

EXECUTIVE ORDER NO. 408

WHEREAS, approximately 186,000 New Jerseyans rely on propane as their primary source of fuel for home heating; and

WHEREAS, on or about November 21, 2025, a power outage at a major gas refinery and industrial complex in Marcus Hook, Pennsylvania severely disrupted the routine flow of propane to motor carriers that help distribute propane to serve the region's commercial and residential needs; and

WHEREAS, the Marcus Hook gas refinery remains open only on an intermittent basis, resulting in significantly increased wait times at propane truck terminals at that facility, as well as significantly increased traffic and wait times at major propane distribution facilities in nearby states, including New Jersey; and

WHEREAS, regulations enforced by the Federal Motor Carrier Safety Administration, particularly the provisions of 49 C.F.R. Part 395, restrict the hours-of-service that propane motor carriers or truck drivers are permitted to work under routine conditions; and

WHEREAS, the increased wait times for trucks at major regional propane gas terminals combined with Federal Motor Carrier Safety Administration hours-of-service restrictions are expected to result in a shortage of propane fuel available for residential home heating in New Jersey; and

WHEREAS, overnight temperatures in New Jersey are expected to remain well below freezing for the foreseeable future, leading to an expected increase in the usage of home residential fuel sources, including propane; and

WHEREAS, any significant propane supply disruption may make it difficult or impossible for many New Jersey residents to heat

their homes; and

WHEREAS, the imminent shortfall in the delivery of propane for home heating endangers the health, safety, and welfare of the approximately 186,000 New Jerseyans who rely on this fuel source for their home heating needs and, as such, constitutes a "disaster" under the Civilian Defense Act and Disaster Control Act, N.J.S.A. App. A:9-33 et seq.; and

WHEREAS, the Federal Motor Carrier Safety Administration regulations, 49 C.F.R. 390.23(b)(1), allows for a temporary exemption to the motor carrier hours-of-service restrictions established in 49 C.F.R. Part 395, so that motor carriers or drivers operating a commercial motor vehicle may provide residential heating fuel upon the declaration of a state of emergency by the Governor or an authorized representative; and

WHEREAS, New Jersey's Consumer Fraud Act, N.J.S.A. 56:8-107 et seq., prohibits excessive price increases for essential items, including fuel, during a declared state of emergency, and for 30 days after the termination of the state of emergency; 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 9:00 a.m. on Friday, December 12, 2025; 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. In authorizing a State of Emergency, I hereby invoke the provisions of 49 C.F.R. Part 390.23, which state in relevant part that the motor carrier hours-of-service restrictions contained in 49 C.F.R. Part 395 "shall not apply to a motor carrier or driver operating a commercial motor vehicle to provide residential heating fuel in the geographic area designated in an emergency declaration issued by the Governor of the State," and reserve the right to take all necessary and appropriate steps to effectuate the terms of this provision.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. I reserve the right to take all necessary and appropriate steps to use existing State resources to address the needs of individuals reliant on propane for home heating and to take any additional actions to protect the residents of this State against the emergency created by a shortfall in home heating fuel.

10. This Order shall take effect at 9:00 a.m. on Friday, December 12, 2025, 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
 11th day of December,
 Two Thousand and Twenty-Five,
 and of the Independence of
 the United States, the Two
 Hundred and Fiftieth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Kate E. McDonnell

Chief Counsel to the Governor