State of Louisiana

EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NUMBER JML 26-090

STATE OF EMERGENCY
AGRICULTURE AND FORESTRY DIESEL FUEL SUPPLY

WHEREAS, the Governor is responsible for meeting the dangers to the state and people presented by emergencies and disasters;

WHEREAS, when the Governor determines that a disaster or emergency has occurred, or the threat thereof is imminent, R.S. 29:724(B)(1) empowers him to declare a state of emergency or disaster by executive order, which has the force and effect of law;

WHEREAS, on January 20, 2025, the President of the United States declared a national emergency with respect to energy by Executive Order 14156 pursuant to the National Emergencies Act, 50 U.S.C. 1601 *et seq.*, finding, "[a]n affordable and reliable domestic supply of energy is a fundamental requirement for the national and economic security of any nation";

WHEREAS, that national emergency has been continued through January 20, 2027, finding that "[t]he circumstances related to this emergency continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States";

WHEREAS, on September 16, 2026, the Federal Motor Carrier Safety Administration issued an Hours of Service Waiver for the Transportation of Gasoline and Diesel Fuel "to address potential increases in transportation and agricultural harvesting demands";

WHEREAS, the United States Energy Information Administration reports that exports of distillate fuel oil from the United States reached 1,935,000 barrels per day for the week ending August 7, 2026, the highest weekly level recorded since the agency began publishing the series in June 2010, and exceeded 1,700,000 barrels per day in five of the eight weeks ending July 24 through September 11, 2026;

WHEREAS, the Energy Information Administration reports that net exports of distillate fuel oil from the United States have been "above or near the five-year high in every month of 2026 since February," and that "[l]ow distillate inventories contribute to higher domestic diesel prices";

WHEREAS, the United States Energy Information Administration reports that for the week ending September 11, 2026, national distillate fuel oil inventories stood at 107,859,000 barrels and days of supply fell to 29.9 days, each the lowest the agency has recorded for that week;

WHEREAS, the Energy Information Administration forecasts in its September 2026 Short-Term Energy Outlook that United States distillate fuel oil inventories "will remain below the five-year (2021–2025) low through much of 2027";

WHEREAS, the 2026 crop enterprise budgets published by the Louisiana State University Agricultural Center were prepared using an assumed diesel fuel price of $2.85 per gallon, which is less than half the price presently prevailing in this State;

WHEREAS, the average retail price of diesel fuel in Louisiana is at an all-time high of $6.03 per gallon, an increase of more than eighty percent over the price prevailing one year earlier;

WHEREAS, agriculture and forestry are among the largest industries in this State, and sugarcane, rice, and soybean harvests are presently underway, and harvesting operations consume diesel fuel at their highest annual rate during these months;

WHEREAS, Louisiana farmers and timber harvesters maintain on-farm and on-site storage of dyed diesel fuel for nontaxable off-road use, and allowing that fuel to be used in highway vehicles engaged in agricultural and timber harvesting operations will make fuel immediately available to those operations;

WHEREAS, R.S. 29:724(D)(1) authorizes the Governor during a declared state of emergency to suspend the provisions of any state regulatory statute prescribing procedures for conducting state business, or the orders, rules, or regulations of any state agency, if strict compliance with the provision of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency; and

WHEREAS, R.S. 47:818.52(A)(1) makes it unlawful to operate a vehicle registered for or required to be registered for highway use "with diesel fuel which contains any evidence of the dye or chemical marker as required pursuant to the regulations promulgated under 26 USC 4082," and R.S. 47:818.52(C) subjects each violation to a penalty of ten dollars for every gallon of fuel involved or one thousand dollars, whichever is greater.

NOW THEREFORE I, JEFF LANDRY, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency is hereby declared to exist in the State of Louisiana as a result of the emergency conditions created by the shortage of distillate fuel supply described above.

Section 2: Pursuant to R.S. 29:724(B)(3), the designated emergency area is the State of Louisiana.

Section 3: The provisions of R.S. 47:818.52(A)(1) and R.S. 47:818.52(A)(2) are hereby suspended to the extent that they make unlawful, or subject to penalty, any of the following:

A. the operation of a vehicle registered and licensed for highway use as Class 2 or Class 5 under R.S. 47:462 with diesel fuel which contains any evidence of the dye or chemical marker required under 26 U.S.C. 4082;

B. the holding for use, or the use, of such fuel by the owner or operator of a vehicle so registered; and

C. the sale, offer for sale, or holding for sale of such fuel to the owner or operator of a vehicle so registered.

Section 4: No state department or agency shall assess the penalty imposed by R.S. 47:818.52(C) against any person for conduct within the scope of Section 3 of this Order;

Section 5: The Secretary of the Department of Revenue shall request dyed diesel fuel penalty relief from the Internal Revenue Service in accordance with Internal Revenue Manual 25.16.1.5, within three (3) business days of the effective date of this Order;

Section 6: Pursuant to R.S. 29:732, during a declared state of emergency, the prices charged or value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.

Section 7: All departments, commissions, boards, agencies and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to this event.

<u>Section 8:</u> This Order is effective Wednesday, September 23, 2026, and shall remain in effect until Thursday, October 22, 2026, unless amended, modified, terminated, or rescinded earlier by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana in the City of Baton Rouge, on this 22nd day of September, 2026.

Jeff Landry
GOVERNOR OF LOUISIANA

ATTEST BY THE SECRETARY OF STATE

Nancy Landry
SECRETARY OF STATE