

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

A PROCLAMATION

By the Governor

WHEREAS, on January 20, 2025, President Donald J. Trump issued Executive Order 14156, *Declaring a National Energy Emergency*, 90 Fed. Reg. 8433 (Jan. 29, 2025), finding that the United States' insufficient energy production, transportation, refining, and generation constitutes an unusual and extraordinary threat to the Nation's economy, national security, and foreign policy, and declaring a national emergency under the National Emergencies Act, 50 U.S.C. §§ 1601 to 1651; and

WHEREAS, on January 12, 2026, the President continued the national energy emergency for an additional year beyond January 20, 2026, finding that the circumstances related to that emergency "continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States," *Continuation of the National Emergency With Respect to Energy*, 91 Fed. Reg. 1667 (Jan. 14, 2026); and

WHEREAS, on October 5, 2026, the President issued Executive Order 14435, *Emergency Tax Relief on Diesel Fuel*, 91 Fed. Reg. 64747 (Oct. 9, 2026), finding that "[r]estricted global diesel supply has led to rising prices," that farmers and truckers "have been particularly hard hit," and that "further temporary relief is necessary"; and

WHEREAS, Executive Order 14435 directs the Secretary of the Treasury to determine whether relief is authorized under 26 U.S.C. 7508A and, if so, to defer payment of certain federal excise taxes on diesel fuel incurred from October 5, 2026, through December 31, 2026, and to direct the Internal Revenue Service to announce that it will not impose penalties when dyed diesel fuel is sold for use or used on the highway during that period; and

WHEREAS, on October 14, 2026, the Internal Revenue Service announced in IR-2026-122 that it will not impose a penalty when dyed diesel fuel is sold for use or used on highways nationwide from October 1, 2026, through December 31, 2026, and stated that this relief “only applies for federal tax purposes” and “has no effect on state fuel taxes and penalties that a state may impose on the use of dyed diesel fuel on the highway”; and

WHEREAS, Section 7 of Executive Order 14435 directs the Secretary of Agriculture to encourage “corresponding State action to further the policies of this order,” and Section 8 encourages States “to adopt policies that correspond to” the Executive Order; and

WHEREAS, the high price of fuel has created a significant, unforeseen, and undue burden on the industries that depend on diesel fuel and on citizens of the State of West Virginia; and

WHEREAS, according to the U.S. Energy Information Administration, the average retail price of on-highway diesel fuel in the Lower Atlantic region, which includes West Virginia, was \$5.740 per gallon for the week of October 19, 2026; and

WHEREAS, according to AAA Fuel Prices, the average price for diesel fuel in West Virginia on October 20, 2026, was \$6.3447 per gallon, which is almost three dollars higher than the state average for the same period last year (\$3.57 per gallon);¹ and

WHEREAS, diesel fuel powers the trucks that deliver food, medicine, fuel, and other essential supplies to every county of this State, the farm equipment needed to complete the fall harvest and sustain livestock, the equipment used in coal mining and energy production, and many of the school buses, fire apparatus, ambulances, and highway maintenance vehicles on which West Virginians depend; and

WHEREAS, the high price and restricted supply of diesel fuel present a reasonable probability that necessary services, including the delivery of essential supplies, emergency services, pupil transportation, and agricultural operations, will be disrupted for a significant

¹ AAA Fuel Prices, October 20, 2026, <https://gasprices.aaa.com/?state=WV>

number of West Virginians, and threaten widespread and severe loss of property and harm to the critical infrastructure and economic security of this State; and

WHEREAS, West Virginia Code § 15-5-6(b) authorizes the Governor to proclaim a State of Emergency upon finding that conditions warranting the proclamation exist and that the health, safety, and welfare of the inhabitants of this State require an invocation of the provisions of that section; and

WHEREAS, in accordance with my authority as Governor, it has been deemed necessary and beneficial to declare a State of Emergency, pursuant to West Virginia Code § 15-5-6(b), for all fifty-five counties of West Virginia relating to the hardship created by the increased price of fuel.

NOW, THEREFORE, I, PATRICK MORRISEY, by virtue of the authority vested in me as the Governor of the State of West Virginia, including West Virginia Code § 15-5-6, and in view of the foregoing, do hereby **FIND AND DECLARE** that a State of Emergency exists in all fifty-five counties of the State of West Virginia; that State of Emergency is to remain in effect for sixty days—unless terminated by subsequent Proclamation; and that it is necessary and beneficial to the health, safety, and welfare of the inhabitants to declare this State of Emergency due to the high price and restricted supply of diesel fuel.

In response to this State of Emergency, I hereby **INVOKE** the emergency powers set forth in West Virginia Code § 15-5-6; **DIRECT** the use of the Emergency Operations Plan, as necessary; **ORDER** appropriate personnel and resources to prepare to mobilize and respond to any emergency that may develop; and **DELEGATE** certain administrative powers to the Director of the West Virginia Emergency Management Division, as necessary, to facilitate the provision of essential emergency services.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.

DONE at the Capitol in the City of
Charleston, State of West Virginia, this
Twentieth Day of October, in the Year of our
Lord, Two Thousand Twenty-Six, in the One
Hundred Sixty-Fourth Year of the State.



Patrick Morisy
GOVERNOR

Kris Warner
SECRETARY OF STATE