recommended vaccination of all eligible teachers and educational staff; and

WHEREAS, there is no concrete timeline for authorization for use of currently available COVID-19 vaccinations for children under the age of 12; and

WHEREAS, only the Pfizer vaccination is currently available to youth in the 12 - 17 age group; and

WHEREAS, given new evidence regarding transmission of the Delta variant, the CDC now recommends universal indoor masking for all teachers, staff, child enrollees, and visitors in child care settings over the age of 2 years old; and

WHEREAS, AAP similarly recommends universal masking in child care settings because a significant portion of the population, specifically individuals under the age of 12, are not yet eligible to receive a vaccine; and

WHEREAS, both the CDC and AAP recognize that masking is a critical tool to reduce transmission of the virus and protect unvaccinated individuals; and

WHEREAS, while over 5.6 million people in the State have been fully vaccinated against COVID-19, additional steps are necessary to ensure continued vaccinations of individuals in certain settings of concern to protect against spread of COVID-19; and

WHEREAS, on July 6, 2021, the U.S. Department of Justice's Office of Legal Counsel issued an opinion concluding that Section 564 of the Food, Drug, and Cosmetic Act, 21 U.S.C. § 360bbb-3 does not prohibit public or private entities from imposing vaccination requirements while vaccinations are only available pursuant to Emergency Use Authorization ("EUA"); and

WHEREAS, requiring workers in child care settings to receive a COVID-19 vaccine or undergo regular testing can help prevent outbreaks and reduce transmission to children, including those who are not yet eligible for vaccination; and

WHEREAS, the CDC has emphasized that COVID-19 vaccines are effective, in that they can prevent individuals from getting and spreading the virus, and can prevent severe illness in individuals who do contract COVID-19; and

WHEREAS, preventing transmission of COVID-19 is critical to keeping child care settings open for in-person instruction; and

WHEREAS, the State will continue to work closely with child care settings to successfully implement the requirements of this Order; and

WHEREAS, this Order is related to vaccination management, COVID-19 testing, data collection, and the implementation of CDC recommendations, and is thus authorized under P.L.2021, c.103;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. All child care centers and other child care facilities (collectively referred to as "covered settings") must maintain a policy that requires all covered workers to either provide adequate proof to the covered setting that they have been fully vaccinated or submit to COVID-19 testing at minimum one to two times weekly. This requirement shall take effect on November 1, 2021, at which time any covered workers that have not provided adequate proof that they are fully vaccinated must submit to a minimum of weekly or twice weekly testing on an ongoing basis until fully vaccinated.

2. "Child care centers," for purposes of this Order, shall mean any facility defined as a child care center pursuant to N.J.S.A. 30:5B-3. Nothing in this Order shall affect such child care centers' obligations under N.J.S.A. 30:B-1, et seq.

3. "Other child care facilities," for purposes of this Order, are defined as those facilities described in N.J.S.A. 30:5B-3(b) (2), (3), (7), (8), and (11).

4. Covered workers may demonstrate proof of full vaccination status by presenting the following documents if they list COVID-19 vaccines currently authorized for EUA or approved by the U.S. Food and Drug Administration ("FDA") for use in the United States and/or the World Health Organization ("WHO"), along with an administration date for each dose:

- a. The CDC COVID-19 Vaccination Card issued to the vaccine recipient by the vaccination site, or an electronic or physical copy of the same;
- b. Official record from the New Jersey Immunization Information System (NJIIIS) or other State immunization registry;
- c. A record from a health care provider's portal/medical record system on official letterhead signed by a licensed physician, nurse practitioner, physician's assistant, registered nurse or pharmacist;
- d. A military immunization or health record from the United States Armed Forces; or
- e. Docket mobile phone application record or any state specific application that produces a digital health record.

Covered settings collecting vaccination information from covered workers must comport with all federal and State laws, including but not limited to the Americans with Disabilities Act, that regulate the collection and storage of that information.

5. To satisfy the testing requirement, a covered worker must undergo screening testing at minimum one to two times each week. Where a covered setting requires an unvaccinated covered worker to submit proof of a COVID-19 test, the worker may choose either antigen or molecular tests that have EUA by the FDA or are operating per the Laboratory Developed Test requirements by the U.S. Centers for Medicare and Medicaid Services. Where a covered setting provides the unvaccinated covered worker with on-site access to COVID-19 tests, the covered setting may similarly elect to administer or provide access to either an antigen or molecular test. If the covered worker is not working on-site in the covered setting during a week where testing would otherwise be required, the covered setting's policy need not require the worker to submit to testing for that week. This requirement shall not supplant any requirement imposed by the covered setting regarding diagnostic testing of symptomatic workers or screening testing of vaccinated workers.

6. Covered settings must have a policy for tracking test results from testing required by this Order and must report results to local public health departments.

7. For purposes of this Order, "covered workers" shall include all individuals employed by the covered setting, both full- and part-time, including, but not limited to, administrators, teachers, individuals providing food, custodial, and administrative support services, contractors, providers, and any other individuals performing work in covered settings whose job duties require them to make regular visits to such covered settings, including volunteers. Covered workers do not include individuals who visit the covered setting only to provide one-time or limited-duration repairs, services, or construction.

8. For purposes of this Order, a covered worker shall be considered "fully vaccinated" for COVID-19 two weeks or more after they have received the second dose in a two-dose series or two weeks

or more after they have received a single-dose vaccine. Individuals will only be considered fully vaccinated where they have received a COVID-19 vaccine that is currently authorized for emergency use by the FDA or the WHO, or that are approved for use by the same. Workers who are not fully vaccinated, or for whom vaccination status is unknown or who have not provided sufficient proof of documentation, shall be considered unvaccinated for purposes of this Order.

9. Nothing in this Order shall prevent a covered setting from instituting a vaccination or testing policy that includes additional or stricter requirements, so long as such policy comports with the minimum requirements of this Order. A covered setting may also maintain a policy that requires more frequent testing of covered workers.

10. The Commissioner of the DOH is hereby authorized to issue a directive supplementing the requirements outlined in this Order, which may include, but not be limited to, any requirements for reporting vaccination and testing data to the DOH and any additions to the list of covered settings or workers. Actions taken by the Commissioner of the DOH pursuant to this Order shall not be subject to the requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

11. Effective Friday, September 24, 2021, all covered settings must maintain a policy regarding mandatory use of face masks by staff, child enrollees, and visitors in the indoor portion of the covered setting premises, except in the following circumstances:

- a. When doing so would inhibit the individual's health, such as when the individual is exposed to extreme heat indoors;
- b. When the individual has trouble breathing, is unconscious (including during periods of rest), incapacitated, or otherwise unable to remove a face mask without assistance;

- c. When a student's documented medical condition or disability, as reflected in an Individualized Education Program (IEP) or Educational Plan pursuant to Section 504 of the Rehabilitation Act of 1973, precludes use of a face mask;
- d. When the individual is under two (2) years of age;
- e. When the individual is engaged in activity that cannot physically be performed while wearing a mask, such as eating or drinking, or playing a musical instrument that would be obstructed by a face mask;
- f. When the individual is engaged in high-intensity aerobic or anaerobic activity;
- g. When a child or staff person is participating in high-intensity physical activities during a physical education activity in a well-ventilated location and able to maintain a physical distance of six feet from all other individuals; or
- h. When wearing a face mask creates an unsafe condition in which to operate equipment or execute a task.

12. This Order shall not impact the obligation of any covered setting to comply with requirements issued by the CDC on masking on public transportation conveyances.

13. The policy required by Paragraph 11 of this Order regarding mandatory mask wearing must require individuals seeking a medical exemption from mask wearing under Paragraphs 1(a) - (c) of that Order to produce written documentation from a medical professional to support the exemption. Self-attestations and parental attestations are not sufficient for this purpose.

14. The State Director of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to the terms of this Order.

15. 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 in all matters concerning this Order, and to cooperate fully with any Administrative Orders issued pursuant to this Order.

16. 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 or might in any way interfere with or impede its achievement.

17. Penalties for violations of this Order may be imposed under, among other statutes, N.J.S.A. App. A:9-49 and -50.

18. This Order shall take effect immediately and shall remain in effect until revoked or modified by the Governor.

GIVEN, under my hand and seal this  
 20<sup>th</sup> day of September,  
 Two Thousand and Twenty-one,  
 and of the Independence of the  
 United States, the Two Hundred  
 and Forty-Sixth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

**EXECUTIVE ORDER NO. 265**

WHEREAS, creating a more diverse, equitable, and inclusive environment within State government has been and continues to be a core tenet of my Administration; and

WHEREAS, the impact of creating such an environment is felt beyond the four walls of any government building, and by fostering a stronger culture of inclusivity within government, we can influence workplaces across New Jersey; and

WHEREAS, we are in a moment in history in which there is a heightened awareness of the importance of diversity, the necessity of equity, and the need to foster greater inclusion and belonging, particularly for historically marginalized and underserved groups; and

WHEREAS, as we prioritize adopting more inclusive language, addressing unconscious bias and structural racism, welcoming individuals from varied and diverse backgrounds, creating spaces in which those from marginalized and underserved groups feel valued and accepted, and building agencies' capacities to ensure equity, it is imperative that there be a centralized point of contact to provide guidance and ensure the active implementation of these goals; and

WHEREAS, to that end, I am establishing an Office of Diversity, Equity, Inclusion, and Belonging in the Office of the Governor to coordinate these efforts across each State agency; and

WHEREAS, this new office will work toward increasing the presence of historically underrepresented groups in government and across the State in order to achieve a more equitable, stronger, and fairer New Jersey;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby established, in the Office of the Governor, the Office of Diversity, Equity, Inclusion, and Belonging ("the Office"), which shall coordinate the policymaking processes of State agencies with respect to strengthening diversity, equity, inclusion, and belonging amongst those employed by the State; coordinate advice to the Governor on these matters; ensure that policy decisions and programs impacting diversity, equity, inclusion, and belonging are consistent with the Governor's goals and that those goals are being effectively pursued, and monitor implementation of the Governor's policies concerning diversity, equity, inclusion, and belonging.

2. The Office shall be led by a Director who shall be appointed by and serve at the pleasure of the Governor and who shall be under the immediate supervision and direction of the Governor's Chief Policy Advisor. The Director may hire staff as may be necessary to carry out the provisions of this Order, subject to the availability of funds and approval by the Governor's Chief of Staff, and may conduct the work of the Office in any manner, including through committees or other collaborative groups, as appropriate.

3. The Office shall:

- a. Develop and oversee a Statewide equity capacity-building infrastructure for all State agencies, personnel, and recipients of State funds, and this infrastructure may include recommended protocols,

tools, and training resources to improve equity within their organizations;

- b. Provide direction and guidance to diversity officers and offices within the Executive Branch of State government, and, to the extent practicable, to diversity officers and offices of non-governmental entities receiving State funds;
- c. Develop a high-level accountability structure to support the work toward improving diversity, equity, inclusion, and belonging in the State by conducting assessments of such policies, monitoring the progress of those policies, and supporting the development of new policies;
- d. Oversee the placement of anti-discrimination statements and goals in public policy or guidance documents issued by State agencies;
- e. Establish a strategic plan for measurable outcomes in implementation and growth in these areas, and, to the extent necessary, convene stakeholders such as State partners, personnel, contractors, and subject matter experts toward that end;
- f. Develop recommendations for the formation of policies that support diversity, equity, inclusion, and belonging in non-governmental entities; and
- g. Issue guidelines to effectuate any of the aforementioned duties.

4. The Director may call upon any State agency to provide information or other assistance as the Director deems necessary to discharge the duties under this Order. Each State agency shall, to the extent not inconsistent with law, cooperate fully with any

such request and with the Director generally, within the limits of each agency's statutory authority, and shall furnish such assistance on as timely a basis as is necessary to accomplish the purpose of this Order.

5. For purposes of this Order, "State agency" means any of the principal departments in the Executive Branch of State Government, and any division, board, bureau, office, commission, or other instrumentality within or created by such department, and any independent State authority, commission, instrumentality, or agency over which the Governor exercises executive authority, as determined by the Attorney General.

6. Nothing in this Order shall be construed to confer any legal rights upon entities whose activities are regulated by State agencies; be construed to create a private right of action on behalf of any such regulated entities; or be used as a basis for legal challenge to rules, approvals, permits, licenses, or other action or inaction by a State agency. Nothing in this Order shall be construed to supersede any federal, State, or local law.

7. This Order shall take effect immediately.

GIVEN, under my hand and seal this  
 28<sup>th</sup> day of September,  
 Two Thousand and Twenty-one,  
 and of the Independence of  
 the United States, the Two  
 Hundred and Forty-Sixth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

**EXECUTIVE ORDER NO. 266**

WHEREAS, on March 9, 2020, I issued Executive Order No. 103, declaring the existence of a Public Health Emergency, pursuant to the Emergency Health Powers Act ("EHPA"), N.J.S.A. 26:13-1 et seq., and a State of Emergency, pursuant to the New Jersey Civilian Defense and Disaster Control Act ("Disaster Control Act"), N.J.S.A. App A:9-33 et seq., in the State of New Jersey for Coronavirus disease 2019 ("COVID-19"); and

WHEREAS, through Executive Order Nos. 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, 222, 231, 235, and 240, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, January 19, 2021, February 17, 2021, March 17, 2021, April 15, 2021, and May 14, 2021, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

WHEREAS, in accordance with N.J.S.A. App. A:9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19; and

WHEREAS, as COVID-19 continued to spread across New Jersey, I issued a series of Executive Orders pursuant to my authority under the EHPA and the Disaster Control Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, Nos. 135-138, Nos. 140-166, Nos. 168-173, No. 175, Nos. 177-181, No. 183,

Nos. 186-187, Nos. 189-198, No. 200, Nos. 203-204, No. 207, and Nos. 210-211 (2020) and Nos. 214-216, Nos. 219-220, Nos. 222-223, No. 225, Nos. 228-235, Nos. 237-244, No. 246, No. 249, Nos. 251-253, and Nos. 263 and 264 (2021), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, on June 4, 2021, I signed into law Assembly Bill No. 5820 as P.L.2021, c.103 and issued Executive Order No. 244, which terminated the Public Health Emergency declared in Executive Order No. 103 (2020) but maintained the State of Emergency declared in that same Order; and

WHEREAS, in furtherance of my Administration's commitment to expanding access to the ballot, I also signed into law Senate Committee Substitute for Senate Bill No. 3203 (Second Reprint) as P.L.2021, c.40 (C.19:15A-1 et seq.), which established nine days of in-person early voting for the first time in New Jersey's history; and

WHEREAS, the State experienced significant upticks in certain critical COVID-19 metrics between June and September of this year, including COVID-19 positive cases, spot positivity, and new hospitalizations, which has created additional hesitancy toward increased interactions with other members of the public in close proximity for extended periods; and

WHEREAS, this hesitancy manifested itself through unprecedented poll worker shortages this election cycle, including during the primary election, with many who would otherwise serve as poll workers declining to do so and communicating to their local boards of election and others that concerns related to COVID-19 precluded their participation; and

WHEREAS, as a result, local elections officials have reported a significant decrease in the number of individuals willing to

serve as poll workers, resulting in an inability to meet the statutory requirements concerning the number of poll workers necessary in each election district on Election Day and properly staff the early voting sites during the nine days of in-person early voting under P.L.2021, c.40 (C.19:15A-1 et seq.); and

WHEREAS, ensuring the continuity of our elections is of critical importance and is necessary to guaranteeing the protection of the right of the franchise and of full participation by all in the democratic process; and

WHEREAS, it is therefore necessary to waive certain eligibility requirements for poll workers and to take other measures to incentivize poll worker participation in the November 2021 General Election, as carried out on Election Day and during the early voting period; and

WHEREAS, states generally have discretion to dictate the time, manner, and place of elections in the absence of controlling federal law; 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, and 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, which I have invoked;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. For the General Election to be held on November 2, 2021 and during the early voting period, from October 23 through October 31, 2021, the following shall apply:

- a. The provisions of N.J.S.A. 19:6-2 requiring that a member of a district board be a resident of the county in which that member will serve shall be suspended. As such, the same requirement applicable to election officers conducting early voting under subsection d. of N.J.S.A. 19:15A-1, otherwise deemed a poll worker, is also suspended;
- b. Each member of a district board serving on the day of the General Election shall receive, in addition to the amount payable under N.J.S.A. 19:45-6, a supplemental payment of \$100 for a full day worked, or of \$50 for each full shift worked if such shift is established pursuant to N.J.S.A. 19:6-9.1. Consistent with N.J.S.A. 43:21-19, such supplemental payments shall not be considered or included as remuneration thereunder; and
- c. Each election officer conducting early voting under subsection d. of N.J.S.A. 19:15A-1, otherwise deemed a poll worker, shall receive for each hour worked, in addition to the amounts payable thereunder, a supplemental payment equal to a pro-rated hourly rate consistent with the \$100 supplemental payment established under subsection c. of this paragraph.

2. Any provision of law or Executive Order that is inconsistent with this Order is hereby suspended.

3. No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution that will or might in any way conflict with any of the provisions of this Order,

or that will or might in any way interfere with or impede its achievement.

4. This order shall take effect immediately.

GIVEN, under my hand and seal this  
5<sup>th</sup> day of October,  
Two Thousand and Twenty-one,  
and of the Independence of  
the United States, the Two  
Hundred and Forty-Sixth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

**EXECUTIVE ORDER NO. 267**

WHEREAS, in light of the dangers posed by Coronavirus disease 2019 ("COVID-19"), I issued Executive Order No. 103 on March 9, 2020, the facts and circumstances of which all are adopted by reference herein, which declared both a Public Health Emergency and State of Emergency; and

WHEREAS, to further protect the health, safety, and welfare of New Jersey residents by, among other things, reducing the rate of community spread of COVID-19, I issued Executive Order No. 104 on March 16, 2020, the facts and circumstances of which are also adopted by reference herein, which established statewide social mitigation strategies for combatting COVID-19, which have been strengthened and expanded upon in subsequent Executive Orders, including Executive Order Nos. 105-133, Nos. 135-138, Nos. 140-166, Nos. 168-173, No. 175, Nos. 177-181, No. 183, Nos. 186-187, Nos. 189-198, No. 200, Nos. 203-204, No. 207, and Nos. 210-211 (2020), and Nos. 214-216, Nos. 219-220, Nos. 222-223, No. 225, Nos. 228-235, Nos. 237-244, No. 246, Nos. 251-253, Nos. 263-264, and No. 266 (2021), the facts and circumstances of which are adopted by reference herein; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency pursuant to his constitutional and statutory powers, including those granted by Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, et seq., and consistent with Section 1135 of the Social Security Act, as amended, 42 U.S.C. § 1320b-5; and

WHEREAS, also on March 13, 2020, the President determined that the COVID-19 pandemic was of sufficient severity and magnitude to warrant a nationwide emergency declaration under Section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance

Act ("Stafford Act"), 42 U.S.C. § 5121-5207, which remains in effect today; and

WHEREAS, on March 25, 2020, the President determined that the COVID-19 pandemic in New Jersey was of sufficient severity and magnitude to warrant a major disaster declaration under Section 401 of the Stafford Act, 42 U.S.C. § 5121-5207, which remains in effect today; and

WHEREAS, on July 17, 2020, I issued Executive Order No. 166, the facts and circumstances of which are adopted by reference herein, which set forth a compliance framework to ensure that the State expended and distributed COVID-19 emergency and relief funds in accordance with federal and State rules and regulations and in a way that guarded against fraud, waste, and abuse; and

WHEREAS, the distribution of emergency and relief funds to local government units, businesses, non-profit organizations, and the general public is a priority of my Administration, and the waste, fraud, or abuse of those funds would frustrate that purpose; and

WHEREAS, the federal government has created and continues to create numerous sources of federal funding for state and local governments, businesses, non-profit organizations, and members of the public to support pandemic response and economic recovery, including but not limited to the American Rescue Plan Act of 2021 ("American Rescue Plan"), with state and local governments serving as intermediaries for the distribution of significant portions of those funds; and

WHEREAS, the American Rescue Plan includes approximately \$10 billion in "COVID-19 State and Local Fiscal Recovery Funds" ("SLFRF") that are available from the United States Department of the Treasury ("United States Treasury") to the State and to each

of its twenty-one (21) counties and five hundred and sixty-five (565) municipalities; and

WHEREAS, the SLFRF have the same eligibility criteria and potential uses for State and local governments, thereby requiring unprecedented cooperation and coordination among State and local governments to avoid creating duplicative programs and projects across State-funded and local government-funded programs; and

WHEREAS, the United States Treasury requires state, county and municipal recipients of the SLFRF to report program, sub-recipient, obligation, and expenditure details into a system designated and managed by the United States Treasury as stated in United States Treasury SLFRF Compliance and Reporting Guidance dated June 17, 2021; and

WHEREAS, the reports submitted to the United States Treasury on the uses of SLFRF should contain details on which State, county, and municipal programs may potentially provide duplicate benefits across each level of government; and

WHEREAS, to ensure the proper expenditure of funds, the recipients of federal funding are required to institute procedures to guard against the duplication of benefits across programs and across entities within the same jurisdiction that would violate provisions of the Stafford Act; and

WHEREAS, the State, in order to maximize the impact of federal COVID-19 federal funding, and in compliance with Executive Order No. 166 (2020) and its federal obligations, seeks to minimize the risk of creating improper duplicate benefits by fostering cooperation and coordination across State, county, and municipal COVID-19 relief programs; and

WHEREAS, the Department of Community Affairs ("DCA"), Division of Disaster Recovery & Mitigation ("DDRM") has been designated as the grant manager responsible for the oversight and proper expenditure of the SLFRF; and

WHEREAS, the DCA, Division of Local Government Services ("DLGS") is the State's primary point of coordination with all county and local governments within the State; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. 26:13-1 et seq., N.J.S.A. App. A: 9-33 et seq., N.J.S.A. 38A:3-6.1, and 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, which I have invoked;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. County and municipal recipients of SLFRF must provide copies of all reports filed with the United States Treasury to the DCA, DLGS. The DLGS will serve as the State's central point of contact and receipt for copies of the filings from county and municipal governments with the United States Treasury. Pursuant to this Order, the DLGS is required to issue a Local Finance Notice related to the SLFRF to outline the details pertaining to the collection of the aforementioned filings. At minimum, the Local Finance Notice must include:

- a. The method of transmitting the United States Treasury reports to the DLGS;
- b. The format of the aforementioned reports;

- c. Dates when the aforementioned reports must be submitted to the DLGS; and
- d. Information as to how SLFRF recipients can request program and benefit data, including an email address to which the request shall be sent, so the program recipients can prevent potential Duplication of Benefit awards and disbursements.

2. The DCA, DDRM is directed to review county and municipal reports collected pursuant to Paragraph 1 of this Order to identify potential duplicative State programs. As New Jersey's State Fiscal Recovery Funds grant manager, the DCA, DDRM will accumulate information pertinent to and oversee all programs and activities funded by SLFRF.

3. The DDRM is directed to perform an analysis based on the United States Treasury reporting received by the DGLS from county and municipal Local Fiscal Recovery Funds recipients, and to flag any potentially duplicative funding that may create a violation of the Stafford Act. Pursuant to this review, the Division of Disaster Recovery & Mitigation is directed to:

- a. Identify any State, county, and/or municipal SLFRF program that may provide duplicative benefits to the same individual and/or entity;
- b. Notify the county and/or municipal State and Local Fiscal Recovery Funds recipient of the potential duplicative programs; and
- c. Provide State and Local Fiscal Recovery Funds recipients with access to a copy of the State program or beneficiary State Fiscal Recovery Fund data as necessary.

4. The DLGS shall be authorized to call upon any county or local government agency of this State to supply them with any information, personnel, or other assistance necessary to discharge their duties under this Order.

5. The DDRM shall be authorized to call upon any department, office, division, or agency of this State to supply them with any information, personnel, or other assistance necessary to discharge their duties under this Order.

6. Each department, office, division, and agency of this State, along with each county and local government entity within this State, is hereby required, to the extent not inconsistent with law, to cooperate fully with the DCA, DLGS and DDRM to provide them with such information and assistance on as timely a basis as is necessary to accomplish the purposes of this Order.

7. This Order shall take effect immediately.

GIVEN, under my hand and seal this  
8<sup>th</sup> day of October,  
Two Thousand and Twenty-one,  
and of the Independence of  
the United States, the Two  
Hundred and Forty-Sixth.

[seal]

/s/ Philip D. Murphy  
Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

**EXECUTIVE ORDER NO. 268**

WHEREAS, George Richardson was born in Newark on February 19, 1931, and was a fierce advocate for civil rights, a community leader, and a dedicated assemblyman in the New Jersey Legislature; and

WHEREAS, Assemblyman Richardson began his career in public service in the 1960s, playing an instrumental role in the civil rights movement in Newark and advocating for increased representation of Black residents in State and county offices; and

WHEREAS, Assemblyman Richardson won election to the New Jersey General Assembly in 1961 at just 30 years old, becoming the only Black member of the New Jersey Legislature, and would ultimately serve four terms as an Assemblyman; and

WHEREAS, in 1963, Assemblyman Richardson coordinated large-scale demonstrations against hiring discrimination and formed a coalition of civil rights, religious, and labor organizations known as the Newark Coordinating Council to fight for racial equality in hiring; and

WHEREAS, during his service in the Legislature, Assemblyman Richardson supported and sponsored several bills aimed at dismantling segregation, including bills curbing segregated housing and creating a commission to study segregation in public schools; and

WHEREAS, Assembly Richardson continued his civic engagement long after his retirement from the New Jersey General Assembly, supporting an Urban Peace Corps aimed at reducing substance abuse and promoting job-training programs, heading the Newark-based National Committee for Sane Drug Policy, and co-founding with his wife a public relations agency dedicated to promoting the political and musical works of Black Americans; and

WHEREAS, Assemblyman Richardson was appointed by Allard K. Lowenstein, the United States representative to the United Nations for special political affairs, as director of a special committee to develop an international narcotics policy for the U.S. mission to the United Nations; and

WHEREAS, our State mourns the loss of Assemblyman Richardson, who passed away on September 24, 2021, and extends heartfelt sympathy to his family and friends; and

WHEREAS, it is appropriate to honor the exemplary character, outstanding achievements, and cherished memory of Assemblyman Richardson and to mark his passing;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Friday, October 15, 2021, in recognition and mourning of Assemblyman George Richardson.

2. This order shall take effect immediately.

GIVEN, under my hand and seal this  
14<sup>th</sup> day of October,  
Two Thousand and Twenty-one,  
and of the Independence of  
the United States, the Two  
Hundred and Forty-Sixth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

**EXECUTIVE ORDER NO. 269**

WHEREAS, General Raymond Thomas Odierno was a decorated servicemember and officer who tirelessly served his country in the United States Army for nearly four decades; and

WHEREAS, General Odierno was born on September 8, 1954 in Dover, New Jersey and grew up in Rockaway Township; and

WHEREAS, General Odierno began his career with the Army as an artillery officer following his graduation from West Point in 1976; and

WHEREAS, General Odierno received a Master's degree in nuclear effects engineering from North Carolina State University in 1986 and a Master's degree in national security and strategic studies from the Naval War College in 1990; and

WHEREAS, General Odierno served honorably in the first Persian Gulf War and was also stationed in both Germany and Albania; and

WHEREAS, General Odierno rose to the rank of Brigadier General by 1999; and

WHEREAS, during the George W. Bush administration, General Odierno was the primary military adviser to Secretaries of State Colin Powell and Condoleezza Rice; and

WHEREAS, General Odierno served three tours in Iraq during the Iraq War, beginning in 2003 as Commander of the 4<sup>th</sup> Infantry Division; and

WHEREAS, General Odierno's leadership was instrumental to the war effort, including when soldiers serving in his infantry division found and captured Saddam Hussein in 2003; and

WHEREAS, General Odierno served as Commander of Multi-National Corps-Iraq from 2006 through 2008, when he became Commanding General of United States Forces-Iraq until 2010; and

WHEREAS, General Odierno ascended the ranks to become a four-star general and was named Chief of Staff of the Army in 2011; and

WHEREAS, General Odierno retired from the military in 2015 after 39 years of dedicated service; and

WHEREAS, General Odierno became chairman of USA Football in 2017, and worked tirelessly to promote youth football nationally; and

WHEREAS, General Odierno became chairman of the National Hockey League's Florida Panthers in 2017, and was selected as a member of North Carolina State University's board of trustees in July 2021; and

WHEREAS, General Odierno passed away on October 8, 2021 at the age of 67 following a brave battle with cancer; and

WHEREAS, General Odierno will be sorely missed by his family, including his wife, Linda, children, and grandchildren, his friends, his colleagues, his fellow servicemembers and officers, and the people of the United States whom he served faithfully for nearly four decades; and

WHEREAS, it is with great sorrow that we mourn General Odierno's passing and extend our deepest sympathy to his family, friends, and colleagues; and

WHEREAS, it is appropriate to honor the exemplary character, outstanding achievements, and cherished memory of General Odierno, and to mark his passing;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Tuesday, October 19, 2021, in recognition and mourning of General Raymond Thomas Odierno.

2. This Order shall take effect immediately.

GIVEN, under my hand and seal this  
18<sup>th</sup> day of October,  
Two Thousand and Twenty-one,  
and of the Independence of  
the United States, the Two  
Hundred and Forty-Sixth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

**EXECUTIVE ORDER NO. 270**

WHEREAS, General Colin Luther Powell was a four-star general who dedicated five decades to public service; and

WHEREAS, General Powell served as the National Security Adviser under President Ronald Reagan, Chairman of the Joint Chiefs of Staff under President George H.W. Bush and President Bill Clinton, and Secretary of State under President George W. Bush; and

WHEREAS, General Powell was the first Black man to hold each of those three positions; and

WHEREAS, General Powell was born on April 5, 1937 and raised in South Bronx, New York; and

WHEREAS, General Powell received a Bachelor of Science degree in Geology from the City College of New York in 1958, and would later earn a Master of Business Administration from Georgetown University; and

WHEREAS, General Powell started his public service with the United States upon enrollment with the Reserve Officer Training Corps, after which he was commissioned as a second lieutenant in the Army in 1958; and

WHEREAS, after attending basic training at Fort Benning, General Powell was assigned to the 48<sup>th</sup> Infantry as a platoon leader in West Germany; and

WHEREAS, General Powell served two combat tours in South Vietnam in the 1960s and in South Korea in the 1970s; and

WHEREAS, General Powell served several tours in Vietnam, and was decorated with the Soldier's Medal for bravery after he survived a helicopter crash and single-handedly rescued three others from the burning wreckage; and

WHEREAS, General Powell was promoted to one-star general in 1979, becoming the youngest general officer in the Army at the time; and

WHEREAS, in 1986, General Powell became President Reagan's Deputy National Security Advisor, and then became the President's National Security Advisor in November 1987; and

WHEREAS, in April 1989, General Powell was promoted to four-star general under President George H.W. Bush, and later that year, was selected as the youngest officer to become Chairman of the Joint Chiefs of Staff at age 52; and

WHEREAS, in 1997 General Powell founded America's Promise, the nation's largest cross-sector alliance of nonprofit, community organizations, businesses, and government organization dedicated to improving the lives of young people; and

WHEREAS, that same year, General Powell established the Colin L. Powell Center for Leadership and Service to prepare new generations of publicly engaged leaders from populations previously underrepresented in public service, focusing on community and economic development, education, health care, environmental concerns, international development, and global security issues; and

WHEREAS, General Powell was appointed Secretary of State in 2001 by President George W. Bush, and was unanimously confirmed by the United States Senate; and

WHEREAS, General Powell served as Secretary of State for four years, leading America's diplomatic efforts in the aftermath of the September 11 attacks and military efforts in both Afghanistan and Iraq; and

WHEREAS, General Powell was a highly respected and decorated soldier and citizen, having received the Congressional Gold Medal, President's Citizens Medal, Bronze Star, two Purple Hearts, and two Presidential Medals of Freedom; and

WHEREAS, on October 18, 2021, General Powell succumbed to complications of Coronavirus disease 2019 (COVID-19); and

WHEREAS, General Powell was a beloved husband, father, and grandfather, as well as a remarkable public servant; and

WHEREAS, it is with immense sadness that we mourn General Powell's passing, and extend our deepest sympathy to his wife, Alma, their children, and grandchildren, friends, colleagues, fellow servicemembers and officers, and the people of the United States whom he served faithfully for nearly five decades; and

WHEREAS, it is appropriate to honor the cherished memory and exemplary career and achievements of General Powell, and to mark his passing;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall remain at half-staff at all State departments, offices, agencies, and instrumentalities through sunset on Friday, October 22, 2021, in recognition and mourning of General Colin Powell.

2. This Order shall take effect immediately.

GIVEN, under my hand and seal this  
18<sup>th</sup> day of October,  
Two Thousand and Twenty-one,  
and of the Independence of the  
United States, the Two Hundred  
and Forty-Sixth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

**EXECUTIVE ORDER NO. 271**

WHEREAS, on March 9, 2020, I issued Executive Order No. 103, declaring the existence of a Public Health Emergency, pursuant to the Emergency Health Powers Act ("EHPA"), N.J.S.A. 26:13-1 et seq., and a State of Emergency, pursuant to the New Jersey Civilian Defense and Disaster Control Act ("Disaster Control Act"), N.J.S.A. App A:9-33 et seq., in the State of New Jersey for Coronavirus disease 2019 ("COVID-19"); and

WHEREAS, through Executive Order Nos. 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, 222, 231, 235, and 240, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, January 19, 2021, February 17, 2021, March 17, 2021, April 15, 2021, and May 14, 2021, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

WHEREAS, in accordance with N.J.S.A. App. A:9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19; and

WHEREAS, as COVID-19 continued to spread across New Jersey, I have issued a series of Executive Orders pursuant to my authority under the EHPA and the Disaster Control Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, Nos. 135-138, Nos. 140-166, Nos. 168-173, No. 175, Nos. 177-181, No. 183, Nos. 186-187, Nos. 189- 198, No. 200, Nos. 203-204, No. 207, and

Nos. 210-211 (2020) and Nos. 214-216, Nos. 219-220, Nos. 222-223, No. 225, Nos. 228-235, Nos. 237-244, No. 246, No. 249, Nos. 251-253, Nos. 263-264, and Nos. 266-267 (2021), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, on June 4, 2021, I signed Assembly Bill No. 5820 into law as P.L.2021, c.103 and issued Executive Order No. 244, which terminated the Public Health Emergency declared in Executive Order No. 103 (2020) but maintained the State of Emergency declared in that same Order; and

WHEREAS, P.L.2021, c.103 provided that following the termination of the Public Health Emergency declared in Executive Order No. 103 (2020), the Governor, Department of Health ("DOH") Commissioner (the "Commissioner"), and the head of any other State agency may continue to issue orders related to implementation of recommendations of the Centers for Disease Control and Prevention ("CDC") to prevent or limit the transmission of COVID-19 and related to vaccine distribution, administration, and management, COVID-19 testing, and data collection; and

WHEREAS, parties that contract with the State government provide essential services to the public and interact with the public on a regular basis, and because of the nature of their work, a significant portion of their workers are not able to work remotely; and

WHEREAS, ensuring the safety of the government workforce during this overall escalation in COVID-19 cases, hospitalizations, and deaths resulting from the B.1.617.2 ("Delta") variant is essential for continued operation and service to the public, and it is fitting and proper to require additional protections to the State workforce and public by requiring contractors to provide their vaccination or testing status as a

condition of entry onto State property and into State facilities, including property and facilities leased by a contractor; and

WHEREAS, the CDC has reported that new variants of COVID-19 have been identified in the United States, and that certain variants, particularly the Delta variant, are more transmissible than previous strains; and

WHEREAS, the State has experienced significant overall upticks in critical COVID-19 metrics since July of this year, including COVID-19 positive cases, the rate of transmission, spot positivity, and new hospitalizations, that warrant additional precautions in certain settings, especially those with a substantial number of unvaccinated individuals; and

WHEREAS, while over 5.7 million people in the State have been fully vaccinated against COVID-19, additional steps are necessary to ensure continued vaccinations of individuals in certain settings of concern to protect against the spread of COVID-19; and

WHEREAS, on July 6, 2021, the U.S. Department of Justice's Office of Legal Counsel issued an opinion concluding that Section 564 of the Food, Drug, and Cosmetic Act, 21 U.S.C. § 360bbb-3 does not prohibit public or private entities from imposing vaccination requirements while vaccinations are only available pursuant to Emergency Use Authorization ("EUA"); and

WHEREAS, ensuring that parties that contract with the State government provide adequate COVID-19 safeguards to their workers performing on or in connection with a State government contract will decrease worker absence, reduce labor costs, and improve the efficiency of contractors and subcontractors at sites where they are performing work for the State; and

WHEREAS, the CDC has emphasized that COVID-19 vaccines are effective, in that they can prevent individuals from getting and spreading the virus, and can prevent severe illness in individuals who do contract COVID-19; and

WHEREAS, this Order is related to vaccination management, COVID-19 testing, data collection, and the implementation of CDC recommendations, and is thus authorized under P.L.2021, c.103;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. Each executive department and agency, including an independent authority, shall, to the extent permitted by law, ensure that contracts or agreements entered into by the executive department or agency include a clause that the contractor or any subcontractors, at any tier, that is party to the contract ("covered contractor(s)") must maintain a policy that requires all covered workers to either provide adequate proof to the covered contractor that they have been fully vaccinated or submit to COVID-19 testing at minimum one to two times weekly. This clause shall also be required to be incorporated into lower-tier subcontracts. Any covered worker subject to a policy maintained pursuant to this paragraph that has not provided adequate proof that the covered worker is fully vaccinated must submit to a minimum of weekly or twice weekly testing on an ongoing basis until fully vaccinated.

2. This Order shall apply to any new contract, new solicitation for a contract, extension or renewal of an existing contract, and exercise of an option on an existing contract, if it is a contract for services, construction, including demolition,

remediation, removal of hazardous substances, alteration, custom fabrication, repair work, or maintenance work, or a leasehold interest in real property through which covered workers have access to State property, and the cost or contract price thereof is to be paid, in whole or in part, with or out of executive department or agency funds. This Order shall not apply to financial assistance, including but not limited to grants, bonds, loans, or tax credits; contracts or subcontracts whose value is less than the State bid advertising threshold under N.J.S.A. 52:34-7; employees who perform work outside of the State; or contracts solely for the provision of goods.

3. Covered workers may demonstrate proof of full vaccination status by presenting the following documents to the covered contractor if they list COVID-19 vaccines currently authorized for EUA in the United States and/or the World Health Organization ("WHO"), along with an administration date for each dose:

- a. The CDC COVID-19 Vaccination Card issued to the vaccine recipient by the vaccination site, or an electronic or physical copy of the same;
- b. Official record from the New Jersey Immunization Information System (NJIIS) or other State immunization registry;
- c. A record from a health care provider's portal/medical record system on official letterhead signed by a licensed physician, nurse practitioner, physician's assistant, registered nurse or pharmacist;
- d. A military immunization or health record from the United States Armed Forces; or

- e. Docket mobile phone application record or any state specific application that produces a digital health record.

Covered contractors collecting vaccination information from covered workers must comport with all federal and State laws, including but not limited to the Americans with Disabilities Act, that regulate the collection and storage of that information.

4. To satisfy the testing requirement, a covered worker must undergo screening testing at minimum one to two times weekly. Where a covered contractor requires an unvaccinated covered worker to submit proof of a COVID-19 test, the worker may choose either antigen or molecular tests that have EUA by the U.S. Food and Drug Administration ("FDA") or are operating per the Laboratory Developed Test requirements by the U.S. Centers for Medicare and Medicaid Services. Where a covered contractor provides the unvaccinated covered worker with on-site access to COVID-19 tests, the covered contractor may similarly elect to administer or provide access to either an antigen or molecular test. If the covered worker is not working on-site during a week where testing would otherwise be required, the covered contractor's policy need not require the worker to submit to testing for that week. This requirement shall not supplant any requirement imposed by the covered contractor regarding diagnostic testing of symptomatic workers or screening testing of vaccinated workers.

5. Covered contractors must have a policy for tracking test results from testing required by this Order and must report results to local public health departments.

6. An executive department or agency shall require bidders for contracts subject to this Order to certify at the time of bid or proposal or prior to executing a contract that the bidder, if

awarded a contract, shall comply with this Order by having the policies and practices required by this Order in place, and shall collect all data necessary for compliance with this Order. Covered contractors shall certify, at the time of submission of an invoice, that they have complied with this Order during the period of time covered by the invoice.

7. For purposes of this Order, "covered worker" means any full-time or part-time worker for a covered contractor working on or in connection with a contract with an executive department or agency that requires such worker to enter, work at, or provide services in any place, site, installation, building, room, or facility in which any executive department or agency conducts official business or is within an executive department or agency's jurisdiction, custody, or control, or that relates to offering services for State employees, their dependents, or the general public.

8. For purposes of this Order, a covered worker shall be considered "fully vaccinated" for COVID-19 two weeks or more after they have received the second dose in a two-dose series or two weeks or more after they have received a single-dose vaccine. Individuals will only be considered fully vaccinated where they have received a COVID-19 vaccine that is currently authorized for emergency use by the FDA or the WHO, or that are approved for use by the same. Workers who are not fully vaccinated, or for whom vaccination status is unknown or who have not provided sufficient proof of documentation, shall be considered unvaccinated for purposes of this Order.

9. Nothing in this Order shall prevent a covered contractor from instituting a vaccination or testing policy that includes additional or stricter requirements, so long as such policy

comports with the minimum requirements of this Order. A covered contractor may also maintain a policy that requires more frequent testing of covered workers.

10. The Commissioner is hereby authorized to issue a directive supplementing the requirements outlined in this Order, which may include, but not be limited to, any requirements for reporting vaccination and testing data to the DOH. Actions taken by the Commissioner pursuant to this Order shall not be subject to the requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

11. The State Director of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to the terms of this Order.

12. 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 in all matters concerning this Order, and to cooperate fully with any Administrative Orders issued pursuant to this Order.

13. 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 or might in any way interfere with or impede its achievement.

14. Penalties for violations of this Order may be imposed under, among other statutes, N.J.S.A. App. A:9-49 and -50.

15. This Order shall take effect immediately and shall remain in effect until revoked or modified by the Governor.

GIVEN, under my hand and seal this  
20<sup>th</sup> day of October,  
Two Thousand and Twenty, and  
of the Independence of the  
United States, the Two  
Hundred and Forty-Sixth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

**EXECUTIVE ORDER NO. 272**

WHEREAS, a strong Nor'easter is forecasted to begin impacting New Jersey on the evening of Monday, October 25, 2021, bringing severe weather conditions across the State over the next several days which may include strong winds, heavy and sustained rainfall forecasted to reach up to four inches across the State with even higher potential local accumulations, and coastal flooding; and

WHEREAS, these severe weather conditions may cause downed trees and power lines, damages to structures, and stream, river, and coastal flooding; and

WHEREAS, widespread roadway flooding may occur along inland waterways, making roadways impassable; and

WHEREAS, strong rains and winds may cause downed power lines and trees, resulting in power outages that could impede the normal operation of public and private entities; and

WHEREAS, significant rainfall is projected in areas already significantly impacted in early September 2021 by severe flooding from Tropical Storm Ida; and

WHEREAS, the late-night arrival of these conditions and level of forecast unpredictability of this weather system requires the State to enact protective measures in advance of the approaching storm; and

WHEREAS, these serious weather conditions may make it difficult or impossible for citizens to obtain the necessities of life, as well as essential services such as police, fire, and first aid; and

WHEREAS, this Nor'easter constitutes an imminent hazard that threatens and presently endangers the health, safety, and resources of the residents of the State; and

WHEREAS, 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, PHILIP D. MURPHY, 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, effective at 8:00 p.m. on October 25, 2021, and I hereby ORDER and DIRECT the following:

1. I authorize and empower the State Director of Emergency Management, who is the Superintendent of State Police, to implement the State Emergency Operations Plan and to direct the activation of county and municipal emergency operations plans, as necessary, and to coordinate the recovery effort from this emergency with all governmental agencies, volunteer organizations, and the private sector.

2. I authorize and empower, in accordance with N.J.S.A. App. A:9-33, et seq., as supplemented and amended, the State Director of Emergency Management, who is the Superintendent of State Police, through the police agencies under his control, and with consideration of any Administrative Order issued by the Commissioner of the Department of Transportation (the "Commissioner"), to determine and control the direction of the flow of vehicular traffic on any State or interstate highway, municipal or county road, and any access road, including the right to detour, reroute, or divert any or all traffic and to prevent ingress or egress from any area that, in the State Director's discretion, is deemed necessary for the protection of the health, safety, and welfare of the public, and to remove parked or abandoned vehicles from such roadways as conditions warrant.

3. I authorize and empower the Attorney General, pursuant to the provisions of N.J.S.A. 39:4-213, acting through the Superintendent of State Police, and with consideration of any Administrative Order issued by the Commissioner, to determine and control the direction of the flow of vehicular traffic on any State or interstate highway, municipal or county road, and any access road, including the right to detour, reroute, or divert any or all traffic, to prevent ingress or egress, and to determine the type of vehicle or vehicles to be operated on such roadways. I further authorize all law enforcement officers to enforce any such order of the Attorney General or Superintendent of State Police within their respective municipalities.

4. I authorize and empower the State Director of Emergency Management to order the evacuation of all persons, except for those emergency and governmental personnel whose presence the State Director of Emergency Management deems necessary, from any area where their continued presence would present a danger to their health, safety, or welfare because of the conditions created by this emergency.

5. I authorize and empower the State Director of Emergency Management to utilize all facilities owned, rented, operated, and maintained by the State of New Jersey to house and shelter persons who may need to be evacuated from a residence, dwelling, building, structure, or vehicle during the course of this emergency.

6. 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 and in consultation with the State Director of Emergency Management. Any

such waiver, modification, or suspension shall be promulgated in accordance with N.J.S.A. App. A:9-45.

7. I authorize and empower the Adjutant General, in accordance with N.J.S.A. 38A:2-4 and N.J.S.A. 38A:3-6.1, to order to active duty such members of the New Jersey National Guard who, in the Adjutant General's judgment, are necessary to provide aid to those localities where there is a threat or danger to the public health, safety, and welfare and to authorize the employment of any supporting vehicles, equipment, communications, or supplies as may be necessary to support the members so ordered.

8. In accordance with the 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.

9. 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 or might in any way interfere with or impede the achievement of the purposes of this Order.

10. 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.

11. In accordance with N.J.S.A. App. A:9-34, N.J.S.A. App. A:9-40.6, and N.J.S.A. 40A:14-156.4, no municipality or public or semipublic agency shall send public works, fire, police, emergency medical, or other personnel or equipment into any non-contiguous disaster-stricken municipality within this State, nor to any disaster-stricken municipality outside this State, unless and until such aid has been directed by the county emergency management coordinator or their deputies in consultation with the State Director of Emergency Management.

12. This Order shall take effect at 8:00 p.m. on October 25, 2021 and shall remain in effect until such time as it is determined by me that an emergency no longer exists.

GIVEN, under my hand and seal this  
25<sup>th</sup> day of October,  
Two Thousand and Twenty-one,  
and of the Independence of the  
United States, the Two Hundred  
and Forty-Sixth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

**EXECUTIVE ORDER NO. 273**

WHEREAS, Executive Order No. 272, declaring a State of Emergency, was issued on October 25, 2021, because of a prolonged nor'easter that arrived on that date and continued through October 27, 2021; and

WHEREAS, the severity of the conditions necessitating the declaration of a State of Emergency have eased; and

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and the Statutes of this State, hereby ORDER and DIRECT:

1. The State of Emergency declared in Executive Order No. 272 (2021) is terminated effective 5:00 p.m., Eastern Standard Time, on November 1, 2021.

GIVEN, under my hand and seal this  
1<sup>st</sup> day of November,  
Two Thousand and Twenty-one,  
and of the Independence of  
the United States, the Two  
Hundred and Forty-Sixth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

**EXECUTIVE ORDER NO. 274**

WHEREAS, global atmospheric warming, caused largely by the burning of fossil fuels, constitutes one of the greatest long-term threats currently facing humanity and is leading to significant changes in climate patterns here in New Jersey, across the United States, and around the world, resulting in rising sea levels, increased flooding, more frequent and severe extreme weather events, and numerous other adverse environmental impacts; and

WHEREAS, New Jersey's communities and economy are uniquely vulnerable to the devastating impacts of climate change, with potentially disastrous consequences for public health and safety, as well as for the social and economic vitality of the State; and

WHEREAS, minority and low-income communities are disproportionately affected by climate change, including by the health effects of higher temperatures and increased air pollution, and by the displacement of coastal and low-lying neighborhoods from sea level rise and flooding; and

WHEREAS, reducing the severity of adverse climate change impacts requires steep and immediate reductions in greenhouse gas emissions on an economy-wide basis; and

WHEREAS, traditional methods of energy production that rely on the burning of fossil fuels release harmful emissions of greenhouse gases, which in turn contribute to global climate change; and

WHEREAS, it is the policy of this State that, as a key part of its efforts to curtail the serious impacts of global climate change caused by greenhouse gas emissions, New Jersey must pursue a just and smooth transition away from its reliance on fossil fuels as a primary energy source and build a stronger and fairer economy that relies primarily upon clean and renewable energy sources; and

WHEREAS, on July 6, 2007, the State enacted the Global Warming Response Act ("GWRA"), N.J.S.A. 26:2C-37, and updated it in 2019, establishing a statewide goal of reducing greenhouse gas emissions to 80 percent below 2006 levels by 2050; and

WHEREAS, in one of my earliest actions as Governor, I signed Executive Order No. 7 (2018) authorizing the State to rejoin the Regional Greenhouse Gas Initiative, a cooperative program to cap and reduce carbon dioxide emissions from power plants in the participating states, and to begin limiting carbon dioxide emissions from New Jersey's power sector, while simultaneously allowing New Jersey to make transformational investments in clean energy to further reduce greenhouse gas emissions; and

WHEREAS, Executive Order Nos. 8 (2018) and 92 (2019) emphasized the vital importance of offshore wind energy to aid in the State's just and smooth transition to a clean energy economy, setting a goal of procuring 7,500 megawatts of the State's energy from offshore wind by 2035, which will further reduce greenhouse gas emissions; and

WHEREAS, in Executive Order No. 23 (2018), in recognition of the disproportionate exposure of New Jersey's low-income communities and communities of color to unacceptably high levels of environmental pollution, I directed all Executive Branch departments and agencies to consider environmental justice in implementing their responsibilities; and

WHEREAS, pursuant to Executive Order No. 28 (2018), on January 27, 2020, the New Jersey Board of Public Utilities issued an update to New Jersey's Energy Master Plan ("EMP") that provided a comprehensive, forward-thinking blueprint for a just and smooth transition from reliance on fossil fuels that contribute to climate

change to 100 percent clean energy sources on or before January 1, 2050, with the EMP next scheduled to be updated in 2022; and

WHEREAS, in Executive Order No. 100 (2020), I directed the Department of Environmental Protection ("DEP") to adopt regulations to protect against climate threats, including establishing a greenhouse gas monitoring and reporting program and establishing criteria to reduce emissions of carbon dioxide and other climate pollutants; and

WHEREAS, on September 18, 2020, I signed a landmark environmental justice law, N.J.S.A. 13:1D-157 to -161, which recognizes the disproportionate exposure to pollution faced by New Jersey's low-income communities and communities of color and requires DEP to adopt regulations to deny or condition permits for certain facilities that would cause or contribute to adverse cumulative environmental and public health stressors in such communities; and

WHEREAS, pursuant to Executive Order No. 89 (2019), on October 12, 2021, the Interagency Council on Climate Resilience issued the first Statewide Climate Change Resilience Strategy, laying out a vision for building a stronger, fairer, more resilient New Jersey that proactively addresses the expected effects of climate change in the State; and

WHEREAS, in Executive Order No. 221 (2021), I established the Governor's Office of Climate Action and the Green Economy ("OCAGE") to coordinate policymaking across the Executive Branch with respect to climate change, and created the New Jersey Council on the Green Economy to support the transition to an equitable clean energy economy and the creation of innovative and sustainable job opportunities; and

WHEREAS, New Jersey's first Scientific Report on Climate Change, issued by DEP on June 30, 2020 pursuant to Executive Order No. 89 (2019), described impacts of climate change that are presently occurring in New Jersey as a result of increased atmospheric levels of greenhouse gases, including increasingly mild winters and related ecosystem harms, more intense rainfalls, and more severe flooding, as well as anticipated impacts including sea level rise, increased air pollution, more severe droughts, and damage to agricultural and marine resources, all of which threaten public health, safety, and the State's infrastructure and economy; and

WHEREAS, DEP's October 15, 2020 Global Warming Response Act 80x50 Report ("80x50 Report"), prepared in accordance with the GWRA, N.J.S.A. 26:2C-41, found that, without steep and permanent reductions in greenhouse gas emissions in the next several years, New Jersey will experience significant adverse effects of climate change; and

WHEREAS, the 80x50 Report further found that very substantial emissions reductions in all areas of New Jersey's economy, and particularly in the transportation, residential, commercial, and electric generation sectors, will be needed to meet the goal of an 80 percent reduction in emissions by 2050; and

WHEREAS, the August 6, 2021 Sixth Assessment Report of the United Nations Intergovernmental Panel on Climate Change, which the United Nations Secretary General called "a code red for humanity" and which describes the present effects of climate change on every inhabited region of the world, emphasizes the need for deep reductions in greenhouse gas emissions in the coming decades and underscores the need for immediate action; and

WHEREAS, emissions reductions in the next decade are critical to reducing the severity of adverse impacts of climate change; and

WHEREAS, it is vital that, here in New Jersey, we take decisive action in the immediate term to ensure that we remain on track to meet our longer-term emissions reduction goals and protect our people, economy, and environment from the worsening impacts of climate change; and

WHEREAS, effective action to achieve the necessary emissions reductions requires a coordinated whole-state approach that addresses all sectors of the economy, including transportation, electric generation, and residential and commercial building energy use, in an integrated manner; and

WHEREAS a concrete, near-term target for greenhouse gas emissions reductions will help focus our efforts and ensure that we take the critical actions that are needed today;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. It is the policy of the State to reduce greenhouse gas emissions to 50 percent below 2006 levels by the year 2030.

2. The OCAGE shall coordinate the efforts of Executive Branch departments and agencies to further develop and implement the objectives and strategies detailed in the EMP and 80x50 Report or otherwise established in order to accomplish the policy set forth in this Order.

3. For purposes of this Order, "Executive Branch departments and agencies" shall mean any of the principal departments in the Executive Branch of State government and any agency, authority, board, bureau, commission, division,

institution, office, or other instrumentality within or created by any such department, and any independent State authority, commission, instrumentality, or agency over which the Governor exercises executive authority, as determined by the Attorney General.

4. Nothing in this Order shall be construed to confer any legal rights upon entities whose activities are regulated by State entities, nothing shall be construed to create a private right of action on behalf of any such regulated entities, and nothing shall be used as a basis for legal challenges to rules, approvals, permits, licenses, or other action or inaction by a State entity. Nothing in this Order shall be construed to supersede any federal, State, or local law.

5. This Order shall take effect immediately.

GIVEN, under my hand and seal this  
 10<sup>th</sup> day of November,  
 Two Thousand and Twenty-one,  
 and of the Independence of  
 the United States, the Two  
 Hundred and Forty-Sixth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor