

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
RESOLUTIONS

Resolution No.	Sponsor	Title	Date Intro	Date of Presentation	Date Adopted	Date Referred	Referred to	PUBLIC HEARING DATE	DATE AUTHORS REPORT FILED	NOTES
93-37 (COR)	Sabina Flores Perez	Relative to joining the Commonwealth of the Northern Mariana Islands in urging the Government of Japan to consider alternatives to the discharge of more than one million tons of contaminated water from the Fukushima Daiichi Nuclear Disaster into the Pacific Ocean.	4/21/23 12:47 p.m.			6/19/23	Author	9/5/23 9:00 a.m.	11/9/23 3:07 p.m. As amended by the Author	



OFFICE OF SENATOR SABINA FLORES PEREZ

Chairperson

Committee on Environment, Revenue and Taxation, Labor, Procurement,
and Statistics, Research, and Planning

I Mina'trentai Siette Na Liheslaturan Guåhan • 37th Guam Legislature

November 3, 2023

The Honorable Therese M. Terlaje

Speaker

I Mina'trentai Siette Na Liheslaturan Guåhan

163 Chalan Santo Papa

Hagåtña, Guam 96910

VIA: **The Honorable Chris Barnett** *CB*
Chairperson, Committee on Rules

RE: Author's Report on Resolution No. 93-37 (COR), As Amended

Håfa adai Speaker Terlaje,

Transmitted herewith is the Author's Report on **Resolution No. 93-37 (COR), As Amended** – Sabina Flores Perez – **Relative to joining the Commonwealth of the Northern Mariana Islands in urging the Government of Japan to consider alternatives to the discharge of more than one million tons of contaminated water from the Fukushima Daiichi Nuclear Disaster into the Pacific Ocean.**

Si Yu'os ma'åse',

Sabina Flores Perez

Sabina Flores Perez

Senator, *I Mina'trentai Siette Na Liheslaturan Guåhan*



COMMITTEE ON RULES

Received:

November 3, 2023 4:46 p.m.

Beatrice Cruz

Revisions Recieved:

November 8, 2023 11:46 a.m.



OFFICE OF SENATOR SABINA FLORES PEREZ

Chairperson

Committee on Environment, Revenue and Taxation, Labor, Procurement,
and Statistics, Research, and Planning

I Mina'trentai Siette Na Liheslaturan Guåhan • 37th Guam Legislature

AUTHOR'S REPORT

Resolution No. 93-37 (COR), As Amended by the Author

Authored by: Sabina Flores Perez

**Relative to joining the Commonwealth of the
Northern Mariana Islands in urging the
Government of Japan to consider
alternatives to the discharge of more than
one million tons of contaminated water from
the Fukushima Daiichi Nuclear Disaster into
the Pacific Ocean.**



OFFICE OF SENATOR SABINA FLORES PEREZ

Chairperson

Committee on Environment, Revenue and Taxation, Labor, Procurement,
and Statistics, Research, and Planning
I Mina'trentai Siette Na Liheslaturan Guåhan • 37th Guam Legislature

October 30, 2023

MEMORANDUM

To: **All Members**
Committee on Environment, Revenue and Taxation, Labor, Procurement, and
Statistics, Research, and Planning

From: **Senator Sabina Flores Perez, SFP**
Author

Subject: **Author's Report on Resolution No. 93-37 (COR), As Amended**

Håfa Adai,

Transmitted herewith for your consideration is the Author's Report on **Resolution No. 93-37 (COR), As Amended** – Sabina Flores Perez – **Relative to joining the Commonwealth of the Northern Mariana Islands in urging the Government of Japan to consider alternatives to the discharge of more than one million tons of contaminated water from the Fukushima Daiichi Nuclear Disaster into the Pacific Ocean.**

This report includes the following:

- COR Referral of Resolution No. 93-37 (COR)
- Notices of Public Hearing
- Public Hearing Agenda
- Public Hearing Sign-in Sheet
- Submitted Testimonies and Supporting Documents
- Author's Report Digest
- Resolution No. 93-37 (COR)
- Resolution No. 93-37 (COR), As Amended by the Author
- Committee Mark Up

Please take the appropriate action on the attached vote sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.



COMMITTEE ON RULES

Senator Chris Barnett, Chairperson
I Mina'trentai Siette Na Liheslaturan Guåhan
37th Guam Legislature

June 19, 2023

To: **Joaquin P. Taitague**
Substitute Clerk of the Legislature

Attorney Darleen Hiton
Legislative Legal Counsel

From: **Senator Chris Barnett** 
Chairperson, Committee on Rules

Subject: **Referral of Resolution No. 93-37 (COR)**

Håfa Adai yan Biba Guåhan!

As per authority as Chairperson of the Committee on Rules and subject to §§ 7.03(e), and, 7.04(b) Rule VII of our Standing Rules, and 2 GCA § 2103(b), I am forwarding the referral of **Resolution No. 93-37 (COR)** – Sabina Flores Perez. – “Relative to joining the Commonwealth of the Northern Mariana Islands, Republic of Belau, other Pacific Nations in urging the Government of Japan to consider alternatives to the discharge of more than one million tons of contaminated water from the Fukushima Daiichi Nuclear Disaster into the Pacific Ocean.”

Please ensure that the subject resolution is referred to Senator Sabina Flores Perez, Author of the Resolution. I also request that the same be forwarded to Management Information Services (MIS) for posting on our website.

A copy of the resolution is available on our legislative website <https://guamlegislature.com/index/37th-guam-legislature-resolutions/>.

Should you have any questions or concerns, please feel free to contact Kamarin J.A. Nelson, Committee on Rules Director at 671-472-2461.





OFFICE OF SENATOR SABINA FLORES PEREZ

Chairperson

Committee on Environment, Revenue and Taxation, Labor, Procurement,
and Statistics, Research, and Planning

I Mina'trentai Siette Na Liheslaturan Guåhan • 37th Guam Legislature

August 28, 2023

MEMORANDUM

To: All Senators, Stakeholders and Media

Fr: Senator Sabina Flores Perez, Chairperson
Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research,
and Planning

Subject: **1st Notice of Public Hearing: Tuesday, September 5th, 2023, at 9:00 a.m.**

The Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research and Planning will be conducting a public hearing on **Tuesday, September 5th, 2023, at 9:00 a.m.** This public hearing will take place in the Guam Congress Building, Public Hearing Room. The agenda is as follows:

9:00 a.m.

Bill No. 151-37 (COR) – Sabina Flores Perez / Therese M. Terlaje / Chris Barnett - AN ACT TO ADD A NEW CHAPTER 54C TO DIVISION 2, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING THE PRODUCTION AND USE OF NUCLEAR ENERGY ON GUAM.

Resolution No. 93-37 (COR) - Sabina Flores Perez - Relative to joining the Commonwealth of the Northern Mariana Islands, Republic of Belau, other Pacific Nations in urging the Government of Japan to consider alternatives to the discharge of more than one million tons of contaminated water from the Fukushima Daiichi Nuclear Disaster into the Pacific Ocean.

Those interested in participating, please confirm your attendance by contacting the Office of Senator Sabina Flores Perez via email at office@senatorperez.org or via phone at (671) 989-2968, no later than **September 1st, 2023**, for further guidance.

Testimonies should be addressed to Senator Sabina Flores Perez, Chairperson, and will be accepted via hand delivery to our mailbox at the Guam Congress Building at 163 *Chalan Santo Papa, Hagåtña*, Guam 96910, or via email to office@senatorperez.org, no later than **4pm September 8th, 2023**. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Sabina Flores Perez at (671) 989-2968. The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117 and stream online via *I Liheslaturan Guåhan's* live feed on YouTube. A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing. We look forward to your participation!



Evan San Nicolas <evan@senatorperez.org>

1st Notice of Public Hearing: Tuesday, September 5th, 2023, at 9:00 a.m.

1 message

Office of Senator Sabina Perez <office@senatorperez.org>
Cc: phnotice@guamlegislature.org, grippel@oagguam.org

Mon, Aug 28, 2023 at 11:51 AM

August 28, 2023

MEMORANDUM

To: All Senators, Stakeholders and Media

Fr: Senator Sabina Flores Perez, Chairperson
Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and PlanningSubject: **1st Notice of Public Hearing: Tuesday, September 5th, 2023, at 9:00 a.m.**

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[Government of Guam Public Notices Portal](#)

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Si Yu'os Ma'åse,



**Office of
Senator Sabina Flores Perez**

37th Guam Legislature • *I Mina'Trentai Siette na Liheslaturan Guåhan*
Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics,
Research, and Planning

Tel: (671) 989-2968 | (671) 472-3499

Location: 163 Guam Congress Building, 2nd Floor *Hagåtña*, Guam 96910

Website: www.senatorperez.org

Social Media : [Senator Sabina Flores Perez](#)

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3 attachments

 **1st Public Notice .pdf**
538K

 **B151 - Introduced.pdf**
1150K

 **R93 - Introduced.pdf**
298K



**TOKIO MARINE
PACIFIC**

NOTICE

In accordance with the order of the Banking and Insurance Commissioner, Tokio Marine Pacific Insurance Limited announces its intention to effect a distribution of surplus in October 2023, from its unassigned surplus as of June 30, 2023. Under applicable National Association of Insurance Commissioners (NAIC)'s guidelines for total capital and surplus following the distribution, Tokio Marine Pacific Insurance Limited will have a total capital and surplus base which is more than the minimum required by NAIC to underwrite its risk portfolio and to meet operating requirements.



SENATOR SABINA FLORES PEREZ

Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning

PUBLIC HEARING
Tuesday, September 5, 2023
Guam Congress Building, Public Hearing Room
9:00A.M.

Bill No. 151-37 (COR) - Sabina Flores Perez / Therese M. Terlaje / Chris Barnett - AN ACT TO ADD A NEW CHAPTER 54C TO DIVISION 2, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING THE PRODUCTION AND USE OF NUCLEAR ENERGY ON GUAM.

Resolution No. 93-37 (COR) - Sabina Flores Perez - RELATIVE TO JOINING THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS, REPUBLIC OF BELAU, OTHER PACIFIC NATIONS IN URGING THE GOVERNMENT OF JAPAN TO CONSIDER ALTERNATIVES TO THE DISCHARGE OF MORE THAN ONE MILLION TONS OF CONTAMINATED WATER FROM THE FUKUSHIMA DAIICHI NUCLEAR DISASTER INTO THE PACIFIC OCEAN.

Those interested in participating, please confirm your attendance by contacting the Office of Senator Sabina Flores Perez via email at office@senatorperez.org or via phone at (671) 989-2999, no later than September 1st, 2023, for further guidance.

Testimonies should be addressed to Senator Sabina Flores Perez, Chairperson, and will be accepted via hand delivery to our mailbox at the Guam Congress Building at 162 Chelton Santa Rosa, Hagåtña, Guam 96910, or via email to office@senatorperez.org, no later than 4pm September 5th, 2023. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Sabina Flores Perez at (671) 989-2999. The hearing will be broadcast on local television: G1A Channel 21, Dicozco Channel 117 and stream online via: iLibreasures Guam's live feed on YouTube. A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing. We look forward to your participation!

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GUAM PAROLE BOARD
Government of Guam

P.O. Box 3236 Hagåtña, Guam 96932

Tel: 671-735-4132/33

Fax: 671-734-4051

Email: guamparoleboard@doc.guam.gov

Stephen J. Guerrero
Chairman

Lina N.B. McDaniel
Member

June G. Borja
Member

John Q. Lizama
Member

Guam Parole Board's regular scheduled hearing will be on **Thursday, August 31, 2023, 4:00 p.m.**, at the Parole Services Division Office #203 Aspinall Avenue Hagåtña Guam.

Agenda:

I. Call to Order, II. Roll Call, III. Old Business April 27, 2023 (Parole Desirability Cases for Redtwelve T'long, Greg Samuel, Jose Baza, Joseph Sakura, Albert Saboy, Feleti Tamalua, Vince Phillip), IV. New Business (Parole Desirability Cases for Burton Borja,, David Quichocho, Anthony Gumataotao, Kempo Deitas, Moses Moses, Vincent Benavente, James Niosy, Jason Pangelinan, Drake Fejerang),(Preliminary Revocation Ian Waki, Isidro Manglona, Swain Dela Cruz)

Guam Parole Review Board's regular scheduled meeting will be on **Thursday, August 31, 2023, 3:00 p.m.**, at the Parole Services Division Office #203 Aspinall Avenue Hagatna, Guam.

Agenda:

I. Call to Order, II. Roll Call, III. Old Business April 27, 2023 (Pardon Request Case for Jeffrey Cruz, Richard Quinata, Zarackai Patrick), IV. New Business (Pardon/Commutation Case None scheduled at this time), V. Deliberation, VI. Adjourn

Meeting ID: 856 8877 1596 Passcode: 556746.

To attend the hearing, we ask that you register via guamparoleboard@doc.guam.gov.

For individuals requiring special accommodations,

please contact the Parole Services Division at 671-735- 4132/33 for assistance.

This ad was paid for by the Corrections Revolving Fund.

CAMACHO CALVO LAW GROUP LLC
VINCENT C. CAMACHO

vcamacho@camachocalvo.law
356 E. Marine Corps Drive, Suite 201
Hagåtña, Guam 96910
Telephone No. 671.472.6813
Facsimile No. 671.477.4375

Attorneys for Petitioner
DENISE T. CAMACHO

IN THE SUPERIOR COURT OF GUAM

**IN THE MATTER OF THE ESTATES OF
FRANKLIN BORJA CAMACHO
and
IRENE TORRES CAMACHO,
Deceased.**

PROBATE CASE NO. PR0119-23

**NOTICE OF REMOTE HEARING BY
ZOOM OR TELEPHONE**

NOTICE IS HEREBY GIVEN that a hearing has been set before this Court before the Honorable Judge Dana A. Gutierrez, Superior Court of Guam on:

TIME:	DATE:	PURPOSE OF HEARING
9:30 a.m.	September 6, 2023	Petition for Letters of Administration

REMARKS:

Please see Zoom information below to appear for remote hearing:

You may participate by using a smartphone or computer: go to <https://guamcourts-org.zoom.us>

Meeting ID: 839 7874 0380 Passcode: 189701

You may also call in for the hearing, you can call into the courtroom at 671-475-3207 at the designated hearing time.

Dated: Hagåtña, GU, July 3, 2023

CAMACHO CALVO LAW GROUP LLC
/s/ **VINCENT C. CAMACHO**
Attorneys for Petitioner
DENISE T. CAMACHO

APPLY NOW!!

15 - CARPENTER with min.1 yr. exp.

\$15.58 PER HOUR*

Constructs, erects, installs and repairs structures and fixtures of wood, wallboard and plywood, including framework. Uses carpenter's hand tools and power tools conforming to local building codes. Reads blueprints, sketches, or building plans to determine type of work required and materials needed. Prepares layout, using ruler, framing square, and calipers. Erects framework for structure and lay subfloor board.

10 - CEMENT MASON with min 1 yr. exp

\$15.66 PER HOUR*

Position construction forms or molds. Fill roadways, driveways, sidewalks, bridges, buildings, and parking lots with concrete. Pour and spread concrete into forms. Prepare surface with hammer and chose. Rub cement in with sponge-rubber float or burlap. Level it using special blades, making sure all lumps and bubbles are smoothed over. Smooth high spots and fill depressions. Make concrete beams, columns, and panels. Wash away excess concrete. Finish corners by hand. Apply latex and epoxy to floors. Use machines that vibrate concrete to fill air pockets. Use groovers and hand trowels to spread concrete. Prepare the base. Cut pavers. Install masonry materials according to specifications. Pour sand in as filler. Use chemical additives to speed up drying process if necessary. Mixing and applying coats of plaster, cement and render to structures using trowels, and leveling and smoothing coats to uniform thickness.

***Special Wage Rate:** Work to be performed on DPRI-funded projects and projects covered by Davis Bacon, Service Contracts Act, and/or Executive Order 14206 will be paid no less than the indicated wage rate but may be paid more where special rates apply.

Successful applicant must be able to obtain military base access. Off-island hires must complete a health screening prior to working on Guam.

Benefits: Round trip airfare for off-island hire; Meals and lodging at \$80.00/week; local transportation from employer's designated lodging facility to/from jobsite; and employer/ employee-paid medical insurance provided.

The job offer meets all EEO requirements, and initiates a temporary placement. The recruitment associated with this job offer is closely monitored by the Department of Labor. Qualified, available and willing U.S. workers are highly encouraged to apply. Should you qualify for the job and are not hired, you may appeal with the Department of Labor who will independently review matter.

Apply in person at the American Job Center
414 W. Soledad Avenue, Suite 300 GCIC Building Hagatna, Guam
Or apply online at www.hireguam.com; Enter Keyword: 2023-085

JOYCE C.H. TANG
CIVILLE & TANG, PLLC

Ste. 200, 330 Hernan Cortez Avenue
Hagåtña, Guam 96910
Telephone: (671) 472-8868
Facsimile: (671) 477-2511
Email: jtang@civilletang.com

Attorneys for Administratrix
Eun Na Kang

IN THE SUPERIOR COURT OF GUAM

**IN THE MATTER OF THE ESTATE OF
BYONG H. KANG,
Deceased.**

PROBATE CASE NO. PR0122-19
NOTICE TO CREDITORS

Notice is hereby given by JOYCE C.H. TANG of the law office of Civile & Tang, PLLC, attorneys for the Administratrix of the Estate of BYONG H. KANG, decedent, to the creditors of, and all persons having claims against the said Estate or against said decedent, that within sixty (60) calendar days after the first publication of this Notice, they either file them with necessary vouchers in the Office of the Clerk of the Superior Court of Guam, or exhibit them with the necessary vouchers to the Administratrix, at the law offices of Civile & Tang, PLLC, Suite 200, 330 Hernan Cortez Avenue, Hagatña, Guam 96910, the same being the place for the transaction of the said Estate.

DATED, this 16th day of August, 2023.

CIVILLE & TANG, PLLC
By: /s/ **JOYCE C.H. TANG**
Attorneys for Administratrix
Eun Na Kang


1st Notice of Public Hearing: Tuesday, September 5th, 2023, at 9:00 a.m.

 PRINT

**1st Notice of Public Hearing: Tuesday,
September 5th, 2023, at 9:00 a.m.**

PUBLIC HEARING



 **Posted on:** 08/28/2023 11:33 AM

 **Posted by:** Nicky Leann Fernandez, Office Manager

 **Public Hearing Date:** 09/05/2023 09:00 AM

 **Department(s):**
GUAM LEGISLATURE (/notices?department_id=92)

 **Division(s):**
OFFICE OF SENATOR SABINA FLORES PEREZ (/notices?
division_id=265)

 **Notice Topic(s):** PUBLIC HEARING (/notices?topic_id=74)

 **Types of Notice:** PUBLIC HEARING (/notices?type_id=7)

 **For Audience(s):** PUBLIC (/notices?public=1)

 **Share this notice**

August 28, 2023

MEMORANDUM

To: All Senators, Stakeholders and Media

Fr: Senator Sabina Flores Perez, Chairperson
Committee on Environment, Revenue and Taxation, Labor,
Procurement, and Statistics, Research, and Planning

Subject: **1st Notice of Public Hearing: Tuesday, September 5th, 2023, at 9:00 a.m.**

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9:00 a.m.

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Resolution No. 93-37 (COR) - Sabina Flores Perez - Relative to joining the Commonwealth of the Northern Mariana Islands, Republic of Belau, other Pacific Nations in urging the Government of Japan to consider alternatives to the discharge of more than one million tons of contaminated water from the Fukushima Daiichi Nuclear Disaster into the Pacific Ocean.

Those interested in participating, please confirm your attendance by contacting the Office of Senator Sabina Flores Perez via email at office@senatorperez.org (<mailto:office@senatorperez.org>) or via phone at (671) 989-2968, no later than **September 1st, 2023**, for further guidance.

Testimonies should be addressed to Senator Sabina Flores Perez, Chairperson, and will be accepted via hand delivery to our mailbox at the Guam Congress Building at 163 *Chalan Santo Papa, Hagåtña*, Guam 96910, or via email to office@senatorperez.org no later than **4pm September 8th**

Office of Senator Sabina Flores Perez, no later than September 29, 2023. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Sabina Flores Perez at (671) 989-2968. The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117 and stream online via / *Liheslaturan Guåhan's* live feed on YouTube. A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing. We look forward to your participation!



OFFICE OF SENATOR SABINA FLORES PEREZ

Chairperson

Committee on Environment, Revenue and Taxation, Labor, Procurement,
and Statistics, Research, and Planning

I Mina'trentai Siette Na Liheslaturan Guåhan • 37th Guam Legislature

September 3, 2023

MEMORANDUM

To: All Senators, Stakeholders and Media

Fr: Senator Sabina Flores Perez, Chairperson
Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research,
and Planning

Subject: **2nd Notice of Public Hearing: Tuesday, September 5th, 2023, at 9:00 a.m.**

The Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research and Planning will be conducting a public hearing on **Tuesday, September 5th, 2023, at 9:00 a.m.** This public hearing will take place in the Guam Congress Building, Public Hearing Room. The agenda is as follows:

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Evan San Nicolas <evan@senatorperez.org>

2nd Notice of Public Hearing: Tuesday, September 5th, 2023, at 9:00 a.m.

1 message

Office of Senator Sabina Perez <office@senatorperez.org>
Cc: phnotice@guamlegislature.org, grippel@oagguam.org

Sun, Sep 3, 2023 at 8:00 AM

September 3, 2023

MEMORANDUM

To: All Senators, Stakeholders and Media

Fr: Senator Sabina Flores Perez, Chairperson
Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and PlanningSubject: **2nd Notice of Public Hearing: Tuesday, September 5th, 2023, at 9:00 a.m.**

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Resolution No. 93-37(COR) - Sabina Flores Perez - Relative to joining the Commonwealth of the Northern Mariana Islands, Republic of Belau, other Pacific Nations in urging the Government of Japan to consider alternatives to the discharge of more than one million tons of contaminated water from the Fukushima Daiichi Nuclear Disaster into the Pacific Ocean.

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GovGuam Public Notice Portal

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Si Yu'os Ma'åse,



**Office of
Senator Sabina Flores Perez**

37th Guam Legislature • *I Mina'Trentai Siette na Liheslaturan Guåhan*
Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics,
Research, and Planning

Tel: (671) 989-2968 | (671) 472-3499

Location: 163 Guam Congress Building, 2nd Floor *Hagåtña*, Guam 96910

Website: www.senatorperez.org

Social Media : [Senator Sabina Flores Perez](#)

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3 attachments

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New Order

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Info. Update

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163 Chalan Santo Papa Hagatna, Guam 96910
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 Address 671-727-4374

Order Number	GL37.T2
Order Entry Date	9.2.23
Customer PO #	
Product Code	
RECEIVABLES ACCOUNT	
<input checked="" type="checkbox"/> Cash	<input type="checkbox"/> Trade <input type="checkbox"/> Other
ORDER DESCRIPTION	
PRODUCTION INFORMATION	
Cart #	Title: Length:

FOR INTERNAL PURPOSES ONLY		Media Consultant	<u>KUAM</u>
Notary Required	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		
Billing	Per Spot <input checked="" type="checkbox"/> Package <input type="checkbox"/> Trade <input type="checkbox"/>		

Station	Inc Acct	Rate	Start Date	End Date	AbsTime/Prog. Event	Length	Spot Type	Cart #	M	T	W	TH	F	SA	SU	Per Wk	Total #	Total \$
TV8		\$ 200.00	9/3/2023	9/3/2023	18:00-18:05	:15	COEnvironment: PH notice 9.3.23 (9.5.23)	225E	0	0	0	0	0	0	1	1	1	\$ 200.00
TV8		\$ -	9/3/2023	9/3/2023	18:25-18:29	:15	COEnvironment: PH notice 9.3.23 (9.5.23)	225E	0	0	0	0	0	0	1	1	1	\$ -
end																		

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2nd Notice of Public Hearing: Tuesday, September 5th, 2023, at 9:00 a.m.

 PRINT

**2nd Notice of Public Hearing: Tuesday,
September 5th, 2023, at 9:00 a.m.**

PUBLIC HEARING



 **Posted on:** 09/03/2023 08:00 AM

 **Posted by:** Evan San Nicolas, Chief of Staff

 **Public Hearing Date:** 09/05/2023 09:00 AM

 **Department(s):**
[GUAM LEGISLATURE \(/notices?department_id=92\)](/notices?department_id=92)

 **Division(s):**
[OFFICE OF SENATOR SABINA FLORES PEREZ \(/notices?division_id=265\)](/notices?division_id=265)

 **Notice Topic(s):** [PUBLIC HEARING \(/notices?topic_id=74\)](/notices?topic_id=74)

 **Types of Notice:** [PUBLIC HEARING \(/notices?type_id=7\)](/notices?type_id=7)

 **For Audience(s):** [PUBLIC \(/notices?public=1\)](/notices?public=1)

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September 2, 2023

MEMORANDUM

To: All Senators, Stakeholders and Media

Fr: Senator Sabina Flores Perez, Chairperson
Committee on Environment, Revenue and Taxation, Labor,
Procurement, and Statistics, Research, and Planning

Subject: **2nd Notice of Public Hearing: Tuesday, September 5th, 2023, at 9:00 a.m.**

The Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research and Planning will be conducting a public hearing on **Tuesday, September 5th, 2023, at 9:00 a.m.** This public hearing will take place in the Guam Congress Building, Public Hearing Room. The agenda is as follows:

9:00 a.m.

Bill No. 151-37 (COR) – Sabina Flores Perez / Therese M. Terlaje / Chris Barnett - AN ACT TO ADD A NEW CHAPTER 54C TO DIVISION 2, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING THE PRODUCTION AND USE OF NUCLEAR ENERGY ON GUAM.

Resolution No. 93-37 (COR) - Sabina Flores Perez - Relative to joining the Commonwealth of the Northern Mariana Islands, Republic of Belau, other Pacific Nations in urging the Government of Japan to consider alternatives to the discharge of more than one million tons of contaminated water from the Fukushima Daiichi Nuclear Disaster into the Pacific Ocean.

Those interested in participating, please confirm your attendance by contacting the Office of Senator Sabina Flores Perez via email at office@senatorperez.org (<mailto:office@senatorperez.org>) or via phone at (671) 989-2968, no later than **September 1st, 2023**, for further guidance.

Testimonies should be addressed to Senator Sabina Flores Perez, Chairperson, and will be accepted via hand delivery to our mailbox at the Guam Congress Building at 163 *Chalan Santo Papa, Hagåtña*, Guam 96910, or via email to office@senatorperez.org no later than **4pm September 8th**

Office of Senator Sabina Flores Perez, no later than September 29, 2023. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Sabina Flores Perez at (671) 989-2968. The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117 and stream online via *Liheslaturan Guåhan's* live feed on YouTube. A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing. We look forward to your participation!



OFFICE OF SENATOR SABINA FLORES PEREZ

Chairperson

Committee on Environment, Revenue and Taxation, Labor, Procurement,
and Statistics, Research, and Planning

I Mina'trentai Siette Na Liheslaturan Guåhan • 37th Guam Legislature

AGENDA

PUBLIC HEARING

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Guam Congress Building, Public Hearing Room

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OFFICE OF SENATOR SABINA FLORES PEREZ

Chairperson

Committee on Environment, Revenue and Taxation, Labor, Procurement,
and Statistics, Research, and Planning

I Mina'trentai Siette Na Liheslaturan Guahan • 37th Guam Legislature

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NAME (please print)	AGENCY/ ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR	CONTACT INFORMATION
Monicka Flores	PLSR	✓				
Ogata, Osamu	JAPAN CONSULATE	✓				
TEMORI, Irie	"	x				
Cassie Bordallo	PLSR			✓		
Ron McNinch	self				✓	
Alexandre Subkin	PLSR					



OFFICE OF SENATOR SABINA FLORES PEREZ

Chairperson

Committee on Environment, Revenue and Taxation, Labor, Procurement,
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I Mina'trentai Siette Na Liheslaturan Guåhan • 37th Guam Legislature

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NAME (please print)	AGENCY/ ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR	CONTACT INFORMATION
Jose Naputi	CDLO					
Wanda Reyes	MCCA / H. fa Utekyan					
Angela Santos				✓		



OFFICE OF SENATOR SABINA FLORES PEREZ

Chairperson

Committee on Environment, Revenue and Taxation, Labor, Procurement,
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I Mina'trentai Siette Na Liheslaturan Guahan • 37th Guam Legislature

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NAME (please print)	AGENCY/ ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR	CONTACT INFORMATION
Tori Manley	Replenish Earth, Puntalan Litalayan			✓		
Serena Paulino				✓		
Milaya Crowder		✓		✓		



September 7, 2023

WRITTEN TESTIMONY

To: Senator Sabina Flores Perez, Chairperson
Committee on Environment, Revenue and Taxation, Labor, Procurement, and
Statistics, Research, and Planning

Fr: Nathan Imbat Paz, President of the University of Guam Green Army *Nathan Paz*

Subject: Testimony to Express Support of Bill No. 151-37 and Resolution No. 93-37

Håfa Adai Senator Perez,

I hope this letter finds you well. My name is Nathan Paz, and I am writing to you on behalf of the University of Guam Green Army to express our full support and endorsement on Bill No. 151-37 and Resolution No. 93-37. Green Army is a recently re-chartered student organization committed to promoting conservation and sustainability amongst our students and Guam.

The proposed legislation resonates with our shared commitment to safeguarding our island's environment and relates to our goals of securing the health of our people and building a more sustainable future. Nuclear power threatens us, with complex disposal procedures, the potential of a nuclear meltdown, and vulnerability to natural disasters and cyber-attacks. Clearly, the risks far outweigh the potential benefits.

Although nuclear power is recognized as an efficient, renewable energy source, it is not suitable for our geography. To fulfill Guam Power Authority's 2045 Goal of producing 100% renewable energy, we do not need to go nuclear. There are many other alternatives, including wind, solar, geothermal, hydropower, and other biofuels available for our island to take advantage of.

We strongly urge our Senators to vote in favor of Bill No. 151-37, to further protect our environment, our people, our community, and the future of our home.

For more information or questions, please reach out to uoggreenarmy@gmail.com.

Si Yu'os Ma'åse'!

E: uoggreenarmy@gmail.com IG: [@uoggreenarmy](https://www.instagram.com/uoggreenarmy)

Mailing Address: 303 University Drive UOG Station Mangilao, Guam 96923

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Advisor

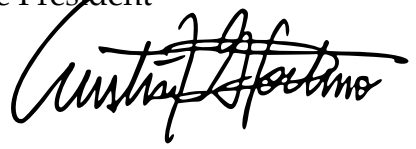
Nathan Imbat Paz 

President

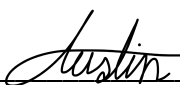
Advisor

Christian Gyles D. Ramos 

Vice President



Secretary

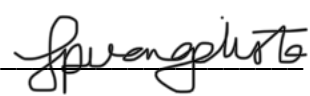
Austin Taimanglo 

Chief Public Relations Officer

Treasurer

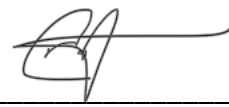
Public Relations Officer

Historian

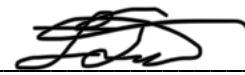


Parliamentarian

Sergeant-At-Arms



Liaison



E: uoggreenarmy@gmail.com IG: [@uoggreenarmy](https://www.instagram.com/uoggreenarmy)

Mailing Address: 303 University Drive UOG Station Mangilao, Guam 96923

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**WRITTEN TESTIMONY OF
MARILYN D.A. MANIBUSAN**

September 8, 2023

On

Resolution No. 93-37 (COR)

**Relative to joining the Commonwealth of the Northern
Mariana Islands, Republic of Belau, other Pacific Nations in
urging the Government of Japan to consider alternatives to the
discharge of more than one million tons of contaminated water
from the Fukushima Daiichi Nuclear Disaster into the Pacific Ocean.**

Introduced by: Sabina Flores Perez

My name is Marilyn D.A. Manibusan. I am in full support of Resolution 93-37 (COR) as introduced by Senator Sabina Flores Perez.

DO YOU KNOW? Shaun Burnie for GREENPEACE - 17 November 2021

That there are global agreements against the dumping of nuclear waste into the world's oceans? They are called the [London Convention and London Protocol](#) (LC/LP) and the latest meeting of the government signatories and observers, including Greenpeace International, has just finished under the auspices of the United Nations International Maritime Organization (IMO). It was an uncomfortable experience for Japanese diplomats trying to defend the decision to dispose of nuclear waste from Fukushima Daiichi into the Pacific Ocean. But it also triggered memories of a different time and a different policy nearly three decades ago when Japan at the IMO took on the role of protecting the marine environment from radioactivity.

The LC/LP international conventions, which were established between the 1970's and the 1990's, only exist because of sustained public pressure against governments and the global nuclear industry which from [1946](#) had been dumping nuclear waste from ships into the world's oceans. For countries such as the United Kingdom, United States, France, and Russia, military and commercial nuclear programs were producing enormous volumes of nuclear waste of many different types.

Faced with the rapidly growing stockpiles of wastes, from the 1950's governments choose one of the least costly options for dealing with some of those wastes – dumping solid and liquid wastes directly into the ocean. The thinking was that the waste would be out of sight in the deep ocean and that radioactivity would dilute. Other countries also developing their commercial nuclear power programs, such as Germany and Japan, also supported nuclear waste dumping at sea. Seventy years of the commercial nuclear industry and the nuclear waste [crisis](#) has only got worse and still with no viable safe solution.

Fortunately, the last known deliberate nuclear waste dumping from a ship into the ocean was in October 1993 when the Russian navy dumped 900 tons of liquid and solid nuclear waste into the international waters off the coast of Vladivostok in the sea near Japan and Korea. The justifications offered by the government in Moscow were that the issue was urgent as storage space was running out, that the radioactive waste was not hazardous, and that the dumping was carried out according to [international norms](#).

History On Repeat

The Japanese government in April 2021 [announced](#) its decision to proceed with plans for the deliberate discharge of nuclear waste water from the Fukushima Daiichi plant. Even beyond the 900 tons of nuclear waste the Russian's dumped in 1993, Japan plans for more than at least 1.2 million tons to be mixed with sea water and discharged via a sub-seabed pipeline into the Pacific Ocean. The discharges are scheduled to take [30 years](#), but are almost certainly going to last much longer.

Since the 1970's Greenpeace had been challenging nuclear sea dumping. After years of investigations and campaigning, the Russian navy's secret operations to pump nuclear waste into the sea were challenged and filmed by the Nuclear Free Seas campaign team on board the Motor Vessel Greenpeace ship on 18 October 1993. While the MV Greenpeace sat off the Russian coast after the Russian military ship TNT27 and other navy vessels returned to port to pick up another cargo of nuclear waste, their nuclear dumping exposed to world attention, the Russian' government [announced](#) on 22 October that it would halt further disposal plans. The TNT27 remained in port.

By the time the Greenpeace ship had docked in Japan, the government of [Morihiro Hosokawa](#) had announced a policy change. It would no longer advocate nuclear waste disposal at sea. Instead, it would support an amendment to the London Convention at the November 1993 meeting at the IMO that would prohibit all nuclear waste disposal at sea. Both then and now, Greenpeace International representatives were at the IMO meeting pushing for an end to radioactive pollution of the marine environment.

One further result of Greenpeace International, Greenpeace Germany, and Greenpeace Japan's exposé of Russian dumping was that the Japanese government took the [decision](#) to financially support the building of additional storage and processing [facilities](#) for nuclear waste in the Russian Far East. This was a point that Greenpeace International has emphasized over the years at IMO meetings and drew the parallels for the Fukushima water crisis.

FAILED DISCUSSIONS AND AGREEMENTS

A principal objective of the London Convention and London Protocol is to protect the marine environment from pollution, including man-made radioactivity. However, the Japanese government [contends](#) that their plans for Fukushima contaminated water have nothing to do with the conventions. In fact, at the latest meeting on 26 October 2021, Japan tried to stop further discussion of the Fukushima water issue, arguing that the IAEA was the correct place to discuss such matters and it was not appropriate for governments to consider the issues at the LC/LP United Nations hosted meeting. This is an absurd and scientifically bankrupt position when radioactivity discharged from a pipeline poses potentially a greater coastal threat to the marine environment than deep sea dumping from a ship.

Japan failed to end discussion of the Fukushima contaminated water issue at the LC/LP. In [Greenpeace International's written submission](#), Greenpeace International proposed that a scientific working group be established under the LC/LP that would consider the alternatives to discharging the Fukushima waste into the Pacific. Greenpeace International argued, as in 1993, that there were alternatives to the Russian dumping, namely additional storage and applying best available processing technology, and that these should also be applied at Fukushima Daiichi.

In 1993, Russia accepted international assistance and the dumping stopped. However, Dr. David Santillo, Greenpeace International's science representative reported that [Japan refused to consider this option at the October 2021 IMO meeting](#), and **its position was supported by the United States, France and the UK**. The governments of South Korea, Chile, China, and the Pacific Island nations of Vanuatu and Palau all spoke in favour of reviewing alternatives to discharge in a technical working group. The meetings operate on consensus and with Japan's objections, agreement to assess alternatives was impossible. Dr. David Santillo, challenged the IAEA over its role, and asked if it could be tasked with reporting on its discussions with Japan on the alternatives to discharges. The IAEA has agreed to report back in 2022.

There is a historical resonance and also a tragic irony with Japan's attempts to remove discussion of its Fukushima nuclear waste crisis from international review at the LC/LP IMO meetings. The Russian dumping in 1993 caused public and political outrage in Japan.

The Japanese government of Hosokawa subsequently played an important and critical role at the LC/LP meeting when it supported the prohibition of all nuclear waste ocean dumping. Nearly thirty years ago its position was no doubt informed by self-interest – protecting its coastal waters from radioactive pollution and the rights of its own citizens, especially the fishing communities that were at risk.

Back then, the position of the Japanese government was the right and just thing to do. Today, protecting the marine environment from deliberate radioactive pollution still remains the right and legal thing to do – except that’s not what’s happening.

Instead, the government of Prime Minister [Kishida](#), like his predecessors Abe and Suga, are disregarding and disrespecting the views and rights of their own citizens and fishing communities along the Tohoku coast.

The decision to discharge violates an agreement to abide by the views of the Fukushima fishing federations. They are not acting to protect the marine environment from radioactive pollution but instead will be the source of pollution. **The Japanese government is also seeking to avoid scrutiny of their plans and to dismiss the concerns and opposition of neighbors in the [Asia Pacific region](#), near and far. And they clearly don’t want to explore any viable alternative options of storage and processing.**

CONTINUING THE FIGHT

There are many technical and radiological reasons to be opposed to discharging Fukushima waste water into the Pacific Ocean. And Greenpeace East Asia has [reported](#) on these and continues to investigate. But the decision also affects PACIFIC ISLANDERS on a fundamental level. It should rightly trigger an outrage. In the 21st century, when the world’s oceans are already under the most severe threats including the climate and biodiversity emergencies, a decision by any government to deliberately contaminate the Pacific with radioactivity because it’s the least cost/cheapest option when there are clear alternatives seems so perverse. **That it is Japan, given its historical role in securing the prohibition on nuclear dumping in the London Convention and London Protocol, makes it all the more tragic.**

Let us not forget the struggle by Guam and the CNMI to fight against Japan's dumping of nuclear waste in the Marianas Trench, and the fight against the transshipment of plutonium through the Pacific Ocean.

Let us not forget the stand of the indigenous people of Belau to keep Belau "nuclear free" when they negotiated their Compact to be free and independent.

As Guam's elected leaders who recite the Pledge as you begin your work as Senators, let us be vigilant in the promises we pledge:

*Ginen i mas takhelo' gi Hinasso-ku,
i mas takhalom gi Kurason-hu,
yan i mas figo' na Nina'siñã-hu,
Hu ufresen maisa yu' para bai hu Prutehi
yan hu Difende i Hinengge,
i Kottura,
i Lengguahi,
i Aire,
i Hanom yan i tano' Chamoru,
ni'Irensiã-ku Direchu ginen as Yu'os Tãta.
Este hu Afitma gi hilo' i bipblia yan i banderã-
i banderan Guãhan.*

From the highest of my thoughts,
from the deepest of my heart,
and with the utmost of my strength,
I offer myself to protect
and to defend the beliefs,
the culture,
the language,
the air,
the water and the land of the Chamorro,
which are our inherent God-given rights.
This I will affirm by the holy words and
our banner, the flag of Guãhan!

It is our duty to reaffirm our pledge for Pacific Islanders' regional solidarity when it comes to the defense and protection of our respective "beliefs, culture, language, the air, the water and the land".

Proposal: Maybe a companion resolution to the U.S. Congress is in order so that we can be on record with our "administering power" that we U.S. citizens in a non self-governing territory of Guam object -- calling attention that the United States supported Japan's decision not to consider alternatives to discharging the Fukushima waste into the Pacific at the October 2021 IMO meeting.

Si Yuus Maase,
Si Marilyn Manibusan



[Email](#). [Instagram](#). [Website](#)

Sept 7 , 2023

Re: Support for Resolution 93-37

Buenas yan Hafa Adai Honorable Senators of the 37th Guam Legislature,

We are Micronesia Climate Change Alliance, a grassroots network of individuals and organizations dedicated to environmental and cultural stewardship in Guåhan and across the Mariånas archipelago. Our network is made up of teachers, students, healers, small business owners and volunteers in Micronesia who engage in actions that promote island sustainability and resiliency in the face of our changing climate.

We are writing this testimony in support of Resolution 93-37, which urges the Japanese government to consider alternatives to dumping 1 million tons of water from the Fukushima Daiichi nuclear power plant into the Pacific Ocean.

First and foremost, Japan's decision to release treated radioactive wastewater into our ocean is an immense threat to the fragile marine ecosystems in the Pacific, is harmful to human health, and compromises global security. Japan's decision sets a dangerous precedent by suggesting that it is acceptable to discharge radioactive wastewater into the ocean, normalizing irresponsible behavior in the nuclear industry. We should be actively seeking alternative solutions and investing in the responsible management of nuclear waste. Guam and the Mariånas should also be part of any consultation and decision-making process surrounding the release of the wastewater.

The Fukushima Daiichi nuclear disaster in 2011 was a catastrophic event with devastating consequences for the environment. A significant amount of radioactive contaminants were released into the surrounding area, leaving a lasting impact on the region and emphasizing the risks associated with nuclear technology. Japan has already begun discharging treated wastewater containing tritium, among other radioactive isotopes, into the Pacific Ocean

in late August without considering the impacts on neighboring nations including Guåhan and the Mariana Islands.

This act is reckless and disregards the long-term consequences of such actions. Nuclear technology is not conducive to our safety and security in the Pacific. We cannot underestimate the importance of a healthy and thriving marine environment for our own survival and for future generations. We call on the Government of Japan to consider other alternatives before releasing any of the remaining water into our oceans. Their decision will have far-reaching consequences beyond Japan's borders. The release of radioactive materials will have implications for international waters and neighboring nations including Guåhan and the Mariana Islands.

The wastewater, although treated, still contains a radioactive element of hydrogen called tritium, which can't be removed from the contaminated water because there is no technology to do so. There is a lack of long-term data to tell us with certainty that tritium poses no threat to human health or the marine environment. One possible alternative, which MCCA would support, entails leaving the treated wastewater in their current containers until better technology is created to remove Tritium and all radioactive properties from the water.

We urge all of you, our senators, as well as the Japanese government, to reconsider this reckless plan and to explore alternative solutions for the disposal of the Fukushima nuclear wastewater. It is essential that we prioritize the protection of our oceans, marine life, and the health and safety of all people who depend on these waters for our well-being.

Kon Respeto

Moñeka De Oro, Executive Director

Maria Hernandez, Board Director

Micronesia Climate Change Alliance

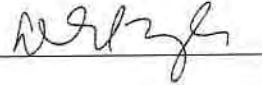


OFFICE OF SENATOR DONALD M MANGLONA
TWENTY-THIRD NORTHERN MARIANA COMMONWEALTH LEGISLATURE
FIRST SENATORIAL DISTRICT

DATE: September 20, 2023

DELIVERED VIA EMAIL

TO: Senator Sabina Flores Perez
Chairperson
Committee on Environment, Revenue and Taxation, Labor,
Procurement, and Statistics, Research, and Planning
37th Guam Legislature

FROM: Donald M. Manglona, 
Senate Vice-President
Chairperson, Health, Education, & Welfare
23rd Northern Marianas Commonwealth Legislature

RE: Submission and Comments Supporting a Unified Framework Among Pacific
Communities Pertaining To Issues Considered In Resolution 93-37 and Bill No. 151-37

Like many in our diverse and wide-ranging Pacific Rim communities, I write in support of establishing and promoting a unified framework among Pacific residents, pertaining to the issues considered in Resolution No. 93-37 (COR) and Bill No. 151-37 (COR), and related matters.

By effect of Resolution No. 93-37 (COR), Guam's legislature stives to join the CNMI, the Republic of Palau, and other Pacific locales, in urging the Government of Japan to consider alternatives to the discharge of more than one million tons of contaminated water from the Fukushima Daiichi Nuclear Disaster into the Pacific Ocean. This is a laudable objective on the part of Guam's legislators, and for the benefit of Guam and regional island communities, and will signal even further to the Government of Japan a significant regional unity in this respect.

Likewise, Bill No. 151-37 (COR) seeks to prohibit the production and use of nuclear energy. In this regard, it is perhaps notable that presently 12 states have established restrictions on the construction of new nuclear power facilities while reflecting, as well, on the interplay between our Pacific Rim communities, and their political, treaty, diplomatic, and defense interests with the United States government and its entities, some of which may be reliant upon nuclear energy for vessel propulsion and for other defense necessities.

The raising and consideration of these varying and critical issues by Guam's legislators is commendable, and the Gaum community, and neighbors here in the CNMI, extend utmost appreciation to these elected officials for their endeavors in bringing these issues forward for public assessment and input.

HONORABLE JESUS P MAFNAS BUILDING, CAPITAL HILL,
P.O. BOX 500129 SAIPAN, MP 96950
TEL: 670 664-8803 EMAIL: SEN.DMANGLONA@GMAIL.COM
COMMITTEES: FISCAL AFFAIRS; HEALTH, EDUCATION & WELFARE



Our Common Wealth 670

7602 SVRB

SAIPAN, MP 96950

ourcommonwealth670@gmail.com

8th September 2023

RE: Guam Legislature Bill 151-37 (COR) and Resolution 93-37

Hafa Adai and Tirow Honorable Senators of the Liheslaturan Guåhan:

We write in reference to the proposed legislation: **Bill No. 151-37 (COR)** - *AN ACT TO ADD A NEW CHAPTER 54C TO DIVISION 2, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING THE PRODUCTION AND USE OF NUCLEAR ENERGY ON GUAM.*

We also write in reference to the proposed resolution: **Resolution No. 93-37 (COR)** - *Relative to joining the Commonwealth of the Northern Mariana Islands, Republic of Belau, other Pacific Nations in urging the Government of Japan to consider alternatives to the discharge of more than one million tons of contaminated water from the Fukushima Daiichi Nuclear Disaster into the Pacific Ocean.*

As an Indigenous and primarily-women led grassroots nonprofit whose two main focuses are to raise public awareness about militarism and protect the ancestral lands, seas, and skies of the Marianas, we voice our tremendous support for both this proposed legislation and resolution. **The entire Mariana archipelago - Guåhan and the CNMI - should be free from any nuclear activity whether it is initiated by those within the Marianas or by outsiders abroad.**

Let us begin by first acknowledging our shared history of resistance to the impacts of nuclear power in the CNMI and Guåhan. In 1981, CNMI Governor Carlos Camacho and Guåhan Lt. Governor Joseph Ada - as part of an official delegation to Japan - presented a formal petition opposing the dumping of nuclear waste in the Marianas and the broader Pacific.

We invoke this history and spirit of cooperation to embolden all of you to do what is right - protect the Marianas from the harms of nuclearism.

Guåhan is not be alone in this struggle. Other Pacific Island legislatures have already made moves to denounce, condemn, and resist Japan's decision and actions to dump treated waste water into our oceans as exemplified by CNMI House Joint Resolution 22-11 and Nitijela Resolution No. 84 from the Marshall Islands just to name a few. These powerful government

statements provide further depth and understanding as to why nuclearism should be at least met with intense scrutiny, if not outright rejected.

Furthermore, we should pinpoint relevant CNMI law that explicitly prohibit or otherwise heavily regulate nuclear waste in the Northern Marianas. Article 1 Section 8 of the CNMI Constitution outlines every Northern Mariana resident's right to a clean and healthful environment by stating:

“Each person has the right to a clean and healthful public environment in all areas, including the land, air, and water. Harmful and unnecessary noise pollution, and **the storage of nuclear or radioactive material and the dumping or storage of any type of nuclear waste within the surface or submerged lands and waters of the Northern Mariana Islands, are prohibited** except as provided by law” (CNMI Constitution, Article 1, Section 8 - emphasis added).

Given the close proximity between Guåhan and the CNMI, there is a very high probability that nuclear activity will infringe on the rights of NMI people, especially those on Luta, to a safe and clean environment. Although the people of Guåhan are not beholden to CNMI laws, such considerations, which are sensible given our shared culture and history, add more reasons as to why nuclear activity has no place in the entire Marianas.

Moreover, the production and use of nuclear energy on Guåhan will only serve to further endanger the people of Guåhan and the CNMI - especially the Indigenous Chamorro and Refaluwasch peoples. Having such fragile infrastructure on the islands will unfortunately make the islands targets for nations seeking to undermine the US military dominance in the Pacific. Alas, military servicemembers, military facilities, and other military personnel can always be moved elsewhere.

But, where else can the Chamorro and Refaluwasch peoples call their home?

The unfortunate reality is that these islands are all that we have. These lands are the ones our ancestors have entrusted us to steward for ourselves and countless generations to come. As such, it is our sacred duty to safeguard all islands of the Marianas from any further harm.

There is also one inevitable and critical logistical component that cannot be overlooked - the storage and management of spent nuclear fuel and nuclear waste products. The entire Marianas archipelago has a total land area of only 396 square miles (without deducting land area already being utilized). Even in the continental United States, the government struggles to adequately find areas to *properly and safely* store and manage such waste.

How much better could the Marianas do with even less available land area? Quite simply, the issue of where and how to properly dispose and store such waste alone should be enough reason that nuclear energy be deemed infeasible in the Marianas.

Furthermore, we have yet to even consider the economic impacts that would be imposed onto the islands by the shipment of radioactive nuclear fuel. Already, the prices of common household goods such as eggs and milk are exorbitant. How much more would it cost to ship hazardous materials in massive quantities needed to operate a nuclear power plant?

Altogether, these cultural, historical, environmental, political, logistical, and economic factors all point in a similar direction - that nuclear activity has no place in the Marianas. **As such, we emphatically support both this proposed legislation and resolution as a step in the right direction.**

A direction where, as one Marianas, we protect and preserve the our islands together - for our ancestors whose spirits still roam these lands, for us living today who call these islands home, and for our descendants those born and yet to be born who deserve to live in a clean, healthful, and peaceful Marianas.

Si Yu'us Ma'ase and Ghilisow,

Our Common Wealth 670

Chairwoman - Dr. Theresa (Isa) Arriola

Treasurer - Kathy Yuknavage

Secretary - Sheila Jack Babauta

Member - Nanette Hurst

Member - Zeno Camacho Deleon Guerrero, Jr.



September 5th, 2023

Consulate-General of Japan

ALPS treated water

What is *ALPS treated water?

ALPS treated water is a type of water containing radioactive materials from the Fukushima Nuclear Power Station which has been purified to satisfy the safety standards for all radioactive materials except tritium. For tritium, the water is then diluted with seawater to fully satisfy the safety standards. Because the water is carefully treated to satisfy all safety standards of radioactive materials INCLUDING tritium before it is discharged, there is NO concern regarding the effects on human health or the environment.

*ALPS: Advanced Liquid Processing System. It is a system that removes multiple radionuclides from water.

Attachment 1: What is tritium?

Attachment 2: Ref. Annual amount of discharge of tritium over the world

Attachment 3: Executive summary of IAEA comprehensive report on the safety review of the ALPS treated water at the Fukushima Daiichi Nuclear Power Station

Attachment 4: The Resolution of the Mayors' Council of Guam rescinded later

- The Resolution adopted on December 6th, 2022

- Letter of MCOG Secretary-General rescinding the Resolution

ALPS Treated Water : System for Monitoring Discharge into the Sea

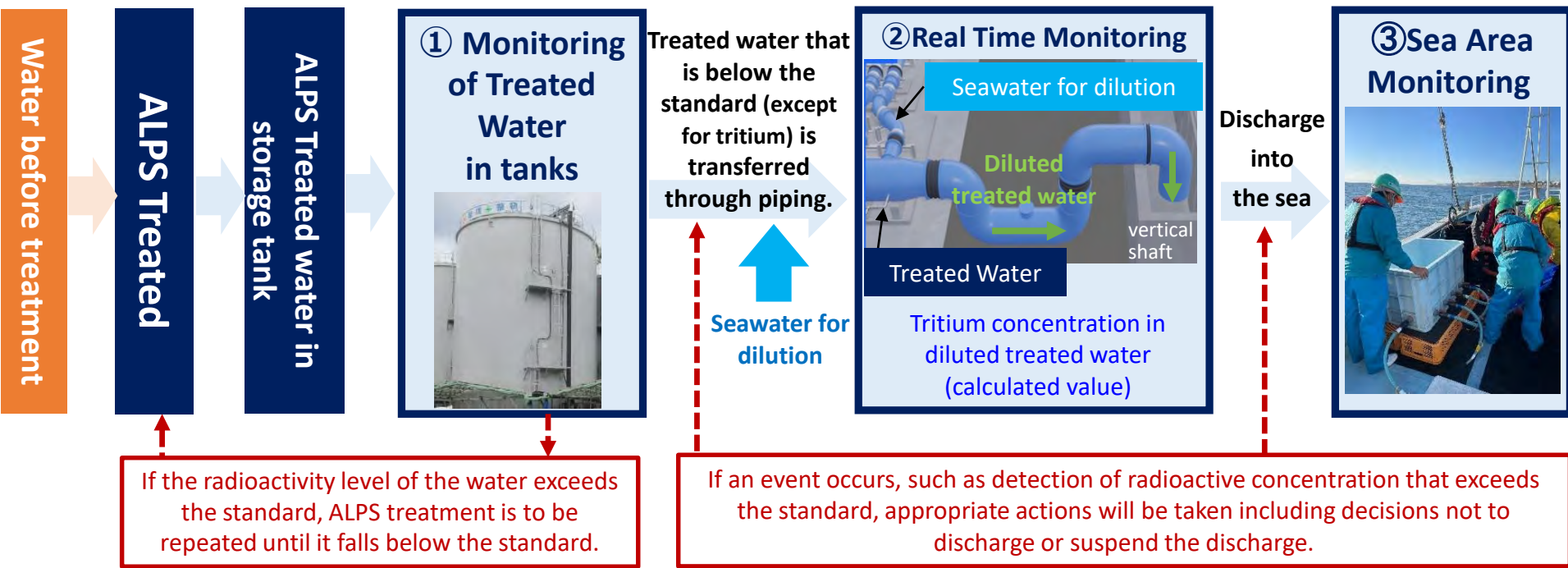
- ✓ Ensure multi-layered monitoring system with the IAEA's involvement to take appropriate actions

Japan will continue to conduct three different monitoring in a multi-layered manner, with the involvement of the IAEA (※). If an event occurs, such as detection of radioactive concentration that exceeds the standard, appropriate actions will be taken including decisions not to discharge or suspend the discharge. The IAEA will continue to be involved as an independent organization.

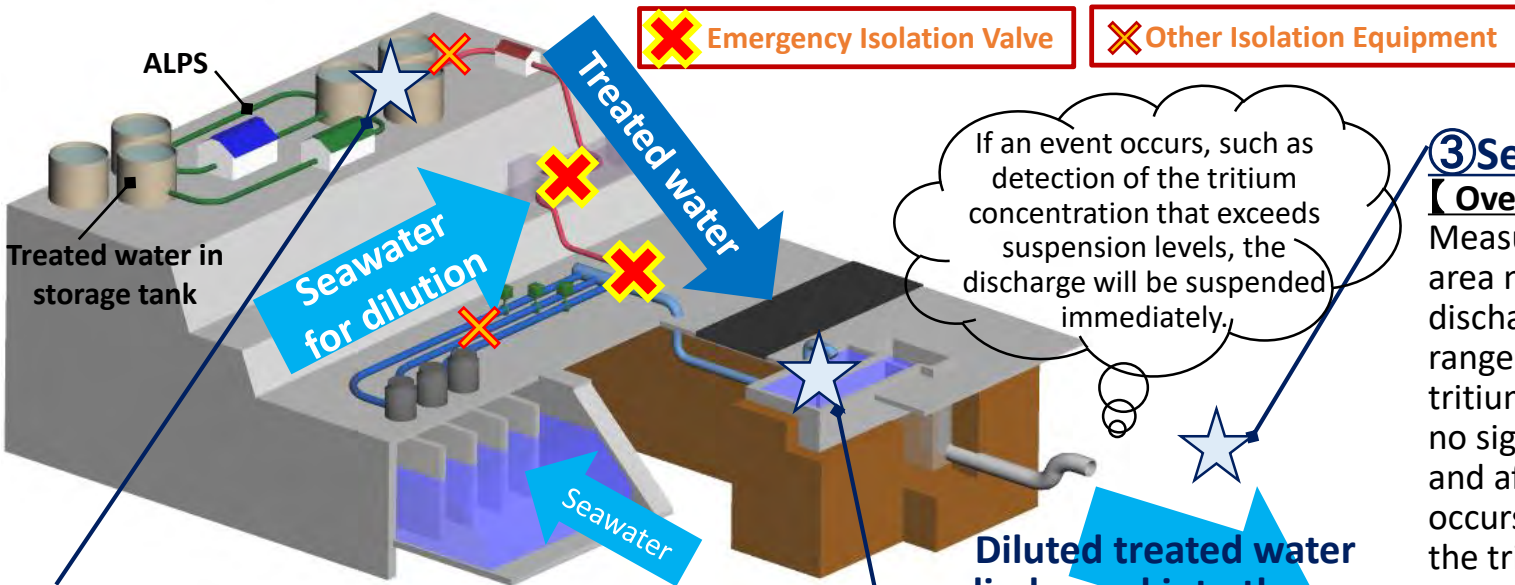
(※ While participating laboratories for monitoring differ at each stage, the Government of Japan and TEPCO are the main entities for monitoring. The IAEA objectively confirms the analytical capabilities and data reliability of the Government of Japan and TEPCO with the participation of third-party laboratories.)

- ✓ Continue to act in a highly transparent manner

Assessments of monitoring by the Government of Japan and TEPCO are available to **the public domestically and internationally.**



Details of Three Different Monitoring



① Monitoring of Treated Water in tanks

【Overview】 TEPCO and the Government of Japan check the treated water in the tanks (facilities for measurement and confirmation) before discharge into the sea for 30 nuclides (29 nuclides to be measured and assessed and tritium). Confirm if nuclides other than tritium are below the standard and the result will be disclosed. If the radioactivity concentration exceeds the standard, the water is repeatedly treated until the radioactivity concentration falls below the standard.

【Organizations】 TEPCO and Japanese Third-Party Laboratories (The IAEA objectively confirms TEPCO's analytical capabilities and the reliability of the data, with participating third-party laboratories.)

【Frequency(Including data publication)】

Analysis is conducted before each discharge of treated water in tanks.

② Real Time Monitoring

【Overview】 The flow rate of ALPS treated water and seawater for dilution are monitored on a real-time basis and the tritium concentration after dilution is confirmed. The water is diluted until the tritium concentration goes far below the standard.

【Organizations】

TEPCO (also accessible on the IAEA website)

【Frequency of data publication】

every hour

③ Sea Area Monitoring

【Overview】

Measure seawater in the sea area near and around the discharge point for a wide range of nuclides, mainly tritium, to confirm that there is no significant change before and after discharge. If an event occurs, such as detection of the tritium concentration that exceeds suspension levels, the discharge will be suspended immediately.

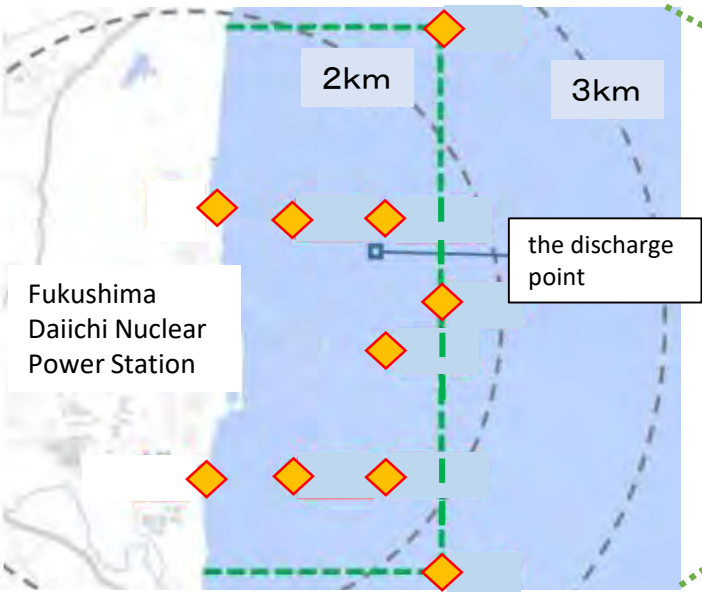
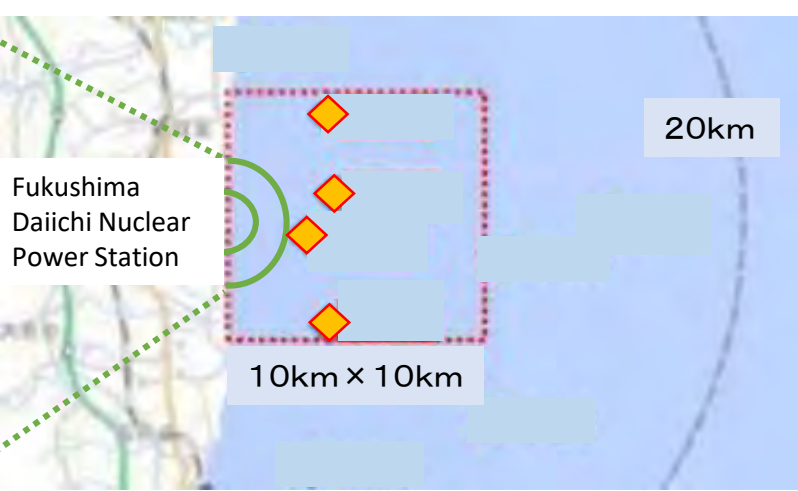
【Organizations】

TEPCO, MOE, NRA, Fisheries Agency etc.
(The IAEA objectively confirms TEPCO's analytical capabilities and the reliability of the data, with participating third-party laboratories.)

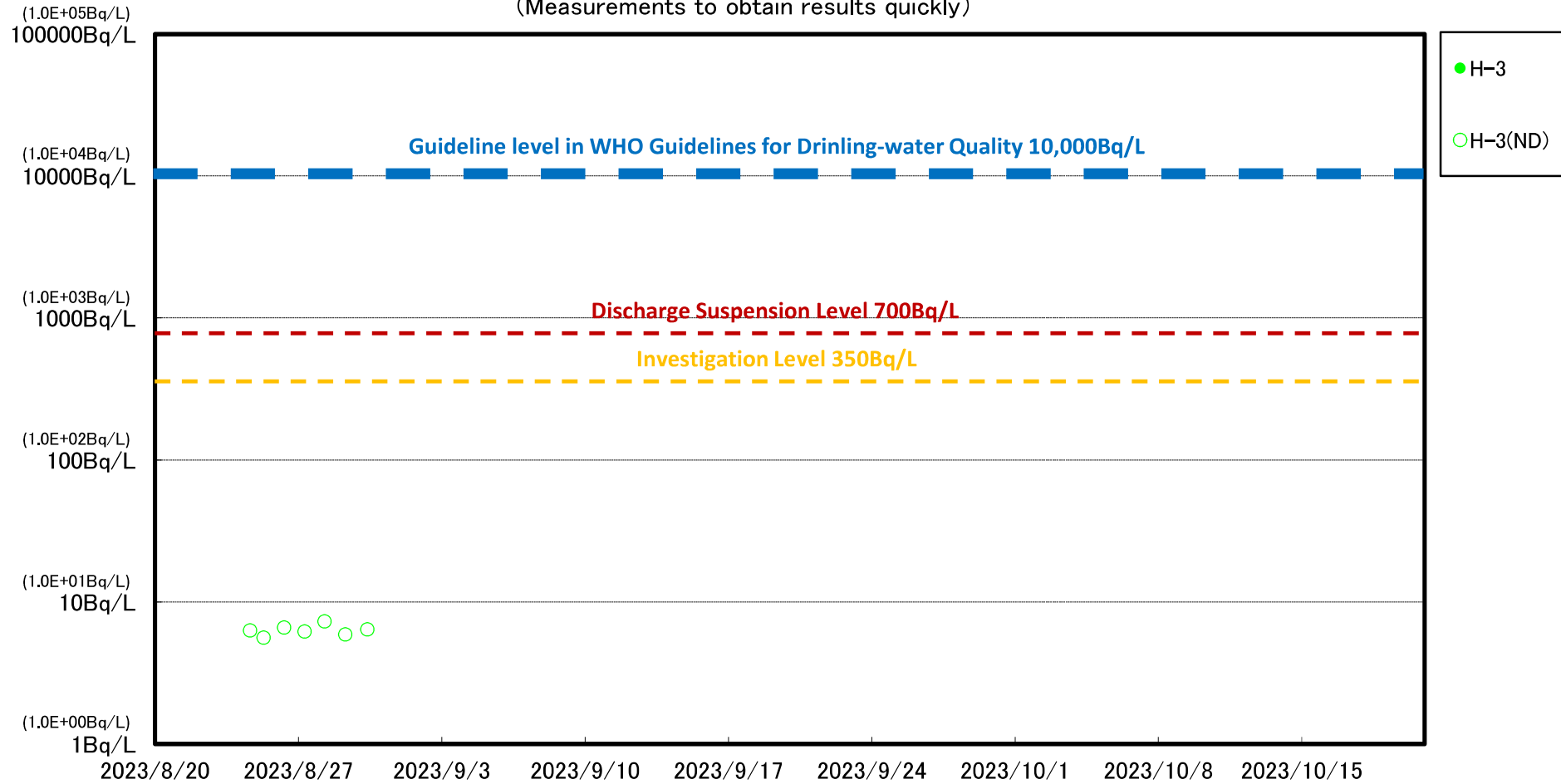
【Frequency (Including data publication)】

Tritium: daily basis for a certain period of time after the commencement of discharge.
Other nuclides: once a week/a month/several months/a year

【Reference】 Details of Sea Area Monitoring

	<p>Vicinity of the discharge point (10 points within 3 km of the discharge point at FDNPS)</p>	<p>Outside the vicinity of the discharge point (4 points in a 10 km x 10 km area around the discharge point)</p>
<p>Suspension Level for Discharge</p>	<p>✓ Tritium concentration of 700 Bq/L^(※1) ✓ <u>Sampling once per week</u> ※1 700 Bq/L suspension level for discharge is set at the level more stringent than the upper limit of tritium concentration(1500 Bq/L)【1/40 of regulatory standard】 in the implementation plan.</p>	<p>✓ Tritium concentration of 30 Bq/L^(※2) ✓ <u>Sampling once per week or per month</u> ※2 The maximum tritium concentration detected in the sea area around the nuclear power stations in Japan over the past three years is 20 Bq/L. 30 Bq/L suspension level is set at the level that clearly surpasses 20 Bq/L.</p>
<p>Sampling Points</p>	 <p>2km 3km Fukushima Daiichi Nuclear Power Station the discharge point ◆ : Sampling points(10 points)</p> <p>※3 When unusual situations are confirmed in the detailed monitoring by each organization, appropriate actions will be taken.</p>	 <p>Fukushima Daiichi Nuclear Power Station 20km 10km x 10km ◆ : Sampling points(4 points)</p> <p>※3 When unusual situations are confirmed in the detailed monitoring by each organization, appropriate actions will be taken.</p>

1F Unit 5/6 discharge, north side (T-1) Radioactive Concentration of Seawater
(Measurements to obtain results quickly)



※ Guideline level for Tritium(H-3) in WHO Guidelines for Drinking-water Quality is 1.0E+04Bq/L (10,000Bq/L).

Discharge Suspension Level: Index for determining if discharge needs to be suspended.

Investigation Level: Index for determining actions (inspection of facilities and operational procedures, increased monitoring, etc.) to be taken before the Discharge Suspension Level is reached.

※※ ND indicates that concentrations were below detection limits. Detection limits vary depending on the measurement environment and the measurement device.

Results of the monitoring on radioactivity level in fishery products

In accordance with the “Concepts of Inspection Planning and the Establishment and Cancellation of Items and Areas to which Restriction of Distribution and/or Consumption of Foods concerned Applies(PDF : 238KB)” the Fisheries Agency, in cooperation with the relevant prefectural governments and organizations, has been regularly conducting monitoring of radioactive materials in the fishery products in Fukushima and adjacent prefectures since the accident of Fukushima Daiichi Nuclear Power Station (FDNPS) of Tokyo Electric Power Company following the Great East Japan Earthquake in 2011.

1. Tritium

1-1-1.Rapid analysis method(as of August 28,2023)

The Fisheries Agency samples at the same location as T-S3 (about 4 km north-northeast of the discharge outlet) and T-S8 (about 5 km south-southeast of the discharge outlet) (circled in red in the figure on the right), where TEPCO conducts sampling.

< Rapid analysis results as of August 28,2023 >

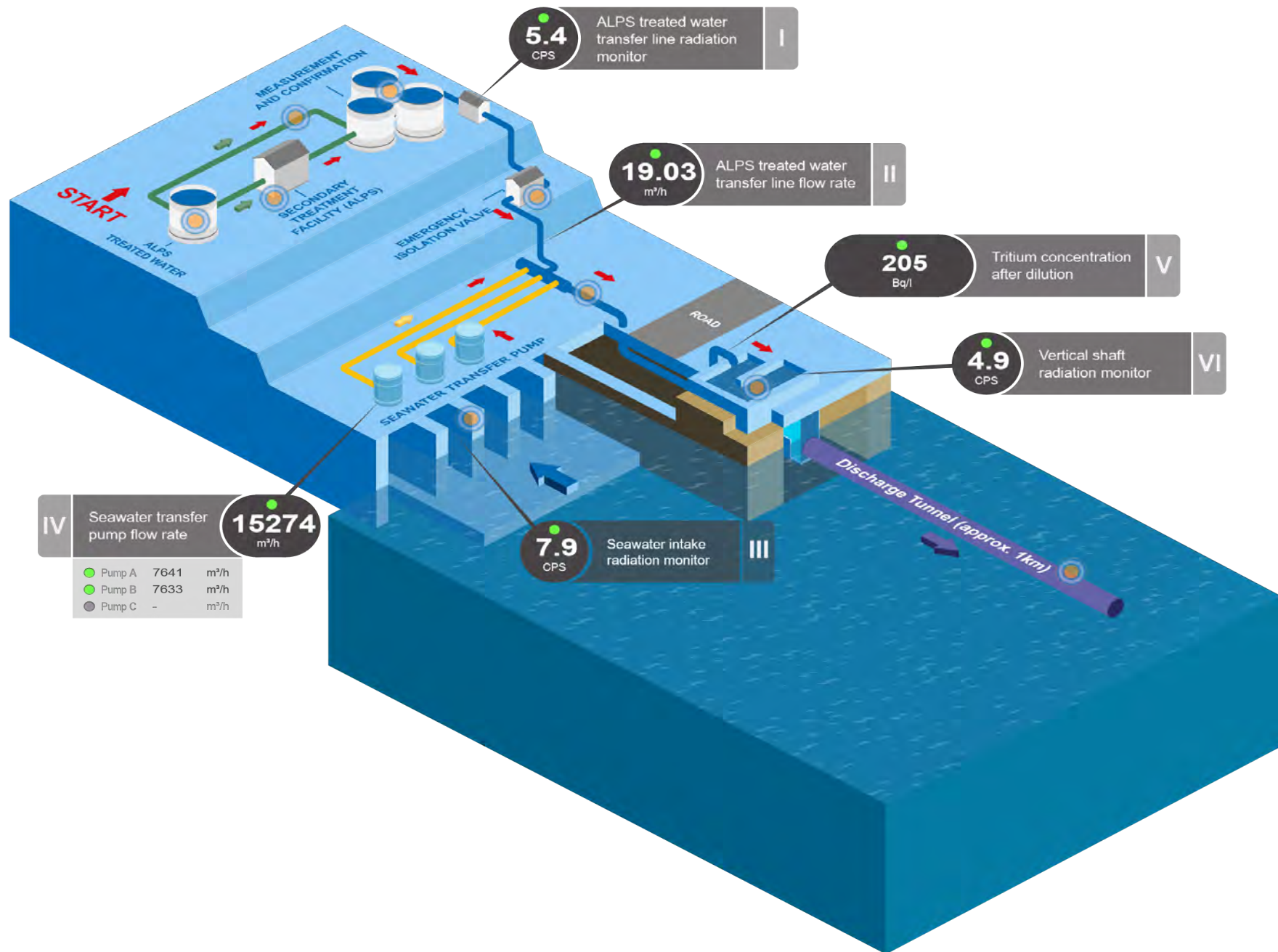
(WHO Guidelines For drinking-water quality:10,000Bq/L) After number 15, the result is after the discharge of ALPS treated water.												
No.	Item	sampling area	Place of collection	Fishing gear collection		Fishing gear setting		Press release Date	Analysis site	(unit: Bq/kg) (Detection limit value)		Facility that conducted the analysis
				date	time	date	time					
19	Olive flounder	Offshore Fukushima	T-S3	2023/8/26	JST around 5:30	2023/8/27	JST around 5:00	2023/8/28	muscle	Not detectable	<8.61	Marine Ecology Research Institute
20	Olive flounder	Offshore Fukushima	T-S8	2023/8/26	JST around 5:10	2023/8/27	JST around 4:40	2023/8/28	muscle	Not detectable	<8.63	Marine Ecology Research Institute

T-S3 : Latitude 37° 27'30"N Longitude 141° 04'44"E

T-S8 : Latitude 37° 23'00"N Longitude 141° 04'44"E

WHO Guidelines For drinking-water quality:10,000Bq/L

IAEA Real Time Monitoring of the ALPS Facilities



What is tritium?

- As a relative of hydrogen, tritium exists in nature, and is found in rain, sea and tap water, as well as inside of our body as a form of tritiated water.
- Tritium emits weak radiation, which can be blocked by a sheet of paper. It is not accumulated in human body and is excreted together with water from the body.
- It is very difficult to remove tritium from water, since it has the same properties as hydrogen.



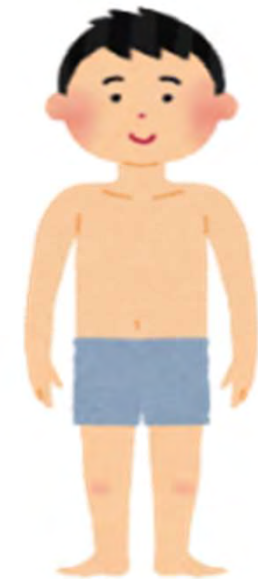
Tap water

$\approx 1 \text{ Bq/L}$



Rain in Japan

= 220 Trillion Bq/year



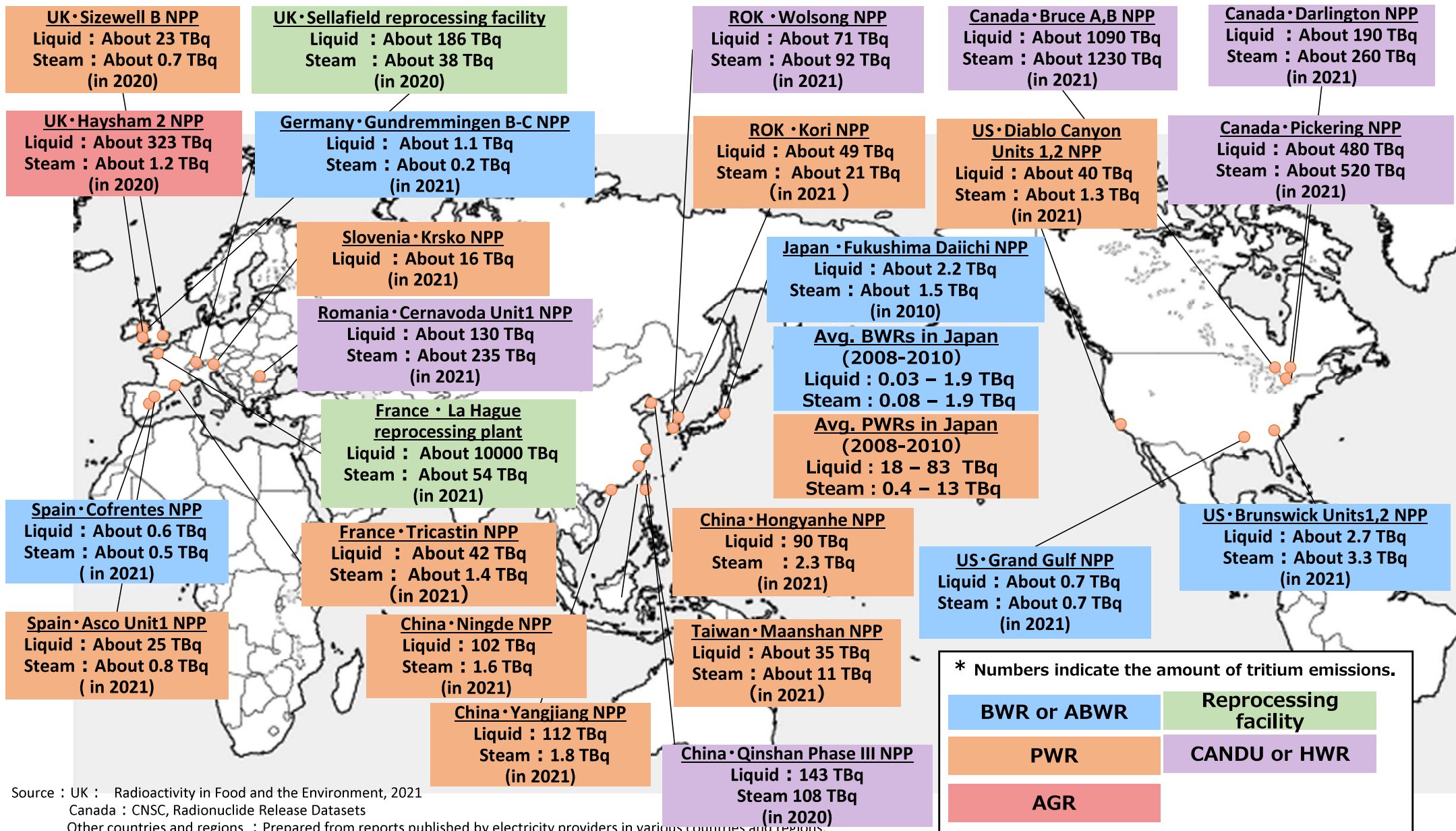
Human body

Tens of Bq

Ref. Annual amount of discharge of tritium over the world

➤ At nuclear facilities in the world, tritium is discharged as liquid waste into rivers and the sea etc.*, and also into the atmosphere through the ventilation process, in compliance with the laws and regulations of each country and region.

*Discharge from vessels into the sea is prohibited by the London Convention.



* Numbers indicate the amount of tritium emissions.

BWR or ABWR	Reprocessing facility
PWR	CANDU or HWR
AGR	

Source : UK : Radioactivity in Food and the Environment, 2021
 Canada : CNSC, Radionuclide Release Datasets
 Other countries and regions : Prepared from reports published by electricity providers in various countries and regions.

<Ref.> $1 \times 10^{12} \text{Bq} \approx \text{about } 0.019 \text{g}$ (Tritiated water)

Executive Summary

In April 2021, the Government of Japan released its *Basic Policy on Handling of ALPS Treated Water at the Tokyo Electric Power Company Holdings' (TEPCO) Fukushima Daiichi Nuclear Power Station* (Basic Policy). This policy resulted from a programme of review by the relevant Japanese government ministries, and TEPCO, about how to manage the accumulating ALPS treated water stored on site at the Fukushima Daiichi Nuclear Power Station (FDNPS). The Basic Policy describes, among other topics, the method selected by the Government of Japan for the handling of the Advanced Liquid Processing System (ALPS) treated water which was to discharge the treated water into the sea.

Following the announcement of this policy, the Government of Japan requested that the IAEA conduct a detail review of the safety related aspects of handling ALPS treated water stored at FDNPS, applying the relevant international safety standards. The IAEA Director General accepted this request and noted the IAEA's commitment to being involved before, during, and after the ALPS treated water discharges. **The IAEA is conducting this review in compliance with its relevant IAEA statutory functions, in particular, that established in Article 3.A.6 of the IAEA Statute which declares that the Agency is authorized:**

“To establish or adopt, in consultation and, where appropriate, in collaboration with the competent organs of the United Nations and with the specialized agencies concerned, standards of safety for protection of health and minimization of danger to life and property (including such standards for labour conditions), ... and to provide for the application of these standards, ... at the request of a State, to any of that State's activities in the field of atomic energy.”

In July 2021, the IAEA and the Government of Japan signed the Terms of Reference for IAEA Assistance to Japan on Review of Safety Aspects of ALPS Treated Water at TEPCO's FDNPS. The IAEA activities in this regard consist of a technical review to assess whether the actions of TEPCO and the Government of Japan to discharge the ALPS treated water over the coming decades are consistent with international safety standards. The IAEA is also undertaking all necessary activities for the corroboration of the source and environmental monitoring programmes of TEPCO and the Government of Japan before, during and after the discharges. The IAEA's review is organized into the following three major components to ensure all key safety elements are adequately addressed: 1) Assessment of Protection and Safety, 2) Regulatory Activities and Processes, and 3) Independent Sampling, Data Corroboration, and Analysis.

To implement the IAEA's review in a transparent and inclusive manner, the IAEA Director General established a Task Force. The Task Force operates under the authority of the IAEA and is chaired by a senior IAEA official. The Task Force includes experts from the IAEA Secretariat alongside internationally recognized independent experts with extensive experience from a wide range of technical specialties from Argentina, Australia, Canada, China, France, the Marshall Islands, the Republic of Korea, the Russian Federation, the United Kingdom, the United States and Viet Nam. These independent experts provide advice and serve on the Task Force in their individual professional capacity to help ensure the IAEA's review is comprehensive, benefits from the best international expertise and includes a diverse range of technical viewpoints.

Since September 2021 when the IAEA Task Force held its first meeting, there have been five review missions, six technical reports, and numerous Task Force meetings. A summary of these activities and key milestones are included in Annex 1. Throughout this process the Task Force received information from the Government of Japan and TEPCO which helped the experts to better understand the technical and regulatory aspects of the planned discharges of ALPS treated water. The technical reports of the missions include summaries of the IAEA's review and show the progress made by TEPCO and the Government of Japan. Over the past two years, the Task Force and the Government of Japan have identified and built on the observations from these previous missions and the IAEA is now in a position to draw comprehensive conclusions about the safety of the discharge. Additionally, this review is occurring concurrently with Japan's Nuclear Regulation Authority's (NRA) domestic regulatory review

and approval. Therefore, the insights from the IAEA's review were considered in the domestic process in a timely and beneficial manner.

This comprehensive report includes explanations and insights over a broad range of topics that are important to understanding the overall safety-related aspects of this process; this represents the "before" stage of the IAEA's review as noted by the IAEA Director General. The purpose of this comprehensive report is to present the IAEA's final conclusions and findings of the technical review to assess whether the planned operation to discharge the ALPS treated water into the Pacific Ocean over the coming decades is consistent with relevant international safety standards. The reviews of individual topics included in this comprehensive report are based on hundreds of pages of technical and regulatory documentation, condensed and summarized to help make the conclusions from the IAEA's review more accessible and understandable for the general public. A summary of relevant international safety standards is included in Annex 2.

In order to fully assess whether the ALPS treated water discharge is conducted in a manner that is consistent with relevant international safety standards, the Task Force considered the Fundamental Principles for Safety, the Safety Requirements, and the supporting Safety Guides, published by the IAEA. These standards are standards of safety for the protection of health and minimization of danger to life and property. In compliance with the IAEA's statutory functions, these international safety standards are developed and co-sponsored in consultation with and, where appropriate, in collaboration with the competent organs of the United Nations and with specialized agencies. They serve as a global reference for protecting people and the environment and contribute to a harmonized high level of safety worldwide.

This report includes an assessment of the application of the fundamental safety principles, the relevant safety requirements, and supporting safety guides. It is important to note that in the application of the international safety standards, their principles and technical considerations, must be adapted to national circumstances.

Based on its comprehensive assessment, the IAEA has concluded that the approach to the discharge of ALPS treated water into the sea, and the associated activities by TEPCO, NRA, and the Government of Japan, are consistent with relevant international safety standards.

The IAEA recognizes that the discharge of the ALPS treated water has raised societal, political and environmental concerns, associated with the radiological aspects. However, the IAEA has concluded, based on its comprehensive assessment, that the discharge of the ALPS treated water, as currently planned by TEPCO, will have a negligible radiological impact on people and the environment.

Notwithstanding the above conclusions, the IAEA notes that once any discharges begin, many of the technical topics reviewed and assessed by the Task Force will need to be revisited by the IAEA at various times to assess the consistency of activities during the operation of the ALPS treated water discharges with relevant international safety standards

On May 2023, the IAEA published a report detailing the results of the first interlaboratory comparison conducted for the determination of radionuclides in samples of ALPS treated water. These findings provide confidence in TEPCO's capability for undertaking accurate and precise measurements related to the discharge of ALPS treated water. Furthermore, based on the observations of the IAEA, TEPCO has demonstrated that it has a sustainable and robust analytical system in place to support the ongoing technical needs at FDNPS during the discharge of ALPS treated water.

The IAEA is committed to engaging with Japan on the discharge of ALPS treated water not only before, but also during, and after the treated water discharges occur. The findings above relate to activities the Task Force performed before the water discharges start. However, the work of the IAEA and the Task Force will continue for many years. The IAEA will maintain an onsite presence at FDNPS throughout its review and will publish available data for use by the global community, including the provision of real-time and near real-time monitoring data from FDNPS. Additional review and monitoring activities are envisaged that will continue and which will provide additional transparency and reassurance to the

international community by continuously providing for the application of the relevant international safety standards.



Mayors' Council of Guam

Konsehelon Mahot Guåhan

December 19, 2022

The Honorable Toshiaki Kobayashi
CONSUL GENERAL
Consulate-General of Japan at Hagatna
590 South Marine Corps Drive
ITC Building, Suite 604
Tamuning, Guam 96913

Dear Consul General Kobayashi,

Buenas Yan Hafa Adai! Transmitted herewith for your information and file, Resolution No. 2022-17-01 **"TO EXPRESS, ON BEHALF OF THE PEOPLE OF THE ISLANDS OF GUAM AND THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS (CNMI), OUR VEHEMENT OPPOSITION AND CONDEMNATION OF THE DECISION AND ACTION BY THE GOVERNMENT OF JAPAN HEADED BY PRIME MINISTER FUMIO KISHIDA AND THE FUKUSHIMA DAIICHI NUCLEAR POWER PLANT(FDNPP) TO LAUNCH THEIR 30-YEAR PLAN TO RELEASE 1.1 MILLION TONS (43,965 GALLONS PER MONTH OR 527,578 GALLONS PER YEAR) OF TREATED NUCLEAR CONTAMINATED WASTE WATER INTO THE PACIFIC OCEAN"** which was adopted on the 6th day of December 2022.

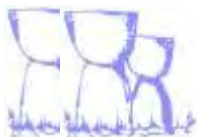
Thank you for your attention regarding this matter. If you should have any questions or comments relative to the above resolution, please do not hesitate to call me.

Senseramente,

ANGEL R. SABLAN
Executive Director

Attachment

cc: File/Chrono





MAYORS' COUNCIL OF GUAM

Resolution No. 2022-17-01

Introduced By:

M.B.Savares

A.R.G. Ungacta

J.L.G. Alig

R.RDC Hofmann

L.C. Rivera

K.J.T. Susuico

J.P. Bautista

D E. Alvarez

P J.S. Benavente

J U. Blas

A P. Chargualaf

E T. Chargualaf

J A. Cruz

K AN Delgado

C J. Fejeran

J C. Gogue

R D. Iriarte

L V. Leones

P M. McDonald

R A. Paco

B A. Quenga

J A. Quinata

F A. Salas

A P. Sanchez

V S. Taitague

A M. Toves

TO EXPRESS, ON BEHALF OF THE PEOPLE OF THE ISLANDS OF GUAM AND THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS (CNMI), OUR VEHEMENT OPPOSITION AND CONDEMNATION OF THE DECISION AND ACTION BY THE GOVERNMENT OF JAPAN HEADED BY PRIME MINISTER FUMIO KISHIDA AND THE

FUKUSHIMA DAIICHI NUCLEAR POWER PLANT(FDNPP) TO LAUNCH THEIR 30-YEAR PLAN TO RELEASE 1.1 MILLION TONS (43,965 GALLONS PER MONTH OR 527,578 GALLONS PER YEAR) OF TREATED NUCLEAR CONTAMINATED WASTE WATER INTO THE PACIFIC OCEAN.

1 **BE IT RESOLVED BY THE MAYORS' COUNCIL OF GUAM:**

2 **WHEREAS**, on April 13, 2011, Fukushima, Japan experienced a devastating tsunami
3 destroying Fukushima Daiichi Nuclear Power Plant (FDNPP); and,

4 **WHEREAS**, on April 13, 2021, FDNPP and the Japanese government approved a 30-year
5 plan to release treated contaminated water from Fukushima into the Pacific Ocean; and,

6 **WHEREAS** there is no existing scientific study that precisely clarifies the environmental
7 impact of the contaminated water; and,

8 **WHEREAS**, it is common knowledge among the Pacific Islanders, specifically from the
9 Mariana islands, that debris from Japan are often found on the coast and shores of the
10 islands; and,

11 **WHEREAS**, there is no known studies commissioned to evaluate or monitor the level of
12 contamination that may have already reached the Mariana islands and whether those debris
13 found on the coast and shores of the islands are contaminated; and,

14 **WHEREAS**, the people of the Mariana Islands is heavily reliant on the land and ocean
15 for their health maintenance and living subsistence; and,

16 **NOW THEREFORE BE IT RESOLVED**, that for the reasons stated herein, the Pacific
17 Alliance of Municipal Councils, on behalf of the people of the CNMI, hereby express
18 vehement opposition and condemnation of the unilateral decision by FDNPP and the

1 government of Japan’s 30-year plan to release more than 1 million tons of treated
2 contaminated water from Fukushima, Japan into the Pacific Ocean that may directly or
3 indirectly threaten the lives of our people; and,

4 **BE IT FURTHER RESOLVED**, that copies of this resolution shall be transmitted to the
5 Honorable Prime Minister Fumio Kishida through the Honorable Ambassador to the US,
6 Koji Tomita; Honorable Gregorio Kilili C. Sablan, CNMI’s U.S. Delegate to the United States;
7 Honorable Michael San Nicolas, Guam’s U.S. Delegate to the United States; Honorable Lou
8 Leon Guerrero, Governor of Guam; Honorable Ralph Dlg. Torres, CNMI Governor;
9 Honorable Members of the 22nd CNMI Legislature; Honorable Members of the 36th Guam
10 Legislature; Consular Office of Japan, Saipan; Consular Office of Japan, Guam; Honorable
11 Members of AMIM; Honorable Members of PAMC; the United Nations Human Rights
12 Council.

DULY ADOPTED ON THE 6TH DAY OF DECEMBER 2022 IN THE CITY OF HAGÁTÑA, GUAM

CERTIFIED BY:



THE HONORABLE JESSE L.G. ALIG
President and Mayor of Piti

ATTESTED BY:



THE HONORABLE LOUISE C. RIVERA
Secretary and Mayor of Tamuning



Mayors' Council of Guam

Konsehelon Mahet Guåhan

January 5, 2023

TO: Honorable Members, Association of Mariana Island Mayors, Vice Mayors & Elected Municipal Council Members (AMIM)

VIA: Hon. Louise C. Rivera, Secretary, Association of Mariana Island Mayors, Vice Mayors & Elected Municipal Council Members (AMIM)

FROM: Executive Director, Mayors' Council of Guam (MCOG)

SUBJECT: Rescindment of MCOG Resolution

RE: MCOG RESOLUTION 2022-17-01

Concerns have been raised about the adoption of Resolution 2022-17-01 by the Mayors' Council of Guam on December 6, 2022, which was drafted and submitted by a member of the Saipan Municipal Council to the AMIM on November 17, 2022. It has been brought to our attention that this resolution as drafted and adopted contains factual inaccuracies.

The MCoG at its Regular Meeting on January 4, 2023, unanimously voted to rescind its Resolution 2022-17-01.

Please be assured that we are keenly supportive of not having our ocean waters and our drinking water be contaminated by whatever means but we also must ensure that the resolution we adopted as a group is accurate and truthful. Therefore, MCoG Resolution 2022-17-01 is rescinded in its entirety.

We are amenable to reviewing and/or introducing a resolution in the future after all concerns are adequately and accurately explained and clarified.

Senseramente,

ANGEL R. SABLAN

cc. Governor of Guam
Speaker, 37th Guam Legislature
Consular Office of Japan
United Nations Human Rights Council
File/Chrono



Mandates of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes ; the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; the Special Rapporteur on the right to food; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the human rights of internally displaced persons and the Special Rapporteur on the human rights to safe drinking water and sanitation

REFERENCE:
AL JPN 1/2021

13 January 2021

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes; Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; Special Rapporteur on the right to food; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on the human rights of internally displaced persons and Special Rapporteur on the human rights to safe drinking water and sanitation, pursuant to Human Rights Council resolutions 45/17, 37/8, 32/8, 41/12, 42/16, 41/15 and 42/5.

In light of the upcoming 10 years' anniversary of the Fukushima nuclear disaster, we would like to bring to the attention of your Excellency's Government information received concerning the **management of contaminated water at the Fukushima Daiichi Nuclear Power Station (NPS) by the Government of Japan and TEPCO (Tokyo Electric Power) and the serious risks posed to the enjoyment of human rights of affected populations, the grave consequences which nuclear contamination poses to the physical and mental health and wellbeing of affected populations, including children, recent developments concerning the lifting of a number of evacuation orders, re-designation of highly contaminated areas as well as the lack of access to information, and lack of public consultation regarding data, envisaged solutions, past and future decisions affecting directly the wellbeing and human rights of concerned segments of the population. Allegations about an ongoing consideration by the Japanese authorities to release the Fukushima contaminated water into the Pacific Ocean, the significant delays occurred in the clean-up of the contaminated water, data unveiling serious health problems among the affected population, including children, the lack of revision of the Mid and Long Term Roadmap continue to remain in the focus of the attention of UN independent experts.**

The Government of Japan and TEPCO had set 2020 as a target date for addressing the issue of stored contaminated water resulting from the Fukushima disaster. Ten years past the disaster, this issue regrettably remains far from being sustainably resolved. Moreover, the solutions in discussion, namely the possible release of the contaminated water into the marine environment represent grave risks to the environment of human rights of concerned populations in and beyond the borders of Japan.

Over the past years several communication letters of Special Procedures mandate holders (UA JPN 2/2017 on 20 March 2017, and response dated 8 June 2017; AL JPN 5/2018 on 28 June 2018 and response dated 17 August 2018; and AL JPN 6/2018 on 5 September 2018 and response dated 5 November 2018, AL JPN 1/2020 of 20 April 2020 and response dated 12 June 2020) have been addressed to your Excellency's Government regarding different aspects addressing the negative consequences of the Fukushima Daiichi NPS accident on the enjoyment of human rights including the right to life, to the highest attainable standard of health, the right to meaningful participation, right to adequate food and right to information. We thank the Japanese Government for engaging in a dialogue with mandate holders and providing responses. All answers to our queries have been duly considered and yet serious concerns persist regarding the management of highly contaminated water at the Fukushima Daiichi nuclear plant as well as a number of other issues related to the aftermath of the disaster.

According to information received:

Concerning the management of contaminated water

On 28 October 2020 a governmental decision to release the contaminated water into the Pacific Ocean was scheduled to be announced but has since been postponed. Japan has allegedly not conducted an Environmental impact assessment on any discharge into the Pacific Ocean, which would entail from its international obligations, given that there is a risk of significant transboundary harm to neighbouring countries.

The volume of groundwater flowing from the mountains and flood plains of Fukushima has increased dramatically, enhanced by the Typhoon Hagibis in October 2019, and the total amount of contaminated water is expected to rise to 1.37 million m³.

Allegedly, the primary source of radioactivity remains the melted nuclear fuel or corium located at the three Fukushima Daiichi reactors. Fresh groundwater entering the site continues to become contaminated as a result. One estimate in 2019 indicated that this would lead to an additional 500,000 to 1.000.000 tons, of contaminated water accumulating by 2030.¹ According to TEPCO's projections at 150 tons each day until 2025, and thereafter 100 tons per day² – the additional amount of contaminated water would be 273,750 tons by 2025 and by 2030 would reach 365,000 tons.

The Japanese Government, in a reply addressed to Special Procedures mandate holders on 12 June 2020 suggested that Advanced Liquid Processing System (ALPS) treated water³ stored in the tanks is not contaminated water and stated "After most of the radionuclides except tritium are removed in this purification system (ALPS), the water is safely stored in the tanks as ALPS treated water...Therefore ALPS treated water stored in the tanks is not contaminated

¹ JCER, "Contaminated water strategy of critical importance", Japan Center for Economic Research, March 7, 2019, see <https://www.jcer.or.jp/policy-proposals/2019037.html> (in Japanese)

² Mainichi Shimbun, "9 1/2 years after meltdowns, no end in sight for Fukushima nuke plant decommissioning", 22 September, 2020, see <https://mainichi.jp/english/articles/20200921/p2a/00m/0na/018000c#:~:text=Under%20the%20plant%20decommissioning%20plan,150%20ton%20target%20this%20year.>

ALPS is used to treat wastewater that has first gone through a reverse-osmosis process to remove cesium and is then desalinated to separate the fresh water.

water.”⁴ In the meantime TEPCO’s own data confirms that ALPS treated water contains multiple radionuclides such as strontium-90, iodine-129, carbon-14 and plutonium isotopes, as well as high concentrations of tritium (which is not treated by ALPS). In the case of tritium the concentration levels in water that has undergone secondary processing in September and October 2020 are according to TEPCO 272,000 Bq per liter. ⁵

Water that contains large quantities of radioactive carbon-14 (as well as the other radioactive isotopes including strontium-90 and tritium) can only be described as contaminated, contrary to the interpretation of the Japanese Government provided in the letter of 12 June 2020⁶.

In September 2018, TEPCO confirmed that their water processing technology known as ALPS, had failed to remove radioactive concentrations in the majority of the contaminated water stored in tanks at the Fukushima Daiichi plant.⁷ In March 2020, TEPCO reported that 780,000 tons of water, or 72% of the total water in storage tanks, would undergo secondary processing.⁸ The results of the secondary processing in ALPS, as reported by TEPCO, show that it has been possible for ALPS to reduce concentrations of radionuclides to below regulatory limits, which a step closer to reducing concentrations in the contaminated water.

However, secondary processing has considerable shortcomings to note:

- the 2000 cubic meters of contaminated water that has now undergone secondary processing is 0.25 percent of the total volume of water that is planned for processing over the coming years - it is thus too early to claim that over the coming years ALPS will reduce concentrations of radionuclides such as strontium-90 and iodine-129 to below regulatory limits;

- it is not possible to say what the total radioactive inventory will be of the contaminated water after secondary processing has been completed – each tank has a different inventory and therefore the final concentration will vary;

- the current plan is for the additional groundwater contamination to be reduced from an average of 150 cubic meter / tons per day by the end of 2020, and to 100 cubic meters / tons by 2025. If this is achieved, between 2020 and 2025 an additional 273,750 cubic meters of water will be generated, and in the period 2025-2030, a further 182,500 cubic meters/tons – for a total of 456,250 cubic meters. Thus in addition to the 1.23 million cubic meters that currently is stored in tanks, almost half a million cubic meters of contaminated water will be required to be processed in ALPS;

⁴ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35338>

⁵ TEPCO, "Fukushima Daiichi Nuclear Power Station Results from secondary treatment performance confirmation tests on water treated with multi-nuclide removal equipment (J1-G group) (follow-up report)", November 26, 2020 Tokyo Electric Power Company Holdings, Inc. Fukushima Daiichi Decontamination & Decommissioning Engineering Company. see <https://www4.tepco.co.jp/en/decommission/progress/watertreatment/images/201126.pdf>

⁶ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35338>

⁷ Julian Ryall, "Japan plans to flush Fukushima water 'containing radioactive material above permitted levels' into the ocean" 16 October 2018, Daily Telegraph, see <https://www.telegraph.co.uk/news/2018/10/16/japan-plans-flush-fukushima-water-containing-radioactive-material/>

⁸ TEPCO, "TEPCO Draft Study Responding to the Subcommittee Report on Handling ALPS Treated Water", 24 March 2020, see <https://www.term-and-long.tepco.co.jp/en/decommission/progress/watertreatment/images/200324.pdf>

So far only 0.25 percent of the tank water has undergone secondary processing. It will be several years before all the water can be processed. The ALPS has not been designed to remove radioactive tritium or carbon-14 which would be discharged in their entirety into the Pacific. The processed water to be discharged still exceeds regulatory limits for radioactive tritium and therefore will be diluted with non-contaminated water and discharged over at least 30 years. In this context, it is alarming that the Japanese Government considers that ALPS treated water is not contaminated water.⁹

Concerning the Revision of Mid-Term and Long-Term roadmap

The contaminated water issue is intrinsically bound with the overall decommissioning plan for removing the molten fuel from the reactor buildings. According to the Japanese Government “There is no fact that there are any obstacles to the achievement of the targets for contaminated water management as alleged to the UN Special Rapporteur, and there are no plans to make further revisions to the Mid-and-Long-Term Roadmap at this time.” Yet various facts and allegations seem to indicate that the revision of the roadmap currently has no alternatives. To date it has been revised five times, most recently in December 2019. The Nuclear Damage Compensation and Decommissioning Facilitation Corporation (NDF), which formulates strategies to deal with main mid-and-long term challenges in the decommissioning of Fukushima Daiichi, issued its latest review in October 2020.¹⁰ It noted that, “Decommissioning of the Fukushima Daiichi NPS containing the reactor involved in the accident is an unprecedented activity that takes place in a special environment different from that of a normal reactor, and therefore, to ensure safety, it should correspond to a number of peculiar characteristics of safety.

In addition, TEPCO continues to allegedly misrepresent and selectively ignore basic scientific evidence on radioactive tritium. In particular, the role of Organically Bound Tritium (OBT) has not been adequately explained, and consequently, scientific data on the potential impacts of any future releases of contaminated water are not provided. In addition, current human dose models used by the International Atomic Energy Agency (IAEA) (and the Japanese authorities and TEPCO) are based on single discharges, but when multiple discharges occur the levels of OBT build up gradually.¹¹

It is also alarming that the Japanese Government considers that there will be no radiological impact from the release of the contaminated tank water, downplaying the hazardous radionuclides that will be discharged into the environment, which include radioactive strontium.

It is a major matter of concern the lack of access to adequate information and the misrepresentation by the Japanese Government with regard to the nature of the hazards posed by the contaminated water and their impacts in the affected

⁹ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35338>

¹⁰ NDF, “Technical Strategic Plan 2020 for Decommissioning of the Fukushima Daiichi Nuclear Power Station of Tokyo Electric Power Company Holdings, Inc. Overview”. Nuclear Damage Compensation and Decommissioning Facilitation Corporation NDF, 6 October, 2020, see http://www.dd.ndf.go.jp/en/strategic-plan/book/20201214_SP2020eOV.pdf

¹¹ Rodgers DW., “Tritium Dynamics in Mice exposed to Tritiated Water and Diet.” *Health Physics*, 63, 331-337 1992, see https://journals.lww.com/health-physics/Abstract/1992/09000/Tritium_Dynamics_in_Mice_Exposed_to_Tritiated.9.aspx

populations and areas. Allegedly, these volumes have not been presented to the Japanese public in the context of the current decision making on discharge.

Concerning the grave impact of nuclear contamination on children's health

It is an established fact that children are more sensitive to radiation and are more likely to develop the short-term and some of the long-term effects of radiation exposure.¹² Children are at higher risk of radiation-related cancers of certain tissues.¹³ They are also more likely to experience higher external and internal radiation exposure levels than adults because they are shorter and have smaller body diameters and organ sizes. In the meantime, the 20 mSv/y permissible dose set by the Japanese Government is the same maximum allowable annual dose recommended by the International Commission on Radiological protection (ICRP) for adult nuclear workers – which is now in Japan is being applied to men, women, children, and infants alike.

As of 15 June 2020, 195 children and young people in Fukushima have been diagnosed with thyroid cancers and undergone medical interventions.¹⁴ The Fukushima Medical University continues to monitor the state of health of thyroid glands of children in Fukushima who were 18 years old and younger at the time of accident. Despite the scientific evidences,¹⁵ the Japanese Government continues to deny any association between radiation exposure resulting from the Fukushima Daiichi accident and higher levels of thyroid cancer. Recent analysis suggests that there is in fact a direct correlation between radiation exposure and thyroid cancers detected in Japan since 2011. In 2019, Japanese scientists reported that, “The average radiation dose-rates in the 59 municipalities of the Fukushima prefecture in June 2011 and the corresponding thyroid cancer detection rates in the period October 2011 to March 2016 show statistically significant relationships.”¹⁶

Concerning the status of evacuees, Difficult-to-return-zones, the re-designation of highly contaminated areas and the lifting of evacuation orders in Futaba, Okuma and Tomioka

Allegedly, as of March 2020 over 40,000 Fukushima citizens remain evacuees confronted by major challenges including livelihood support and termination of housing assistance which has contributed to high levels of stress and suicide

¹² As UNSCEAR declares, “the commonly held notion that children might be two to three times more sensitive to radiation than adults is true for some health effects but certainly not for all.” UNSCEAR, “Sources, Effects And Risks Of Ionizing Radiation”, United Nations Scientific Committee on the Effects of Atomic Radiation UNSCEAR 2013 Report to the General Assembly with Scientific Annexes Volume II Scientific Annex B, see http://www.unscear.org/docs/publications/2013/UNSCEAR_2013_Report_Vol.II.pdf

¹³ Linet MS, Kazzi Z, Paulson JA. Pediatric Considerations Before, During, and After Radiological or Nuclear Emergencies. *Pediatrics*. 2018;142(6):e20183001. The American Academy Of Pediatrics, see <http://pediatrics.aappublications.org/content/pediatrics/142/6/e20183001.full.pdf>

¹⁴ The Asia Pacific Journal, “Take Science Seriously and Value Ethics Greatly”: Health Effects of Fukushima Nuclear Disaster”, Interview with Hisako Sakiyama, M.D. & Ph.D. by Katsuya Hirano & Hirotaka Kasai, 1 October 2020. Volume 18 | Issue 19 | Number 5 Article ID 5493, see <https://apjif.org/2020/19/Sakiyama-Hirano-Kasai.html>

¹⁵ In March 2020 a paper published in *Nature, Scientific Reports*, found a, “positive correlation between the thyroid cancer cases reported in the (Fukushima Health Management Survey) Full Scale Survey and the air-dose rates, with the association stronger with external exposure than with internal one.”

¹⁶ Yamamoto H, Hayashi K, Scherb H. Association between the detection rate of thyroid cancer and the external radiation dose-rate after the nuclear power plant accidents in Fukushima, Japan. *Medicine* 2019;98:37(e17165). see https://journals.lww.com/mdjournal/Fulltext/2019/09130/Association_between_the_detection_rate_of_thyroid.59.aspx

rates.¹⁷ However, the Government allegedly continues to fail to acknowledge that evacuees are Internally Displaced Persons (IDPs), including those so called voluntary evacuees from areas that were not officially designated evacuation areas. As a consequence, their entitlement to financial, housing, medical and other support is not made available to the level required.

Difficult-to-return-zones, which are areas where citizens are not permitted to live, exist in seven municipalities of Fukushima prefecture and cover a total of about 340 square kilometres. The Government has set an objective of lifting evacuation orders in parts of these zones by 2023 called “Designated reconstruction and rehabilitation areas” they cover a total of about 30 square km in six of these municipalities, excluding Minamisoma City.

On 17 January 2020, lifting of evacuation orders in small areas of Futaba Town, Okuma Town, and Tomioka Town were approved by the Japanese authorities. In total the area lifted was 0.5 square kilometer. The areas lifted were not residential areas but areas close to the main Joban express route and were linked to the plans for the 2020 summer Olympics. It was the first time evacuation orders had been lifted in the highly contaminated Difficult-to-return-zones,

In 2020 a new approach to the decontamination programme was applied. Rather than retaining the designation of a Difficult-to-return-zone, in the case of Iitate, the classification was terminated. They will not however be able to return to their former homes to live. On 25 December 2020, the decision to end the Difficult to Return Zone in Iitate was formally approved. This means Japanese citizens, including children will now be able to freely enter these areas with a potentially negative affect on their health. Radiation levels in practically all of the present Difficult-to-return-zones, are above 1 mSv per year whereas restrictions were only supposed to be lifted after decontamination had brought radiation levels down to 1 mSv or below.

Allegedly, as in previous years, average and maximum radiation levels in the lifted evacuation areas (i.e. areas determined by the Japanese government to be safe for return) of Namie and Iitate remain too high for normal life to be considered possible without increased health risks to returning citizens.

Regarding public consultations and access to information

According to various testimonies and sources of information, the lack of consultation and participation of the concerned population and the general public continues to prevail. The absence of substantive exchange of information on issues of extreme importance to the lives of affected populations, the opacity and lack of transparency of information provided to the public, the uncertainty over their health and future and most importantly over the future and health of their children, the prospects of return to contaminated areas of internally displaced persons are all factors which result in immense pressure over a population already facing a myriad of grave problems.

¹⁷ Human Rights Now. “40,000 People are Still Displaced and Radiation Levels are Still Dangerous Due to the Ongoing Fukushima Nuclear Disaster”, 11 March 2020, see <https://hrn.or.jp/eng/news/2020/03/11/fukushima-statement-march-2020/>

During 2020 opposition from public and civil society to plans for discharging water into the Pacific has increased. Since March 2020, resolutions have been adopted by municipalities expressing their concerns and opposition to the release of the contaminated water. The Citizens' Alliance 'Stop Polluting the Ocean' has reported that written statements have been adopted by 41 local councils representing 59 local authorities as of 3 July 2020. These include clear opposition to any discharge, and all reflect the position that the proposals of the METI subcommittee cannot be immediately accepted.

On 23 June 2020, at the ordinary general meeting of the National Federation of Fisheries Co-operative Associations, and on 26 June 2020 at the ordinary general meeting of the Fukushima Prefectural Federation of Fisheries Co-operative Associations, special resolutions to 'firmly oppose oceanic discharge' as a method for disposing of treated water were unanimously approved."¹⁸

While we do not wish to prejudge the accuracy of these allegations, we wish to express our serious concerns regarding the aftermath of dealing with the consequences of the nuclear plant disaster in Fukushima. We acknowledge substantive efforts employed by Japanese authorities for overcoming those consequences, yet it is with dismay and great regret that we witness that ten years after the tragic event, people, including children are still suffering the consequences of contamination, internally displaced persons are still facing major obstacles to rebuild their lives, and the absence of an adequate solution to the accumulation of contaminated water at the Fukushima Daiichi nuclear plant poses major environmental and human rights risks.

The situation poses serious safety risks conditioned by radiation exposure. The consequences of the management of contaminated water at the Fukushima Daiichi nuclear plant negatively affects the environment of the affected areas, as well as the communities living close but also far beyond the Fukushima prefecture by violating their right to life, to the highest attainable standard of health, as well as their right water and also traditional food on which large numbers of population depend. We believe an eventual decision to discharge contaminated water reserves into the Pacific Ocean would not solve the problem that lies at the core of this unique environment challenge especially considering the gradual potential increase of contaminated water and the source of contamination being the molten fuel cores in reactors 1-3. An additional point of concern is the apparent hesitation of Japanese authorities to provide access to adequate information to the public and the opacity surrounding the nature of the hazards posed by the contaminated water and the impact of its disposal. Serious preoccupations concern the lack of effective participation of local communities and civil society organizations in meaningful consultations on the proposed avenue of disposal of the ALPS treated water, undermining their right to meaningful participation, as well as the lack of effective remedies.

It is equally alarming that the Japanese Government considers that there will be no radiological impact from the release of the contaminated tank water, downplaying the hazardous radionuclides that will be discharged into the

¹⁸ Citizens' Alliance Stop Polluting the Ocean!, "Communication to Mr. Baskut Tuncak, Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes Mr. Michael Fakhri Special Rapporteur on the right to food Mr. Clément Nyaletsossi Voule, Special Rapporteur on the rights to freedom of peaceful assembly and of association Mr. Francisco Cali Tzay, Special Rapporteur on the rights of indigenous peoples, 10 July 2020.

environment, which include radioactive strontium. In case the Japanese authorities decide to move ahead with the discharge of water in the ocean, it could only be interpreted as a failure to uphold the human rights of vulnerable categories impacted by the Fukushima Daiichi nuclear accident, including children, whose physical and mental health as well as the livelihood will come under additional strain.

We take this opportunity to recall that those persons evacuated from their homes by the Fukushima disaster constitute internally displaced persons. We are deeply concerned at the uncertainty about the return prospects of internally displaced persons due to the alleged potential negative effects of radiations on their health, and at the physical and mental health of any of those who return to contaminated areas. We are also concerned at the risk of secondary displacement of internally displaced persons who lack sufficient assistance and prospects of durable solutions, and the risk of new displacements linked to the environmental degradation and other potential impacts of the management of contaminated water.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

In view of the urgency of the matter, we strongly urge the Government to refrain from any decision to release contaminated water to the marine environment. In addition, we would appreciate a response on the steps and measures taken by your Excellency's Government to accelerate the process of contaminated water management and preventing any risks of discharge of contaminated water into the ocean, as well as to find solutions that respect the human rights of the affected population.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would therefore be grateful for your up to date observations on the following matters:

- 1) Does your Excellency's Government see any necessity for revising the Mid-and-Long-Term Roadmap towards the decommissioning of TEPCO's Fukushima Daiichi Nuclear Power Station? It is our understanding that a certain level of flexibility regarding eventual revisions based on emerging needs is maintained by Japanese authorities.
- 2) Does your Excellency's Government consider the objective of resolving the water crisis efficiently by 2020 achieved by this time or has the target goal undergone any modifications?
- 3) Does your Excellency's Government envisage the possibility of discharging any contaminated water into the marine environment?
- 4) In which ways is the Japanese Government enabling scientific peer review of scientific monitoring and findings related to the consequences of the nuclear disaster?
- 5) We would appreciate receiving concrete examples of activities undertaken by Japanese authorities with the aim of engaging concerned

populations in decision making processes regarding the resolution of the contained water issue. Have there been any surveys conducted, public hearings, virtual forums or other activities taken place in the recent months/years? Is there any data produced showing public sentiments over envisaged solutions?

- 6) How is your Excellency's Government engaging other States potentially affected by a release of contaminated water to the Pacific Ocean, are there any forms of collaboration with other states under regional instruments protecting the seas?
- 7) Please indicate whether any measures are being envisaged in order to continue to assist those persons in need, in particular persons internally displaced because of the Fukushima disaster, including those from areas which were not designated evacuation areas, or where the evacuation order has been lifted or areas which had their classification as a Difficult-to-return zone terminated, and to prevent conditions leading to further displacements related to the Fukushima disaster.
- 8) Please inform us of what measures your Government is taking to guarantee the protection and human rights of internally displaced persons according to international standards, including the requirement to provide the conditions for them to achieve durable solutions, and whether any consultation has been held with internally displaced persons concerned and what efforts have been made to ensure their meaningful participation in the decision-making.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please accept, Excellency, the assurances of our highest consideration.

Marcos A. Orellana

Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes

David R. Boyd

Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment

Michael Fakhri
Special Rapporteur on the right to food

Clement Nyaletsossi Voule
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Tlaleng Mofokeng
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable
standard of physical and mental health

Cecilia Jimenez-Damary
Special Rapporteur on the human rights of internally displaced persons

Pedro Arrojo-Agudo
Special Rapporteur on the human rights to safe drinking water and sanitation

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw your Excellency's Government's attention to the applicable international human rights norms and standards, as well as authoritative guidance on their interpretation. These include:

- The Universal Declaration of Human Rights;
- The International Covenant on Economic, Social and Cultural Rights;
- The International Covenant on Civil and Political Rights;
- The Convention on the Rights of the Child;
- The UN Framework Principles on Human Rights and the Environment;
- The Guiding Principles on Internal Displacement

We wish to draw your Excellency's Government's attention to obligations under international human rights instruments, to which Japan is party, recalling Article 3 of the Universal Declaration of Human Rights (UDHR) and Article 6(1) of the International Covenant on Civil and Political Rights (ICCPR) which guarantee the right of every individual to life, liberty and security. The UDHR proclaims that every organ of society shall strive to promote respect for human rights and fundamental freedoms and to secure their universal and effective recognition and observance. We would also like to call your Excellency's Government's attention to General Comment No. 36 of the Human Rights Committee (HRC) on the right to life. According to the HRC, the duty to protect life also implies that States parties should take appropriate measures to address the general conditions in society that may give rise to direct threats to life or prevent individuals from enjoying their right to life with dignity, including degradation of the environment (para. 26). Implementation of the obligation to respect and ensure the right to life, and in particular life with dignity, depends, inter alia, on measures taken by States parties to preserve the environment and protect it against harm, pollution and climate change caused by public and private actors (para. 62). In addition, Article 6 of the Convention on the Rights of the Child (CRC) recognizes that every child has the inherent right to life and requires States parties ensure to the maximum extent possible, the survival and development of the child. It further requires State parties to take all effective and appropriate measures to diminish infant and child mortality.

We would also like to draw the attention of your Excellency's Government to Article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which enshrines the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. The right to health is also guaranteed as a part of the UDHR, Article 25, which is read in terms of the individual's potential, the social and environmental conditions affecting the health of the individual, and in terms of health services. General Comment No. 14 of the Committee on Economic, Social and Cultural Rights (CESCR) describes the normative content of ICESCR Article 12 and the legal obligations undertaken by the States parties to respect, protect and fulfil the right to physical and mental health. In paragraph 11 of General Comment No. 14, the CESCR interprets the right to health as "an inclusive right extending not only to timely and appropriate health care but also to the underlying determinants of health, such as access to safe and potable water and adequate sanitation, an adequate supply of safe food, nutrition and housing, healthy occupational and environmental conditions, and access to health-related education and

information”. Furthermore, Article 24 of the CRC recognizes the right of the child to the enjoyment of the highest attainable standard of physical and mental health, and the concomitant duty of the State to provide adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution.

We would also like to refer your Excellency’s Government to the report by the former Special Rapporteur on the right of everyone to the highest attainable standard of physical and mental health after his visit to Japan in November 2012 (A/HRC/23/41/Add.3). The Special Rapporteur encouraged the Government to address a number of serious challenges and to consider particular areas for improvement in the nuclear emergency response system; including the scope and extent of the basic and detailed health management surveys; the dose limits of radiation; access to accurate information on radiation and its impact on health; the transparency and accountability of the nuclear industry and regulatory authority; and participation of affected communities in decision-making processes. In particular, the Special Rapporteur urged, “the Government to involve individuals and community organizations in current and future nuclear and health policies, including in data collection and radiation monitoring, planning evacuation centres, designing health management surveys, decisions regarding radiation levels and evacuation zones, and in setting compensation amounts (para 75).”

Article 15 of the ICESCR recognizes the right of everyone to participate in cultural life, enjoy the benefits of scientific progress, and to benefit from the protection of the moral and material rights to any scientific discovery or artistic work they have created. In addition, we would like to draw the attention of his Excellency’s government that on 1 February 2019 under Principle Concerns and Recommendations, the UN Committee on the Rights of the Child (CRC) made seven important recommendations to the government of Japan in relation to the Fukushima nuclear disaster.¹⁹ Specifically: *(a) Reaffirm that radiation exposure in evacuation zones is consistent with internationally accepted knowledge on risk factors for children; (b) Continue providing financial, housing, medical and other support to evacuees, children in particular, from the non-designated areas; (c) Intensify the provision of medical and other services to children affected by radiation in Fukushima prefecture; (d) Conduct comprehensive and long-term health check-ups for children in areas with radiation doses exceeding 1mSv/year; (e) Ensure mental health facilities, goods and services are available to all evacuees and residents, especially vulnerable groups such as children; (f) Provide, in schoolbooks and materials, accurate information about the risk of radiation exposure and the increased vulnerability of children to radiation exposure; (g) Implement the recommendations made by the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (A/HRC/23/41/Add.3).* The UN CRC further called for the Japanese government to implement the highly critical recommendations made UN Special Rapporteur on environment, Anand Grover issued in 2013.²⁰ The UN CRC, concluded that Japan should “take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented.”²¹

¹⁹ Committee on the Rights of the Child Eightieth session 14 January-1 February 2019, Item 4 of the provisional agenda Consideration of reports of States parties”, List of issues in relation to the combined fourth and fifth periodic reports of Japan, CRC/C/JPN/Q/4-5, 22 February 2018.

²⁰ Fukushima Mission Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Anand Grover Addendum Mission to Japan (15 - 26 November 2012), A/HRC/23/41/Add.3 Distr.: General 2 May 2013, see https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A-HRC-23-41-Add3_en.pdf
Op.Cit. CRC February 2019.

In addition, Article 11 (1) of the ICESCR recognizes “the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.” In interpreting this provision, the CESCR stressed in its General Comment No. 12 that the core content of the right to adequate food implies, inter alia, both economic and physical accessibility of food (para. 7). The Committee considers that the core content of the right to adequate food implies, inter alia, availability of food which refers to the possibilities either for feeding oneself directly from productive land or other natural resources, or for well-functioning distribution, processing and market systems that can move food from the site of production to where it is needed in accordance with demand, and accessibility of food which encompasses both economic and physical accessibility. The obligation to respect existing access to adequate food requires States parties not to take any measures that result in preventing such access. The obligation to protect requires measures by the State to ensure that enterprises or individuals do not deprive individuals of their access to adequate food. The obligation to fulfil (facilitate) means the State must pro-actively engage in activities intended to strengthen people's access to and utilization of resources and means to ensure their livelihood, including food security. Finally, whenever an individual or group is unable, for reasons beyond their control, to enjoy the right to adequate food by the means at their disposal, States have the obligation to fulfil (provide) that right directly. In addition, Article 27 of the CRC acknowledges the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development. Article 24 of the CRC provides measures that States Parties should take in order to protect the right to food of every child, including “through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution”.

The right to maintain wholesome or healthy living is also enshrined in Article 25 of the Constitution of Japan. These provisions in the Constitution and human rights instruments form the basis of the right to avoid unnecessary exposure to radiation. Read together, these rights clearly establish a duty of the part of your Excellency's government to prevent exposure to hazardous substances and wastes, as detailed in the 2019 report of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes to the UN General Assembly (A/74/480). We would also like to draw the attention of your Excellency's Government to the 1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (London Convention) ratified by Japan on 15 October 1980, and its 1996 Protocol (London Protocol). According to Article 3 of the London Protocol States “shall apply a precautionary approach to environmental protection from dumping of wastes or other matter whereby appropriate preventative measures are taken when there is reason to believe that wastes or other matter introduced into the marine environment are likely to cause harm even when there is no conclusive evidence to prove a causal relation between inputs and their effects”.

We wish to call the attention of your Excellency's Government to Article 25 of the ICCPR, which guarantees the right and the opportunity of every citizen to take part in the conduct of public affairs. The HRC in General Comment No. 25 stipulates that citizens may participate directly by taking part in popular assemblies which have the power to make decisions about local issues or about the affairs of a particular community and in bodies established to represent citizens in consultation with government (para. 6), and that they may also exert influence through public debate

and dialogue with their representatives or through their capacity to organize themselves (para. 8). The right to participate in public affairs is further expounded in A/HRC/39/28: “Meaningful participation” requires a long-term commitment by public authorities, together with their genuine political will, an emphasis on agency and a shift in mind-set regarding the way of doing things... Laws, policies and institutional arrangements should ensure the equal participation of individuals and groups in the design, implementation and evaluation of any law, regulation, policy, programme or strategy affecting them (para. 19(c)). The right to participate in public affairs should be recognized as a continuum that requires open and honest interaction between public authorities and all members of society, including those most at risk of being marginalized or discriminated against, and should be facilitated continuously (para. 19(h)). When decision-making processes may have an impact on children, States should ensure that the right of children to express their views freely and to be heard is guaranteed, including by establishing child-friendly, age-appropriate, gender sensitive, inclusive and safe mechanisms for their meaningful engagement (para. 59). Article 12 of the CRC provides that States shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

We also recall that according to Article 21 of the ICCPR, “The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.” The ‘provided by law’ requirement means that any restriction ‘must be made accessible to the public’ and ‘formulated with sufficient precision to enable an individual to regulate his or her conduct accordingly’ (CCPR/C/GC/34). Moreover, it ‘must not confer unfettered discretion for the restriction of freedom of expression on those charged with its execution’. The requirement of necessity implies an assessment of the proportionality of restrictions, with the aim of ensuring that restrictions ‘target a specific objective and do not unduly intrude upon the rights of targeted persons.

We wish to appeal to your Excellency’s Government to take all necessary steps to secure the right to information, which is an enabler of rights to meaningful participation, prior informed consent, among many others. The right to information derives from the freedom of expression. However, the right to information has been recognized as a right in and of itself and one of the rights upon which free and democratic societies depend (E/CN.4/2000/63, para. 42). We would like to call the attention of your Excellency’s Government to the importance of the right to information about hazardous substances to the general public, as emphasized in the Human Rights Council Report of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes (A/HRC/30/40) in paragraphs 7, 8 and 48. In addition, we would like refer your Excellency’s Government to the HRC’s General Comment No. 34 concerning Freedoms of Opinion and Expression which indicates that the right to access to information includes “access to information held by public bodies. Such information includes records held by a public body, regardless of the form in which the information is stored, its source and the date of production.” (paras. 18 and 19).

In order to fully realize the right to information for transparent public institutions, implementation through frameworks for measuring, monitoring, reporting

and verification of information are necessary for Governments to ensure accountability on their obligations. States should ensure collection and proper management of information on exposure levels, contamination, and long-term health implications of exposure to chemicals, especially with regard to affected communities. In this connection, we wish to refer your Excellency's Government to General Comment No. 14 of the CESCR which provides that States should establish and maintain mechanisms to monitor implementation of policies and plans towards achieving the right to health (para. 56). Maintaining disaggregated information is necessary to understand specific events in the realization of the impact of particular actions on various groups including children. The CESCR has in relation to various country evaluations recommended that States improve national statistics and data collection and disaggregation.

We see it particularly relevant to point to Human Rights Committee's General Comment No 36 of 2018 states that human right to life concerns the entitlement of individuals to be free from acts and omissions that are intended or may be expected to cause their unnatural or premature death, as well as to enjoy a life with dignity. The General Comment also states that obligations of States parties under international environmental law should inform the contents of article 6 of the Covenant, and the obligation of States parties to respect and ensure the right to life should also inform their relevant obligations under international environmental law. In this regard, we would like to draw the attention of his Excellency's government about international law norms that prohibit significant transboundary environmental harm, both to the territory of other States and to areas beyond national jurisdiction. Environmental impact assessments are required as a preventive measure to enables States to ensure that significant transboundary harm does not occur. An obligation to conduct environmental impact assessment (EIA) flows from this obligation of prevention, "where there is a risk that the proposed industrial activity may have a significant adverse impact in a transboundary context, in particular, on a shared resource".²² The consideration of alternatives to a proposal is a requirement for a comprehensive EIA. Before any discharge into the Pacific Ocean Japan is required to conduct an EIA under Article 206 of UNCLOS. If this indicates that there is a risk of significant transboundary harm, for example to the environment of and economy of other States or areas beyond national jurisdiction, Japan, which has jurisdiction and control over the discharges, "is required, in conformity with its due diligence obligation, to notify and consult in good faith with the potentially affected State, where that is necessary to determine the appropriate measures to prevent or mitigate that risk."²³ This clearly applies to the potential impact Fukushima Daiichi discharges would have on the East Sea and by extension the interests of the people of the Republic of Korea, as well as to coastal States in the Pacific Ocean's rim. Any uncertainty must be resolved applying the precautionary principle, pursuant to Principle 15 of the Rio Declaration. If an EIA indicates that there is a risk of significant transboundary harm, Japan would be "required, in conformity with its due diligence obligation, to notify and consult in good faith with the potentially affected State, where that is necessary to determine the appropriate measures to prevent or mitigate that risk."²⁴ Moreover, Japan is obliged to

²² *Certain Activities carried out by Nicaragua in the Border Area. 2015. I.C.J. Reports 2015* (Judgment) paragraph 104 at <https://www.icj-cij.org/en/case/152>. "The underlying principle applies generally to proposed activities which may have a significant adverse impact in a transboundary context. Thus, to fulfill its obligation to exercise due diligence in preventing significant transboundary environmental harm, a State must, before embarking on an activity having the potential adversely to affect the environment of another State, ascertain if there is a risk of significant transboundary harm, which would trigger the requirement to carry out an environmental impact assessment."

²³ Ibid

²⁴ Ibid

ensure that the discharge does not cause harm to international waters or to the waters of another State. Principle 21 of the Stockholm Declaration on the Human Environment 1972, reaffirmed by Principle 2 of the Rio Declaration on Environment and Development 1992, provided that States have the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction. This was codified in Article 194(2) of the United Nations Convention on the Law of the Sea (UNCLOS), which provides that “States shall take all measures necessary to ensure that activities under their jurisdiction or control are so conducted as not to cause damage by pollution to other States and their environment, and that pollution arising from incidents or activities under their jurisdiction or control does not spread beyond the areas where they exercise sovereign rights in accordance with this Convention.” Another important duty is contained in Article 195 of the Convention: “In taking measures to prevent, reduce and control pollution of the marine environment, States shall act so as not to transfer, directly or indirectly, damage or hazards from one area to another or transform one type of pollution into another.” That is what Japan would be doing if it were to discharge the million tones of pollution into the Pacific Ocean.²⁵ Indeed, it is “every State’s obligation not to allow knowingly its territory to be used for acts contrary to the rights of other States.”²⁶

The Framework Principles on Human Rights and the Environment, presented to the Human Rights Council in March 2018 (A/HRC/37/59) set out basic obligations of States under human rights law as they relate to the enjoyment of a safe, clean, healthy and sustainable environment. They underline States’ substantive responsibilities in this regard including the obligation to prevent from violating the right to a healthy environment or other human rights. Principle 14 for example provides that “States should take additional measures to protect the rights of those who are most vulnerable to, or at particular risk from, environmental harm, taking into account their needs, risks and capacities.” The most vulnerable include children which are more vulnerable to environmental harm for many reasons including because they are physically developing. In addition, it is important to highlight that paragraph 2)c) of article 24 of the Convention of the Rights of the Child expressly provides that States should take appropriate measures to “combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution”.

Finally, we take this opportunity to recall that those persons evacuated from their homes by the Fukushima disaster constitute internally displaced persons (IDPs) and to remind your Excellency’s Government of its obligations relating to the human rights of IDPs, including those stated in the 1998 Guiding Principles on Internal Displacement which reflect international human rights law. Guiding Principle 5 sets out authorities shall respect their obligations under international human rights law so as to prevent and avoid conditions that might lead to displacement of persons. Where persons are internally displaced by disasters they must be assisted and supported by the government until such time that they achieve durable solutions. Guiding Principle 28 establishes that “[c]ompetent authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced

²⁵ Nuclear Weapons Advisory Opinion [1996] ICJ 2. At <https://www.icj-cij.org/files/case-related/95/095-19960708-ADV-01-00-EN.pdf>. Paragraph 29.

²⁶ Pulp Mills on the River Uruguay (Argentina v. Uruguay) (*Pulp Mills*), at <https://www.icj-cij.org/en/case/135/judgments>. Paragraph 101.

persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country. Such authorities shall endeavor to facilitate the reintegration of returned or resettled internally displaced persons.” Where return to places of origin is deemed unsafe, alternative solutions must be found in consultations with affected communities and until such time that safe and dignified return is possible. Furthermore, Guiding Principle 29 states that “[c]ompetent authorities have the duty and responsibility to assist returned and/or resettled internally displaced persons to recover, to the extent possible, their property and possessions which they left behind or were dispossessed of upon their displacement. When recovery of such property and possessions is not possible, competent authorities shall provide or assist these persons in obtaining appropriate compensation or another form of just reparation.” In regard to the requirement to ensure durable solutions for IDPs, we furthermore recall the provisions of the IASC Framework on Durable Solutions for Internally Displaced Persons.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.



OFFICE OF SENATOR SABINA FLORES PEREZ

Chairperson

Committee on Environment, Revenue and Taxation, Labor, Procurement,
and Statistics, Research, and Planning

I Mina'trentai Siette Na Liheslaturan Guåhan • 37th Guam Legislature

COMMITTEE REPORT DIGEST

I. OVERVIEW

Resolution No. 93-37 (COR) was introduced on April 21, 2023, and was subsequently referred by the Committee on Rules to the Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning on June 19, 2023.

The Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning convened a public hearing on Resolution No. 93-37 (COR) on Tuesday, September 5, 2023, at 9:00 a.m..

Public Notice Requirements

Public Hearing notices were published in the Guam Daily Post, broadcasted on KUAM, Posted on the Government of Guam Public Notices Portal, and disseminated via email to all Senators and all main media broadcasting outlets on Monday, August 28, 2023, and again on Sunday, September 3, 2023, fulfilling the 5-Day Notice and 48 Hour Notice of the Open Government Law requirements respectively.

Senators Present

Senator Sabina Flores Perez

Committee Chairperson

Senator Joanne Brown

Legislative Member

Senator Roy A.B. Quinata

Legislative Member

Oral Testimony

Ogata Osamu

Office of the Consul General of Japan

Deputy Consulate General of Japan

Joseph D. Tenorio

Office of the Consul General of Japan

Staff Assistant

Monaeka Flores

Prutehi Litekyan Save Ritidian

Core Member

Serena Paulino

Community Member

Maria Hernandez

Micronesia Climate Change Alliance/ Hita Litkyan

Milaya Crowder

Community Member

Robert Celestial

Pacific Association of Radiation Survivors

Core Member

Ron McNinch

Community Member

Vicente "Ben" Meno

Community Member

II. SUMMARY OF TESTIMONY AND DISCUSSION

The public hearing was Called-to-Order at 9:02 a.m..

The public hearing was Called-to-Order at 9:02 a.m..

Chairperson Sabina Flores Perez: *Buenas.* The Committee is back from recess to hear testimony on Resolution 93-37 (COR), relative to joining the Commonwealth of the Northern Marianas, the Republic of Belau, and other Pacific Nations, and urging the Government of Japan to consider alternatives to the discharge of more than 1 million tons of contaminated water from the Fukushima Daiichi Nuclear Disaster into the Pacific Ocean.

So, at the time this Resolution was written, the Government of Japan was still in the planning stages of its plan to dispose of more than 1.2 million tons of contaminated water from the Fukushima Daiichi Nuclear Disaster into the Pacific Ocean. Since this past August, the company in charge of Fukushima or Tokyo Electric Power Company, TEPCO, has begun to discharge the water into the Pacific Ocean. Over the next 17 days or so, TEPCO will release about 7,800 tons of treated water and will continue to dispose of the wastewater for an estimated timeframe of 30 to 40 years. Although the Government of Japan notes that the discharging of treated water into the ocean is a standard practice of nuclear power plants, the amount of wastewater present at Fukushima is unprecedented, and there is no way to be sure of the kinds of adverse effects that will occur 30 years into the future.

Once damage to the ocean food chain or people has occurred, it cannot be easily rectified, not with money, not with apologies. Enabling Japan to discharge over 1.2 to 1.3 million tons of wastewater into our shared oceans without addressing the real concerns of other nations within the region sets a scary precedence for the future, especially now that the intense consequences of climate change are increasing. The Pacific is especially vulnerable to these consequences, and it is unconscionable to willingly produce more risks. Our people in the Pacific shoulder the heavy and detrimental burdens of nuclear testing. Today, we are expected to bear the cost of the nuclear energy industry's mistakes at the further expense of our economy's security, environment, and health. The Pacific has high rates of cancer and other illnesses. Lieutenant Governor Joshua Tenorio put out the following statement. "Pacific Island Nations and territories must stick together to hold the Japanese government accountable for any consequences that might result from its release of advanced liquid processing system treated water from the Fukushima Power Plant into the Pacific Ocean."

At this time, I'd like to recognize those who have signed up to testify. The first on our list is Monaeka Flores. *Si Yu'os ma'åse'.*

Monaeka Flores, Prutehi Litekyan/Save Ritidian: *Si Yu'os ma'åse',* Senator Perez, and thank you to you and the Senators who are present here this morning to hear about these important nuclear policies. And thank you so much for introducing them. It is about time that Guam joined in the international communities' demands to protect our oceans for our future, for the future of all generations. It's really important to take a look at this decision, the decision of the Government of Japan to release this water. The decision disregards scientific evidence, it violates our human rights and our indigenous rights as communities of the Pacific. And it's also non-compliant with international maritime law. Specifically, Japan is in breach of its obligations that it has committed to as defined under International Environmental Law, the United Nations Convention on the Law of the Sea.

Most importantly, this decision ignores the voices of the people of the Pacific. The discharge of radioactive materials into the marine environment from the Fukushima Nuclear Plant will inevitably increase exposure to our people and all marine species over several years, with the exact level of exposure, depending on multiple variables that we are still coming to understand. The concentrations in biota are of direct relevance to those who consume them. All of us in the Pacific and the rest of the world eat this sea life. This contamination will build up and bioaccumulate in the fish over time. I am deeply disappointed and outraged. I know that I share this grief, disappointment, and outrage with many people in Guåhan, in the Pacific, and around the world, this grief, disappointment, and outrage by the decision of the Japan's government to release the water, despite our concerns. The increasing volumes of and pending release of the radioactive water demonstrate the failure of the decommissioning plan for the Fukushima power plant. The contaminated water will continue to accumulate for many years without effective measures to stop it.

The Japanese government and TEPCO falsely claim that discharge is the only viable option necessary for eventual decommissioning. Nuclear power generation, which experiences shutdowns due to accidents and natural disasters and perpetually requires thermal power as backup, cannot be solved as a solution to global warming. The deliberate pollution of the Pacific Ocean through these radioactive waste discharges is in consequence of this disaster. And instead of acknowledging the flaws of the current decommissioning plan, the ongoing nuclear crisis, and the massive amount of money required to manage this crisis, the government instead intends to restart more nuclear reactors, despite evidence of major earthquakes and safety risks. The government energy plan fails to deliver secure and sustainable renewables, and also puts the rest of the Pacific in harm's way.

Also, the International Atomic Energy Agency, which has endorsed Japan's plan for the discharge, has failed to investigate the operation of the Advanced Liquid Processing System. This technology has processed about 70% of the water and it will have to be processed again. Scientists have warned that the radiological risks from the discharges have not been fully addressed and the biological impacts of types of tritium, carbon-14, strontium-90 and iodine-129 have been ignored. So, all of these concerns of these radioactive materials have been ignored. Furthermore, the discharge plans have failed to conduct a comprehensive environmental impact assessment as required by international legal obligations, given that there's significant risk of trans boundary harm to all the neighboring countries in the Pacific. The International Atomic Energy Agency is not tasked with protecting the global marine environment, but it should, and it should also not encourage Japan to violate it.

We really thank the Senator and colleagues for introducing this important measure, and it's not a measure that's simply ideological. Worrying about nuclear contamination is not something that's simply ideological. There are true risks and harms that we don't yet have a full understanding of. And there's a long track record of this kind of harmful contamination in the world. It's not ideological to demand that, to demand better for our people, for genuine security, for the protection of our oceans, for the protections of our fisheries, and the protection of all of our coastal resources and of our people. This is just something that is so necessary. So, thank you so much, Senator, for this resolution and we rise in support of this resolution. *Si Yu'os ma'åse'.*

Chairperson Perez: *Si Yu'os ma'åse'*, Monaeka for your testimony. Now I'd like to call upon the Consulate General or Deputy Consul-General Osamu Ogata. Thank you for being here.

Osamu Ogata, Deputy Consul-General, Consular-General Office of Japan: Thank you. First of all, I would like to thank Honorable Senator Sabina Perez for providing me with this opportunity. And today, shortly before I registered, there's a column in favor of or against. And of course, I am a diplomat. I can't take a position for either. So, I didn't check. But this opportunity is very important for us to explain about the matter. Thank you so much. And because I have been on Guam for roughly seven and a half years, I would say I'm almost a Japanese-CHamoru. However, today I would like to make an explanation on behalf of the Japanese government. Yes, sorry. Regarding the discharge of ALPS treated water.

Getting straight to the point. I believe human beings think and act based on both emotions and reasons. First, I speak based on my reasons. The Japanese government has been transparent from the beginning. In April 2021, a plan for the discharge of ALPS treated water was announced. August 21st, 2023, the Japanese government decided the date of discharge. August 24th, 2023, the discharge started.

In the meantime, the Japanese government kept providing scientific information to Diplomatic Corps in Tokyo, holding bilateral consultations with Pacific countries, including PIF. The Consulate has also been transparent from the beginning and since April 2021 has taken every opportunity to explain on this matter to the Government of Guam, Senators, and the Mayors.

Consul General Rumiko Ishigami and I would be grateful if we are given the opportunity to provide each of you with a much more detailed explanation anytime about the matter before the Legislature officially takes decision relating to the proposed draft resolution. And secondly, I provided the testimony documents. Kindly read through all the documents carefully. First page is ALPS treated water and what is ALPS treated water is explained. As an attachment one, what is tritium is explained. As an attachment two reference annual amounts of discharge of tritium over the world, meaning that all the nuclear plants in the world discharge the tritium. The attachment as an attachment three, executive summary of IAEA. Finally, as an attachment to the Mayor's Council of Guam, they adopted a resolution last year in December against the plan of discharge of ALPS treated water. And one month later in January, they rescinded. This is a copy of it. So kindly read through it. You'll get much more understanding about how ALPS-treated water is scientifically safe.

Above explanations are all based on my reasons. Now, I would like to tell you about this issue based on my emotions. As you may know, Japan is the only country in the world in which, not just one, but two nuclear weapons were dropped in both Hiroshima and Nagasaki. This implies that Japanese citizens, including myself, are all sensitive to nuclear issues. I personally have concerns and worries about the ALPS-treated water, emotionally as you do. Knowing the concerns and emotions of the people, however, the Government of Japan has taken every single step to make sure that the method of ALPS-treated water would remove the harmful radioactive substances and would not pollute the environment. Furthermore, the discharge is continuously monitored together with the IAEA expert on site. We all share the same Pacific Ocean and Japan cannot survive

without a clean ocean. I can assure you that discharge is safe. If by monitoring the level of safety is not guaranteed, the discharge will be discontinued. But as of now, that safety is guaranteed. *Si Yu'os ma'åse'*.

Chairperson Perez: *Si Yu'os ma'åse'*, Deputy Consul-General. So, we'll ask questions later, but we'll just have everybody provide testimony, those that came here to testify. Is there anybody else that would like to come to the table? Anybody else? If you can come to the table. Yes. I do see you Mr. McNinch. Please come to the table so we know who's going to testify and make sure you sign up before doing so. Okay. Mr. McNinch, you're recognized.

Ron McNinch, Professor, University of Guam: Thank you, Senator Perez, and certainly thank you Senators for being here with us today. Also thank you Deputy Consul-General Ogata and Mr. Tenorio from the Japan office, as well as our other speaking guests here today. And this part of the hearing, basically this is me wearing my University of Guam hat. We used the Fukushima study as an active case study for emergency management, and it was an earthquake, a tsunami, as well as the subsequent nuclear reactor accident. I have to say, the first responders and firefighters, who under great sacrifice addressed that tragedy. My heart goes out to the Government of Japan and to the people of Japan. It was an hour of high service and honor for them to respond to that accident. In terms of the water question that is in question today. And may I ask Madam Chair, is there a protocol kind of environment in terms of these hearings? Is there a Sergeant of Arms that keeps order and maintains the right for the speakers to speak?

Chairperson Perez: We give everybody an opportunity.

Mr. McNinch: Sure

Chairperson Perez: So, you have this opportunity to speak on the resolution now.

Mr. McNinch: Thank you, madam. And I am, and I just want to mention that for our guests and also for myself, I am a signed guest speaking to the legislative body. And Senator Brown's our most senior senator, and in my experience working with her side of the aisle, they've always maintained decorum. It's simply rude to hold up signs behind guests when they're giving presentations, because the message is from the person speaking. And that's just my general point of consideration under my ability to petition this body to treat guests appropriately. Because I don't think our guests previously were treated appropriately. It doesn't bother me. I'm a political scientist, anything goes, but it does reflect on the level of respect that people give the legislature. And I believe the legislature should be granted high respect in these questions. And I don't think the signs were appropriate behind the person speaking.

Robert Celestial, President, Pacific Association of Radiation Survivors: Is he speaking on the Resolution or himself?

Mr. McNinch: Yes, I am. Thank you, Madam.

Chairperson Perez: If you can confine it to the resolution itself.

Mr. McNinch: Sure. Thank you, Madam. And so, in general, terms of the Fukushima question. The power plant was built in 1967. Japan has been working transparently and openly with both the international community and with Guam on these questions. They've communicated very actively on it. This hearing or this process, and I apologize for saying the hearing, but this process does have an ideological tint. That's what the signs were about. And I don't think that ideological approaches are very good for diplomatic endeavors in terms of trying to have a message to the international community.

And I mean that wearing my hat on the diplomatic side, I think that we need to act more appropriately. And so, I believe that's the context of my input today. And I would like to encourage the Senators to work with our Japanese officials present and with the Government of Japan and express effectively the concerns that our government has. But I don't necessarily believe the resolution as I read it earlier today, reflects that. Thank you very much.

Chairperson Perez: Thank you for your testimony. I think in regard to signs, I think it's appropriate because we are talking about nuclear power, nuclear energy, and we can discuss this further at a later time.

Vicente "Ben" Meno, Community member: Thank you. Thank you again.

Chairperson Perez: Sorry. Sorry Mr. Meno. I haven't recognized you, yet. So, I'm just going down the list and seeing who's next. So right now, I'll just go down the list. Cassie Bordallo, Alejandra Sablan, Jose Naputi, and this looks like Maria. So, Maria, Angela Santos, Tori Manley. Sirena Paulino. Okay. Sirena Paulino, you're recognized.

Sirena Paulino, Community member: *Håfa adai*. I didn't come here with any kind of prepared speech. I didn't even plan to say anything today, but thank you for giving me the opportunity to say something as a mother.

We don't inherit the land from our ancestors, we borrow it from our children and just with all the what ifs and whatnot I'm in favor of this Bill and the Resolution. We need to protect our island, our people, and our children from everything that's happened with Fukushima, and it's an unfortunate event, we can be ahead of that by putting this bill into place and just doing right, being on the right side of history. So, I beg of you, as our leaders, to just protect our people. *Prutehi yan difende'* [Protect and defend], our people and our land and everything that we hold sacred here. *Si Yu'os Ma'åse'*.

Chairperson Perez: *Si Yu'os ma'åse'*. Thank you so much for your testimony. Malaya Crowder, you're recognized.

Malaya Crowder, Community member: Thank you. My name is Malaya. I am here with my four children. And on a Tuesday at 9:00 a.m., they are usually doing some math or social studies or

science or history. Because traditionally, idealistically, this is how you secure your future. But when something like this happens where there has to be a bill to protect your home or your water, your life, the natural earth around you, all of a sudden math and history and social studies don't seem so important anymore because this is more immediate.

My children are not in school today. They're holding up signs behind me, and they want you, they want the people of Guam to preserve their future, preserve her baby's future. All of our babies' futures. They deserve that. And to go off of what you said, we don't need to borrow from them. It's our job as mothers and fathers and parents to protect them.

So, it's decisions like this that might inconvenience us in the moment to protect them. It's absolutely necessary. I say this with gratitude for this Bill. I say this with compassion in my heart. I understand how this works. But please see it in the very real faces of the children, in the very real futures that they have. And think about it in their timeline instead of just ours. That's all.

Chairperson Perez: Thank you so much, Malaya. Thank you, and for your children. At this time, I'll just move down the row. Mr. Ben Meno.

Mr. Meno: Thank you, again. I just wanted to appreciate you Senators here. I would like to give you a little bit of mine, the word of wisdom. Japan, Madam Chair, in 1941 came with the airplane and the ship and the gun. I'm one of them. I'm still alive. I'm a war survivor. They came with all these things and yeah, we forgive them.

I forgive them, because I am a Christian Catholic. I believe in that. My parents taught me to forgive. Jesus died on the cross. And I accepted it. I forgive the people of Japan, but that's a war. Now what I'm seeing right now is that they don't have no gun, but it's liquid. What I'm trying to point out, Madame Chair, is that we must learn a lesson from Majuro. When the U.S. tested the atomic bomb on that little island, up to this time, they're being compensated because of the destruction of not only people, but the entire area. When I was there, I met people, children that don't look like human, and they're still receiving thousands of dollars. Thousands of dollars, but they look deformed.

We have to understand that when you contaminate the water, we eat the fish, we eat the octopus, we eat the crab, we swim in the water. Madam chair, I have my full confidence in you Senators that we must fight and oppose this. *Debi di ta kontra este* [We should oppose/challenge this]. *Debi di ma kontra i Hapones*, [We should oppose/challenge the Japanese]. We have to go against this, and I know that you understand what I'm saying, Madam Chair, we cannot allow this to happen. I went to war, and I suffered tremendously with all the tragedies. I don't want to see this again coming out from the Japanese government.

So, we voted for you. The people of Guam voted for you and trusted in you to lead them, to guide them, to save them, and to make things better for now and the future generation to come. *Put fâbót. Hu pegga' in angokko giya hamyo, sa* [Please. I put our trust in you all, because] we voted for you. The people of Guam voted for you. Entrusted you to lead them, to guard them, to save them and

to make things better for now and the future generations to come. *Put fãbót, adahi, prutehi, guaiya, chogue'. Na siguru na dinanche' i hinasso-mu* [Please, take care, protect, love, do. Be sure that your thoughts are right]. That's the word of wisdom I am going to give you, Madam Chair. *Si Yu'os ma'ãse'*. Thank you very much.

Chairperson Perez: *Si Yu'os ma'ãse'*, Mr. Meno and thank you for your very strong words and testimony. Now I'd like to recognize Maria Hernandez.

Maria Hernandez, Member, Hita Litekyan: *Buenas yan Hãfa adai. Si Yu'os ma'ãse'*, Honorable Senators for holding this important hearing. I'm here today representing Hita Litekyan.

We are a coalition of Ritidian families coming together and raising awareness about impacts to our land, both environmental and cultural issues and fighting for the return of our land. And I'm also a member of Micronesia Climate Change Alliance. And it's always hard to come to these sorts of things when you have young children. But I wanted to come out and just for the record, so it's on legislative record, that we as a community, many of us do oppose the dumping of nuclear wastewater in our oceans.

I feel like when you read national news on this issue, they interview South Korea, China and other nations about their response to the dumping of the wastewater. And we're kind of a footnote. We are always caught in the crosshairs. We just seem to be living and, kind of in this position where we're just stuck in the middle. We don't have, we don't consent to any of this. Where were we in the discussions about whether we would approve or disapprove nuclear dumping in our waters.

And just speaking as a mother, last year I had the opportunity to speak with a lot of different residents about the impacts of contamination to their families. And there are many families in Guãhan who have had their brothers, sisters, mothers, fathers die of the same type of cancer. And many doctors discuss how this is indicative that there's an environmental component and it's not hereditary. And so just as a mother now, as a CHamoru mother, bringing my kids around the island, deciding where to swim and where we can eat our fish from. I go to the store, and I see fish at the supermarket. I'm like, "can I buy this fish to feed my children?" And just recently, the Coast Guard released results about PCB contamination, DDT contamination in *Mãlesso'*, and I'm learning that Litekyan is seeing some of the same sort of results in their fish tissue sampling. Just the extent that our people are suffering already. It would just not make any sense to move forward with any projects that have the potential to continue to harm our oceans, harm our land, harm our people.

And I didn't come with any sort of prepared speech. I just wanted to speak as a mother, who's concerned about the fish that I can feed my children and what waters they can swim in. And these are issues that we're going to be seeing for generations to come if we don't do what we can to stop any sort of contamination. I know Japan actually already did its first release of the nuclear wastewater, I believe, late last month. So that's troubling.

But I feel like if there's a nation that has more of a political, that has more of a seat at the table to make an impact. I feel like our colonial status really limits us in what we can do as an island nation.

But if there's another nation that has more political power to put a stop to this, then we need to do what we can as a community moving forward to align with those nations that have more political power. And I feel like one release is enough and we can't let any more wastewater be released in the future. *Si Yu'os ma'ase'*.

Chairperson Perez: Thank you so much, Maria. Lastly, we have Mr. Celestial to provide his testimony.

Robert Celestial, President, Pacific Association for Radiation Survivors (PARS): Thank you, Chairwoman Sabina Perez and Honorable Senators. Wonderful testimonies I'm hearing today. Ambassador from Japan. My name is Robert Namauleg Celestial. I'm retired from the U.S. Army. I'm also an atomic veteran. On the Island Times, I was interviewed, and my request is that our government places monitoring systems that are available out here in our oceans and our land to monitor what we can and just to protect the people of Guam. Monitoring systems were always around from the forties and fifties and sixties during the nuclear testings and they detect radiation. And what they released over in Fukushima actually is wastewater, which produces tritium and tritium also can cause cancer. So that's my recommendation, is that our government provides the protection for the people on the island: is monitoring systems.

So, I hope and pray that they do find the funding and have EPA, have it monitored quarterly or monthly or yearly, and then report it to the Legislature, what's their findings. And also, that monitoring the fish, the fish that they catch for consumptions needs to be monitored and see if they have been affected by this release from Fukushima.

There is scientific data. There's a lot of scientific data and some of them opposes the other scientific data. And also, there are classified data, so we have to be honest to our public that even though they say that this scientific data produces this and doesn't produce that, there's also classified data that they don't release.

And I know for a fact because I've experienced it, and I just want to address one thing, too. We don't need a lesson in respect. We are CHamorus. *ManCHamoru hit. Man gof respetu hit na CHamoru* [We are CHamorus. We are very respectful CHamorus].

To come into my island and tell me that we don't have respect, *kao hayi hao?* [Who are you?] You know, *hu tungo' hu na maestro hao gi hulo' gi UOG, lao chamu' hit un sasangan na tai respetu hu yan i taotao-ta guini gi santatte'. CHamu' hit, sa i tano-hu este. Fanhongge'* [I know you are a teacher up at UOG, but the nerve of you to say that I and the people behind me do not have respect. The nerve of you. This is my land. Believe that]. Very rare I get emotional, but when it comes to my people, don't ever do that.

Also, what's mentioned about the fish, even I go to the stores and wonder, if I'm going to eat that fish. We have a First Amendment right and that's what we're doing here in the Legislature. People should know we have a First Amendment right to express ourselves. You can't dominate what we

say and what we do, and we're talking about Fukushima not on other issues. So don't give me a lesson on respect.

Transparency. Everybody talks about transparency, but there's so much propaganda. What is transparency? You go on the news nowadays, you don't know what's news or fake news, so don't talk about transparency. We have to find out ourselves. And the transparency is that our people are dying with cancer and other diseases that can't even be recognized. I have a lot of my members right now in the states that are suffering from cancer going through treatments, and the doctors there are saying, "this is a rare cancer. It only happens when your parents have been affected by nuclear ionizing radiation" Because what it did, it destroyed the DNA and it transfers down to the children and their grandchildren. And these are the reports I'm getting from my members there in Texas and South Carolina and California, is that my members are going to treatment right now. And so, it is personal, that what they're going to do and what we need to do here. If we need to protect our people, we need monitoring systems.

It's already been done. The water's already been released. Now it's our responsibility as the people, is to protect ourselves by monitoring systems. And if they do find it, then it's up to this Legislature and our Government to do what's right. I can't, I don't know what the future holds, but if these monitoring systems find out that there is radioactive contamination in our fish and in our waters, then it's the responsibility of our government to address it. So that's where I stand. *Si Yu'os ma'åse'*.

Chairperson Perez: *Si Yu'os ma'åse'*, Mr. Celestial. So, a lot of the problems are, nobody's saying that this wasn't a surprise right. I know the Government of Japan was working with the international bodies to get the approval. But the problem is that I think there are many reports that there was this lack of transparency as far as what is safe, as far as the testing, and what is being put out there. And coming from our histories, as Pacific Islanders, we've been subjected to nuclear contamination over the decades. So, huge breach to our environment. And I think it's our duty as the stewards of the Pacific Islands to speak out against this.

I would just want to bring to light, as far as some of the UN reports according to what is safe, so I think this question of what is safe is really contested. How can tritium, we know it's radioactive. How can that be considered safe? There are concerns regarding TEPCO's accuracy and credibility in their studies. According to UN experts, scientists, and other entities, TEPCO continues to allegedly misrepresent and selectively ignore basic scientific evidence on radioactive tritium. In particular, the role of organically-bound tritium or OBT has not been adequately explained. And consequently, scientific data on the potential impacts of any future releases of contaminated water are not provided. In addition, current human dose models used by the International Atomic Energy Agency, the Japanese authorities, and TEPCO are based on single discharges, but when multiple discharges occur the levels of OBT build up gradually, concerning the grave impact of nuclear contamination on children's health, the 20 MSV per year, permissible dose, set by the Japanese Government is the same maximal allowable annual dose recommended by the International Commission on Radiological Protection for adult nuclear workers, which now in Japan is being applied to men, women, children, and infants alike.

This blanket determination fails to recognize the established fact that children are more sensitive to the radiation and more likely to develop the short-term and some of the long-term effects of radiation exposures given the physical size of children. As of June 15, 2020, 195 children and young people in Fukushima have been diagnosed with thyroid cancers and undergone medical interventions with scientific evidence suggesting that radiation exposure resulting from the Fukushima Daiichi accident is directly linked to these higher incidences of thyroid cancer.

Despite this, the Japanese Government has denied any association between radiation exposure resulting from the accident and higher levels of thyroid cancer. This denial of the scientifically proven relationship between the nuclear accident and high rates of thyroid cancer, particularly among the studied population of children and young people, raise particular concern. Regarding the public consultation and access to information from UN experts' communication to Japan in 2021, according to various testimonies and sources of information, the lack of consultation and participation of the concerned population and the general public continues to prevail. The absence of substantive exchange of information on issues of extreme importance to the lives of the effective populations, the opacity and lack of transparency of information provided to the public, the uncertainty over their health and future, and most importantly, over the future and health of their children.

The prospects of return to contaminated areas of internally displaced persons are all factors which resulted in immense pressure over a population already facing a myriad of grave problems. The situation poses serious safety risks conditioned by radiation exposure. The consequences of the management of contaminated water at the Fukushima Daiichi nuclear plant negatively affect the environment of the effective areas as well as the communities close, but also far beyond Fukushima Prefecture by violating their right to life, to the highest attainable standard of health, as well as their right to water, and also traditional food on which large numbers of the population depend.

We believe an eventual decision to discharge contaminated water reserves into the Pacific Ocean would not solve the problem that lies at the core of this unique environment challenge, especially considering the gradual potential increase of contamination, contaminated water in the source of contamination being the molten fuel cores in reactors one to three. An additional point of concern is the apparent hesitation of the Japanese authorities to provide access to adequate information to the public and the opacity surrounding the nature of the hazards posed by the contaminated water and the impact of its disposal.

Serious preoccupations concern, the lack of effective participation of local communities, and civil society organizations, meaningful consultations on the avenue of disposal of the ALPS-treated water, undermining their right to meaningful participation, as well as a lack of effective remedies.

So given that many people are expressing their concerns over the children, and I think this point is very important, how Japan has determined their permissible dose of exposure is a recommendation of adult nuclear workers being blanketed for children and infants. And how is this a recommendation? So, this points to our concerns. The concerns that the people of Japan have expressed are also our concerns, and especially with the lack of transparency regarding the safeness

of this. So, at this time I would like to open the floor to my colleagues. Senator Brown, if you have any comments or questions.

Senator Brown: Thank you very much, Madam Chair. I don't, again, I appreciate all the testimony that's been provided today, and I understand the challenges. This is something, like I said, our history and what it has brought us to. It's hard to believe on a nice sunny day like this that we've had these challenges in our environment. But the reality is there, it's our past history, it's one we've not had control over. But our people unfortunately have been subjected to it, and we see it every day in the health and welfare of our people.

And certainly, the Government of Japan has made their position known. But I think it's also important for those of us in the region who are affected by activities of our metropolitan countries to also be able to speak out because our people are suffering and they're going to suffer many years into the future with what has already happened in the past, what we do now moving forward, do we continue this process? That's something we need to address. But again, thank you very much for coming in and providing all of your testimony, regardless of what side of this issue you are on. I certainly appreciate your input. Thank you very much, Madam Chair.

Chairperson Perez: Thank you, Senator Brown. Senator Quinata, you're recognized.

Senator Quinata: Thank you, Madam Chair. Thank you again to the panel for being present today. We certainly take all your concerns into our proceedings, and we will deliberate from there. Thank you.

Chairperson Perez: Thank you. Yes, Deputy Consul-General.

Deputy Consul-General Osamu Ogata: Thank you. Can I ask, may I have my colleague, Joe Tenorio read the executive summary of IAEA comprehensive report?

Chairperson Perez: Yes. He may.

Deputy Consul-General Osamu Ogata: Thank you. *Si Yu'os ma'åse'.*

Joe Tenorio, Staff, Consulate General Office of Japan: Thank you, Senator. I believe you have a copy of the executive summary in front of you.

So, if you would just join me in reading it. This is from the IAEA, dated in April 2021. The Government of Japan releases its basic policy on handling APLS-treated water at the Tokyo Electric Company holdings of Fukushima Daiichi Nuclear Power Station basic policy. This policy resulted from a program of review by relevant Japanese Government ministries and TEPCO on how to manage the accumulated ALPS-treated water stored in the Fukushima Daiichi Nuclear Power Station. Basic policy describes among other topics, the methods selected by the Government

of Japan for handling the Advanced Liquid Processing ALPS treated water, which was to discharge the treated water into the sea.

Following the announcement of this policy, the Government of Japan requested that the IAEA conduct a detailed review of the safety related aspects of ALPS-treated water at, of course, the Fukushima plant. Applying the relevant International Safety standards, the IAEA Director General accepted this request and noted that IAEA's commitment to being involved before, during, after the ALPS treated water discharges.

The IAEA is conducting this review input compliance with its relevant, IAEA statutory functions in particular that established in Article 3.86 of the IAEA statute, which declares that the agency is authorized to establish or adopt in consultation and where appropriate and collaborate with other competent organs of the United Nations and with specialized agencies concerned, standards of safety for protection of health, minimization of danger of life, property, including such standards for labor conditions, and to provide for the applications of the standards at the request of the state to any of that state's activities in the field of atomic energy.

In July 2021, IAEA and the Government of Japan signed terms of reference for IAEA assistance to Japan to review for safety aspects of ALPS treated water at TEPCO at Fukushima. The IAEA activities in this regard consists of a technical review to assess whether the actions of TEPCO and Government of Japan to discharge the ALPS treated water over the coming next decades are consistent with international safety standards. The IAEA is also undertaking all necessary activities for the corroboration of the source and environmental monitoring programs of TEPCO and the Governor of Japan before, during, and after discharge.

The IAEA's review is organized into the following three major components to ensure all key safety elements are adequately addressed: (1) Assessment, protection, and safety, (2) Regulatory activities and process, and (3) Independent sampling, data corroboration, and analysis. To implement the IAEA's review in a transparent and inclusive manner, the IAEA Director General establishes a task force. The task force operates under the authority of the IAEA and is chaired by a senior IAEA official.

The task force includes experts from IAEA secretary alongside internationally recognized independent experts with extensive experience for a wide range of technical specialties from Argentina, Australia, Canada, China, France, and the Marshall Islands, the Republic of Korea, the Russian Federation, and the United Kingdom, the United States, and Vietnam. These independent experts provide advice and serve on the task force and their individual professional capacity to help ensure the IAEA's review is comprehensive, benefits that best international expertise, and includes a diverse range of technical viewpoints.

Since September 2021, when the IAEA task force held its first meeting, there has been five review missions, six technical reports, and numerous task force meetings. A summary of these activities and key milestones are included in annex one. Throughout this process, the task force received information from the Governor of Japan and TEPCO, which helps the expert to better understand the technical and regulatory aspects of the planned discharges of ALPS-treated water.

The technical reports of the missions include summaries of the IAEA's review and show the progress made by TEPCO and the Government of Japan. Over the past two years, the task force and the Government of Japan have identified and built on observations from the previous missions. And on the IAEA is now in a position to draw comprehensive conclusions about the safety of the discharge. Additionally, the review is occurring concurrently with Japan's nuclear regulatory authority, domestic regulatory approval. Therefore, the insights of the IAEA review are considered in the domestic process in a timely, beneficial manner. The comprehensive report includes explanations and insights on a broad range of topics that are important to understanding the overall safety aspects of this process. This represents the fourth stage of the IAEA review as noted by the IAEA Director General.

The purpose of the comprehensive report is to present the IAEA's final conclusions and findings of the technical review to assess whether the planned operation to the discharge of the ALPS-treated water into the Pacific Ocean over the coming decades is consistent with relevant international safety standards.

The reviews of individual topics included in the comprehensive report are based on hundreds of pages of technical and regulatory documentations, condensed and summarized to make the conclusions from the IAEA's review more accessible and understandable for the general public. A summary of the relevant international safety standards is also included. In order to fully assess whether the ALPS-treated water discharge is conducted in a manner that is consistent with relevant international safety standards, the task force considered the fundamental principles for safety requirements and the supporting safety guides published by the IAEA. These standards are standards of safety for the protection of health, minimization of danger to life and property. In compliance with the IAEA statutory functions, these international safety standards are developed and co-sponsored in consultation with, and where appropriate, in collaboration with the competent organs of the United Nations with specialized agencies. They serve as a global reference to protecting people and the environment and contribute to a harmonized high-level of safety worldwide.

This report includes the assessment of the application of the fundamental safety principles, the relevant safety requirements supporting safety guides. It is important to know that in the application of the International Safety Standards, these principles and technical considerations must be adapted to international circumstances. Based on its comprehensive assessment, the IAEA has concluded that the approach to the discharge of the ALPS-treated water into the sea and associated activities by TEPCO, NRA, and the Government of Japan is consistent with relevant international safety standards. The IAEA recognizes that the discharge of the ALPS-treated water has raised societal, political and environmental concerns associated with radiological aspects.

However, the IAEA has concluded based on this comprehensive assessment that the discharge of the ALPS-treated water as currently planned by TEPCO will have a negligible radiological impact on people and the environment. Notwithstanding the above conditions, the IAEA knows that once any discharges begin, many of the technical topics reviewed and assessed by the task force will need to be revisited by IAEA at various times to assess the consistency of activities during the operation of the ALPS treated water discharges with relevant international safety.

On May 2023, the IAEA published a report detailing the results of the first inter-laboratory comparison conducted by the determination of radionuclide in samples of ALPS-treated water. These findings provide confidence that TEPCO's capability for undertaking accurate and precise measurements related to the discharge of ALPS-treated water.

Furthermore, based on the observation of IAEA, TEPCO has demonstrated that it has a sustainable, robust, analytical system in place to support the ongoing technical needs of the Fukushima plan during the discharge of ALPS-treated water. IAEA is committed to engaging with Japan, the discharge of ALPS-treated water, not only before, but also during and after the treated water discharge occur. The findings above relate to the activities the task force has performed before the water discharge start. However, the work of the IAEA and the task force will continue for many years. The IAEA will remain an onsite presence at Fukushima throughout the review and will publish available data by use by the global community including provisions of real time and near real time monitoring during the Fukushima release. Additional review and monitoring activities are envisaged that will continue and will provide additional transparency and reassurance to the international community by continuously providing for the application of relevant international safety standards. Thank you.

Chairperson Perez: Thank you. Yes.

Deputy Consul-General Osamu Ogata: Thank you very much. Madam Chair, thank you. So, I think there are two contradictory statements in front of us. So, we have to seriously think about which ground we should be based on. That's the stake as of now, I think. Thank you very much.

Chairperson Perez: Thank you. Mr. Celestial.

Robert Celestial, PARS: Yes. Thank you for allowing me this. I just wanted to share some of my friend's concerns from the Union of Concerned Scientists and this is what they wrote. Edwin Lyman is the Director of the Nuclear Power Safety of the Union of Concerned Scientists in Washington D.C., he says that "out of the limited options Japan has for this wastewater, none of them are good. But in my views, I think their current plan, unfortunately, is probably the least bad of a bunch of bad options, he says.

The idea of deliberately discharging hazardous substances into the environment, into the ocean, is repugnant. He says it's repugnant, but unfortunately, if you do look at it from the technical perspective, it's hard to argue that the impacts of the discharge would be worse than those that are occurring in nuclear plants that are operating worldwide." Thank you.

Monaeka Flores, PLSR: May I also?

Chairperson Perez: Thank you, Mr. Celestial. Thank you, Ms. Monaeka.

Monaeka Flores, PLSR: Thank you so much, Senator. Since the executive summary was read into record, I would also like to read into record a report conducted by Greenpeace, Germany, which

takes a look at the flaws in the tritium risk analysis. “TEPCO continues to misrepresent and selectively ignore basic scientific facts on radioactive tritium. In its publications made available in Japanese and English, it explains that tritium mostly exists as hydrogen and water molecules. While the MIDI subcommittee acknowledges that a portion of tritium also becomes organically bound, TEPCO information is intended to give the impression that it is not possible for tritium in any form to enter the human body and have radiological effects. In seeking to justify plans for the release of contaminated processed water in September 2019, the Japanese government misleadingly states it has not been found that tritium concentrates in humans and other particularly living organisms, as tritium water has similar properties as water.

The Government's Ministry of the Environment omitted any reference to OBT after intervention by citizens groups, including on the issue of OBT, the report of the subcommittee on handling the ALPS-treated water task and assessing the options for managing the contaminated water concealed that tritium releases weak beta rays only, and may impact the body through an internal exposure.

It also acknowledged that of the tritiated water that enters the body, about five to 6% is converted into OBT with the value taking into account the effect of conversion. The half-life of OBT in organisms comes in two forms, 40 days in about one year, considering this is the impact of OBT is two to five times larger compared to tritium water.

So, in any case, there are many scientists in many groups that are debating and criticizing these studies. The Japanese Government and TEPCO are deliberately misrepresenting the hazards from tritium by failing to explain the role of OBT. They are not providing accurate scientific data on the potential impacts of any future releases of contaminated water.

Greenpeace has consulted with experts on radiation in the environment and has concluded the problem is looking at doses of modules in singular discharges, but the multiple discharges occur these levels will build up gradually.”

There's also a lot of other criticism, sorry, that was very heavily technical, but I feel like we have to really pull these things out because if we're going to hear an executive summary that actually is very one-sided and does not tease out these very specific details, we're only seeing part of the picture.

A lot of this is highly technical stuff that is not accessible to your regular citizen scientists. And so more definitely, it's showing that there's not enough of an understanding of the impact of the release of this radiated water to the ocean, to the organisms, and of course to the people who live, fish, and consume all of the sea life that comes from the ocean.

And I just want to repeat something that I said in my testimony earlier, that the International Atomic Energy Agency, which has endorsed Japan's plans for the discharge, they're not tasked with protecting the global marine environment. That is not their role. So however, they should not encourage a policy that's going to harm the marine environment.

The thing about the International Atomic Energy Agency is they failed to take a look at how the Advanced Liquid Processing System, the technology that's being used to deal with the water and Fukushima, they have failed to take a look at how, in looking at that, they've ignored how the highly radioactive fuel debris that melted down continues to contaminate groundwater every single day.

So, this groundwater contamination is going to be an ongoing issue. So, this is serious. This isn't showing a real solution. This is a temporary solution, one that puts all of the Pacific in great danger. And so, we really appreciate this resolution. It is time that we join several countries now in the international community, including residents of Japan themselves, who criticize this process and are also in protest of the release of this nuclear water because they are at ground zero facing the deaths, the illnesses, and the environmental destruction, the permanent environmental destruction firsthand. People in the community of Japan are protesting the release of the contaminated water from Fukushima. And so, I just felt like it was very important to make some of these points. And I will submit this very technical report about the Fukushima timeline as well as the water release from Greenpeace, both Greenpeace Japan and Greenpeace Germany as part of my testimony. Thank you so much.

Chairperson Perez: Thank you, Monaeka. And thank you to all of you that have come here today to testify. Did you want to provide testimony or anybody else? Okay. I think it's really clear that if we go through all this administrative process and we come out saying, okay, it's okay to dump 1.2 million tons of nuclear water. I think there's a problem with the system. IAEA, the International Atomic Energy Agency, like you said, their charge or their primary role is not protecting the environment. And so, something has to give with this process. And, it's not just Japan, but many countries have utilized atomic power.

The impact of using atomic energy is the long term environmental damage that affects many generations. So, the question here today is not only seeking the halt of the discharge, but is also to question the bodies that made this happen. To aim for something better because I can't see us living sustainably in this world if we are swimming in nuclear contaminated water, eating nuclear contaminated fish. We're talking for humanity's sake. It's not just one country versus another country. It's about the livelihood, our humanity, and protection of our people and the environment really is intertwined. At the center of all this is whether we can trust the information, and this is a big problem. How can we make decisions if not all the information is there? Even at best, there were cases where there was misrepresentation. So even though TEPCO has already begun to discharge wastewater into the Pacific, the opportunity to end this discharge before any adverse effects accumulate remains to be seen. To reiterate, the amount of wastewater present in Fukushima is unprecedented and any determination of its discharge as environmentally safe is substantially premature considering that the disposal period is between 30 to 40 years. Various communities, neighboring and within Japan, organizations, and experts have voiced their concerns to the Japanese Government regarding the potential threats to human health, the environment, people's livelihood resulting from the disposal of wastewater.

According to the United Nations Human Rights Office of the High Commissioner, experts have expressed technological and logistical obstacles to the ALPS TEPCO water processing

technology, noting that ALPS has failed to completely remove radioactive concentrations in most of the contaminated water stored in tanks. 2021 communications between the UN independent experts and the Japanese Government notes that the ALPS has not been designed to remove radioactive tritium or carbon-14, which would be discharged in their entirety into the Pacific. And that the process, water to the discharged still exceeds regulatory limits for radioactive tritium, and therefore will be diluted with non-contaminated water and discharged over at least 30 years.

Further, communication, research, and community concerns have collectively reinforced the detrimental consequences of wastewater disposal. These consequences are not restricted to the disposal's timeframe of 30 to 40 years but have been determined by scientists to remain present for over a hundred years and generations to come.

As stewards and inhabitants of the Pacific, it is critical that our voice be heard on this issue, and that is what we hope to do with this hearing. Many of our communities, those neighboring and within Japan, have strongly expressed their concerns over safety, full health, and environmental protection that equally concern us as a neighboring Pacific community.

Historically and presently, we have experienced the adverse effects of nuclear contamination upon our bodies, our lands, our precious waters, of which our livelihoods depend on. For those who live and call Guam home, we must take the initiative concerning our safety and collectively determining what is safe for our island community, and intrinsically considering the responsible remedies that should be taken. We must urge the Government of Japan to consider alternative solutions to the disposal of radioactive wastewater.

Experts have expressed that such alternative solution exists, and it is imperative that we urge the Japanese Government to explore these critical remedies. The permissible radiation exposure dose set by the Japanese Government concerning Fukushima, which unequally and unjustly permits radiation exposure to determine for adult nuclear workers to conform to children and infants.

The concerns presented by numerous local, regional, international communities, experts, organizations regarding the efficacy of the ALPS water technology system and transparency and thoroughness of TEPCO and the Japanese Government's determination studies, as well as the nature of radioactive contaminants being discharged into the Pacific Ocean, reflect the critical need for alternative solutions. Discrepancies between scientific experts of which reflect determination of safety among TEPCO, the Japanese Government, and other associated parties that oppose the concern and findings of UN experts, non-governmental organizations such as Greenpeace and other local regional, international bodies and experts, all the more demonstrate why such disposal is extremely precarious among a lack of scientific consensus that such disposal is safe in addition to considering the positionality of all involved entities that have demonstrated their findings. The Pacific is not a theater for leveraging economic strength or for posturing for World War. It is certainly not a ground for disposal of contaminated water by the industrial world. This is our home, and we must take the lead in protecting it.

The committee will continue to receive written testimony until 4:00 p.m. Friday, September 8th, 2023. Please address all testimony to Senator Sabina Flores Perez, Chairperson on the Committee

on Environment, Revenue and Taxation, Labor, Procurement, Statistics Research and Planning. It could be dropped off at the mailboxes here at the Guam Congress Building or emailed to office@senatorperez.org.

The Committee will now adjourn. The time is now 11:04 a.m. Thank you to everybody.

Chairperson Perez adjourned the public hearing for Resolution No. 93-37 (COR) at 11:04 a.m..

Written Testimonies:

- University of Guam Green Army
- Marilyn D.A. Manibusan
- Micronesia Climate Change
- Senator Donald M. Mangloña, Commonwealth of the Northern Marianas
- Our Common Wealth 670

Supplemental Documents Provided by the Consulate General of Japan:

- ALPS Treated Water
- International Atomic Energy Agency, July 2021 - Executive Summary
- Mayor's Council of Guam, Resolution No. 2022-17-01
- Mayor's Council of Guam, Letter of Rescindment of Resolution 2022-17-01

Supplemental Documents Provided by the Committee:

- AL JPN 1/2021, 13 January 2021 – Mandates of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes; the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy, and sustainable environment; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physically and mental health; the Special Rapporteur on human rights of internally displaced persons and the Special Rapporteur on the human rights to safe drinking water and sanitation.

III. Findings and Recommendation

The Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning finds the following for Resolution No. 93-37 based on the testimony submitted at the public hearing:

- **Osamu Ogata (Deputy Consul-General, Consular-General Office of Japan):**
 - Deputy Consul General Osamu Ogata stated that the plan for the discharge of ALPS treated water was announced in April 2021, with the discharge date announced on August 21, 2023 and the discharge initiated on August 24, 2023. “The Japanese government has been transparent from the beginning. The consulate has also been transparent from the

beginning and since April 2021 has taken every opportunity to explain on this matter to the Government of Guam, senators, and the mayors.”

- Deputy Consul General Osamu Ogata relates the discharge to his personal experiences and those of Japan’s people regarding the nuclear bombing of Hiroshima and Nagasaki. “I would like to tell you about this issue based on my emotions. As you may know, Japan is the only country in the world in which, not just one, but two nuclear weapons were dropped in both Hiroshima and Nagasaki. This implies that Japanese citizens, including myself, are all sensitive to nuclear issues. I personally have concerns and worries about the ALPS treated water, emotionally as you do. Knowing the concerns and emotions of the people, however, the Government of Japan has taken every single step to make sure that the method of ALPS treated water would remove the harmful radioactive substances and would not pollute the environment.”
- Deputy Consul General Osamu Ogata notes that the discharge is continuously monitored with the IAEA expert on site.
- “We all share the same Pacific Ocean and Japan cannot survive without a clean ocean. I can assure you that discharge is safe. If by monitoring the level of safety is not guaranteed, the discharge will be discontinued.”
- **Joe Tenorio (Staff, Consulate General Office of Japan):**
 - Provided the Executive Summary from the International Atomic Energy Agency (IAEA) regarding the Government of Japan’s discharge of ALPS treated water stored at FDNPS, applying the relevant international safety standards.
 - In April 2021, the Government of Japan and TEPCO released its basic policy on handling the Advanced Liquid Processing (ALPS) treated water, which was to discharge the treated water into the sea.
 - The Government of Japan requested that the IAEA conduct a detailed review of the safety related aspects of ALPS treated water. “Applying the relevant International Safety standards, the IAEA Director General accepted this request and noted that IAEA’s commitment to being involved before, during, after the ALPS treated water discharges.”
 - The IAEA concluded that the approach to the discharge of the ALPS treated water into the sea conducted by TEPCO, NRA (Nuclear Regulation Authority), and the Government of Japan is consistent with relevant international safety standards. “The IAEA recognizes that the discharge of the ALPS treated water has raised societal, political and environmental concerns associated with radiological aspects. However, the IAEA has concluded based on this comprehensive assessment that the discharge of the ALPS treated water as currently planned by TEPCO will have a negligible radiological impact on people and the environment.”
 - The IAEA will revisit, review, and assess the technical topics at various times to assess the consistency of these above activities by TEPCO.
 - “...based on the observation of IAEA, TEPCO has demonstrated that it has a sustainable, robust, analytical system in place to support the ongoing technical needs of the Fukushima plan during the discharge of ALPS treated water... However, the work of the IAEA and the task force will continue for many years. The IAEA will remain an onsite presence at Fukushima throughout the review and will publish available data by use by the global community including provisions of real time and near real time monitoring during the Fukushima release.”

- Overwhelming community support in favor of the Resolution with the following comments:

Monaeka Flores (Prutehi Litekyan/Save Ritidian):

- Supporting this resolution is necessary in order to join the international community in demanding the protection of our oceans, fisheries, coastal resources and our people for our future, for the future of all generations from the deliberate discharge of radioactive water.
 - It's really important to take a look at the decision of the Government of Japan to release over 1.2 million tons of this water over 30 to 40 years as part of the decommissioning plan of the Fukushima Nuclear Power Plant. The decision ignores the voices of the people of the Pacific and it violates our human rights and our indigenous rights as communities of the Pacific.
 - The discharge of radioactive materials into the marine environment from the Fukushima Nuclear Plant will inevitably increase exposure to our people and all marine species over several years, with the exact level of exposure, depending on multiple variables that we are still coming to understand. This contamination will build up and bioaccumulate in the fish over time.
 - Scientists have warned that the radiological risks from the discharges have not been fully addressed and the biological impacts of types of tritium, carbon-14, strontium-90 and iodine-129 have been ignored. Long term exposure of tritium water are the effects of organically bound tritium (OBT) to which five to 6% of tritium water that enters the body is converted. The half-life of OBT in organisms is 40 days in about one year, which means the impact of OBT is two to five times larger compared to tritium water.
 - Discharge plans have failed to conduct a comprehensive environmental impact assessment as required by international legal obligations, given that there's significant risk of transboundary harm to all the neighboring countries in the Pacific.
 - Additionally, the International Atomic Energy Agency whose primary mandate is to regulate the nuclear power industry conflicts with global marine environmental protections and international law, and they should work with the international environmental counterparts to ensure that Japan complies with these laws. “The increasing volumes of and pending further release of the radioactive water demonstrate the failure of the decommissioning plan for the Fukushima power plant. The contaminated water will continue to accumulate for many years without effective measures to stop it.”
- **Ron McNinch (Community Member/Professor, University of Guam):** Speaking from his experience working at UOG, “We used the Fukushima study as an active case study for emergency management, and it was an earthquake, a tsunami, as well as the subsequent nuclear reactor accident. I have to say, the first responders and firefighters, who under great sacrifice addressed that tragedy. My heart goes out to the Government of Japan and to the people of Japan. It was an hour of high service and honor for them to respond to that accident.” Mr. McNinch further added that the Fukushima nuclear power plant was built in 1967, and states, “Japan has been working transparently and openly with both the international community and with Guam on these questions.”

- **Sirena Paulino (Community Member)** spoke in support of the resolution and being on the right side of history. She stated that “we don't inherit the land from our ancestors, we borrow it from our children.” She urged the leaders to “*Prutehi yan difende*’ [Protect and defend], our people and our land and everything that we hold sacred here.”
- **Milaya Crowder (Community Member):** stated it was necessary that her and her children be present to support the Resolution. “They want you, they want the people of Guam to preserve their future, preserve her baby's future. All of our babies’ futures. They deserve that. So, it's decisions like this that might inconvenience us in the moment to protect them. It's absolutely necessary.” “...please see it in the very real faces of the children, in the very real futures that they have. And think about it in their timeline instead of just ours.”
- **Vicente “Ben” Meno (Community Member):** “I forgive the people of Japan, but that's a war. Now what I'm seeing right now is that they don't have no gun, but it's liquid. We must learn a lesson from Majuro. When the U.S. tested the atomic bomb on that little island, up to this time, they're being compensated because of the destruction of not only people, but the entire area. When I was there, I met people, children that don't look like human, and they're still receiving thousands of dollars. Thousands of dollars, but they look deformed.” “We have to understand that when you contaminate the water, we eat the fish, we eat the octopus, we eat the crab, we swim in the water. I have my full confidence in you Senators that we must fight and oppose this. *Debi di ta kontra este* [We should oppose/challenge this]. *Debi di ma kontra i Hapones*, [We should oppose/challenge the Japanese]...we cannot allow this to happen. I went to war, and I suffered tremendously with all the tragedies. I don't want to see this again coming out from the Japanese government.” “*Put fãbót. Hu pegga’ in angokko giya hamyo, sa* [Please. I put our trust in you all, because] we voted for you. The people of Guam voted for you. Entrusted you to lead them, to guard them, to save them and to make things better for now and the future generations to come. *Put fãbót, adahi, prutehi, guaiya, chogue’*. *Na siguru na dinanche’ i hinasso-mu* [Please, take care, protect, love, do. Be sure that your thoughts are right].”
- **Maria Hernandez (Hita Litekyan):**
 - Many members of the community oppose the dumping of nuclear wastewater into the island’s surrounding oceans. While national news outlets and discussions cover the sentiments of nations such as South Korea, China, and others on the GOJ’s disposal of wastewater, the island of Guam remains in the periphery. “We don't have, we don't consent to any of this. Where were we in the discussions about whether we would approve or disapprove nuclear dumping in our waters?”
 - Maria expresses her concerns as a mother and family member, emphasizing the widespread incidences of certain types of cancer among various families. She relays that many doctors’ discussions identify this prevalence as being tied to an environmental, and not hereditary, root cause. “And so just as a mother now, as a CHamoru mother, bringing my kids around the island, deciding where to swim and where we can eat our fish from. I go to the store, and I see fish at the supermarket. I'm like, ‘can I buy this fish to feed my children?’ And just recently, the Coast Guard released results about PCB contamination, DDT contamination in Målesso’, and I'm learning that Litekyan is seeing some of the same sort of results in their fish tissue sampling. Just the extent that our

people are suffering already. It would just not make any sense to move forward with any projects that have the potential to continue to harm our oceans, harm our land, harm our people.”

- Maria explained that Guam’s status as a U.S. territory limits the island community’s political capacity to address the GOJ’s disposal of wastewater, and that it is crucial for the community to work with nations whose political representation can affect change. “I feel like our colonial status really limits us in what we can do as an island nation. But if there's another nation that has more political power to put a stop to this, then we need to do what we can as a community moving forward to align with those nations that have more political power. And I feel like one release is enough and we can't let any more wastewater be released in the future.”
- **Robert Namauleg Celestial (President, Pacific Association for Radiation Survivors):**
 - Recommended the government to place already available monitoring systems to detect radiation at sea and on land.
 - Fukushima’s wastewater produces tritium which causes cancer. “And the transparency is that our people are dying with cancer and other diseases that can't even be recognized. I have a lot of my members right now in the states that are suffering from cancer going through treatments, and the doctors there are saying, “this is a rare cancer. It only happens when your parents have been affected by nuclear ionizing radiation.”
- **UOG Green Army:** is in full support of the Resolution, because it is aligned with the shared commitment to securing the health of our people and building a sustainable future. Nuclear power is not suitable to our geography and its risks outweighs the benefits due to its complex disposal procedures, potential for nuclear meltdown, and vulnerability to natural disasters and cyber-attacks. To fulfill 100% renewable energy by 2045, there are other safer alternatives upon which our island can rely.
- **Marilyn Manibusan (Community Member):** is in full support of the Resolution to stand in solidarity with the CNMI as was done in the past to stand up against dumping of nuclear waste in the Marianas Trench and the against the transshipment of plutonium through the Pacific and reminds us it is our duty to uphold the *Inifresi* and to reaffirm our pledge for Pacific Islanders’ regional solidarity when it comes to the defense and protection of our respective “beliefs, culture, language, the air, the water and the land.”
- **Micronesian Climate Change Alliance (MCCA):** is in support of the Resolution due to various reasons and makes recommendations as follows:
 - Japan’s decision to release treated radioactive wastewater into our ocean is an immense threat to the fragile marine ecosystems in the Pacific, is harmful to human health, and compromises global security.
 - Wastewater, although treated, still contains a radioactive element of hydrogen called tritium, which can't be removed from the contaminated water because there is no technology to do so. There is a lack of long-term data to tell us with certainty that tritium poses no threat to human health or the marine environment.

- Nuclear technology is not conducive to our safety and security in the Pacific. We cannot underestimate the importance of a healthy and thriving marine environment for our own survival and for future generations.
- We should be actively seeking alternative solutions and investing in the responsible management of nuclear waste.
- Guam and the Mariana Islands should also be part of any consultation and decision-making process surrounding the release of the wastewater.
- **Senator Donald M. Manglona, Senate Vice-President, Chairperson Health, Education and Welfare, 23rd Northern Mariana Commonwealth Legislature:** supports the effort to establish a unified framework and voice from the Mariana archipelago requesting for alternatives to discharging of more than a million tons of contaminated water from the Fukushima Daiichi Nuclear Disaster into the Pacific Ocean.
- **Our Common Wealth 670:**
 - Acknowledged our shared history of resistance to the impacts of nuclear power in the CNMI and Guåhan. In 1981, CNMI Governor Carlos Camacho and Guåhan Lt. Governor Joseph Ada - as part of an official delegation to Japan - presented a formal petition opposing the dumping of nuclear waste in the Marianas and the broader Pacific.
 - We invoke this history and spirit of cooperation to embolden all of you to do what is right - protect the Marianas from the harms of nuclearism.
 - **The entire Mariana archipelago - Guåhan and the CNMI - should be free from any nuclear activity whether it is initiated by those within the Marianas or by outsiders abroad.**
 - Relevant CNMI law that explicitly prohibit or otherwise heavily regulate nuclear waste in the Northern Marianas. Article 1 Section 8 of the CNMI Constitution outlines every Northern Mariana resident's right to a clean and healthful environment by stating:
 - "Each person has the right to a clean and healthful public environment in all areas, including the land, air, and water. Harmful and unnecessary noise pollution, and **the storage of nuclear or radioactive material and the dumping or storage of any type of nuclear waste within the surface or submerged lands and waters of the Northern Mariana Islands, are prohibited** except as provided by law" (CNMI Constitution, Article 1, Section 8 - emphasis added).
 - The unfortunate reality is that these islands are all that we have. These lands are the ones our ancestors have entrusted us to steward for ourselves and countless generations to come. As such, it is our sacred duty to safeguard all islands of the Marianas from any further harm.

The Committee upon further research finds the following:

- Adverse Impacts from the discharge of more than one million tons of contaminated water from the Fukushima Daiichi Nuclear Disaster into the Pacific Ocean.
- Japan will dispose of more than 1.2 million tons of contaminated water into the Pacific Ocean over the span of 30 years.
- It will directly impact Guam and other Pacific neighbors through the contamination of the food chain.

- ALPS has failed to completely remove radioactive concentrations in most of the contaminated water stored in tanks. According to the United Nations 2021 Mandates of Special Rapporteurs to the Government of Japan (AL JPN 1/2021), the “ALPS has not been designed to remove radioactive tritium or carbon-14 which would be discharged in their entirety into the Pacific,” and “the processed water to be discharged still exceeds regulatory limits for radioactive tritium and therefore will be diluted with non-contaminated water and discharged over at least 30 years.”
- The April 2020 Response to the Joint Communication from Special Procedures from the Government of Japan (TM/UN/158) confirms that approximately 70% of the total volume of ALPS treated water contains radionuclides at the concentration exceeding the regulatory standards for discharge, and that ALPS treated water is stored meeting the regulatory standards for storage set in compliance with the international standards prescribed by the International Commission on Radiological Protection (ICRP). This information closely reflects the 2020 TEPCO Draft Study Responding to the Subcommittee Report on Handling ALPS Treated Water, which noted that 72% of the water is above the regulatory limits.
- Studies indicate that the role of organically bound tritium (OBT) has not been adequately explained, and consequently, scientific data is insufficient regarding the potential impacts of future releases of contaminated water.
- In the Report on the dialogues between the Government of Japan and the PIF regarding Advanced Liquid Processing System (ALPS) Treated Water at TEPCO’s Fukushima Daiichi Nuclear Power Station, the GOJ states that “Analysis of all nuclides in the water currently stored in all tanks, as requested by the [Pacific Islands Forum] PIF experts, is not required by the [International Atomic Energy Agency] IAEA safety standards.” Sources analyze that GOJ’s lack of investigation relates to the IAEA’s lack of requirements to adhere to such investigation.
- Current human dose models used by the International Atomic Energy Agency (IAEA), the Japanese authorities, and TEPCO are based on single discharges, but when multiple discharges occur the levels of OBT build up gradually.
- Sources explain that while IAEA’s reports helpfully clarify many points, the agency has very clear limits on what it can and cannot do. The IAEA has no power to compel compliance on nuclear power issues, and is constrained from directly criticizing decisions clearly within the purview of host governments. Sources state that the agency’s lack of power in this regard is crucial to consider, given TEPCO’s and the Japanese government’s suggestions that the IAEA’s review covered every aspect of concern to the public. technical and regulatory aspects.
- The IAEA task force has repeatedly stated that TEPCO should consider having their methodology for dose calculations for radionuclides other than tritium peer-reviewed “...with the aim of promoting transparency and encouraging confidence.” The IAEA task force also raised other concerns including potential conflicts of interest generated by TEPCO’s significant role in monitoring the impacts of its own releases.
- The 2023 IAEA Comprehensive Report on the Safety Review of the ALPS-treated water at the Fukushima Daiichi Nuclear Power Station states that, “the request of the Government of Japan to the IAEA to review the application of relevant international safety standards to the discharge of ALPS treated water into the sea was submitted after the Government’s decision was made. Therefore, the scope of the current IAEA safety review did not include an assessment of the details of the justification process followed by the Government of

Japan.” The IAEA notes that the responsibility for justification lies entirely with the GOJ. In addition, the IAEA’s 2023 report makes multiple mentions that the responsibility for ensuring that TEPCO doesn’t endanger the public lies entirely with Japan’s Nuclear Regulation Agency (NRA), and that the IAEA is limited to its scope in providing non-binding advice.

- The ALPS system appears capable of removing all radionuclides of concern except tritium and carbon-14 when operating at top condition, but it is dangerous to assume that all 1.2 million tons of water currently being stored, as well as the similarly large additional quantity expected to be generated, will be effectively treated to the required rigorous standard without fail over the course of decades.
- There are many potentials for both technical and human failure to safely discharge wastewater including: pumps wear out, filters clog, gaskets deteriorate, wrong levers are pulled and general human error. Research sources express concern over Tepco’s ability to be adequately transparent about such incidents and their consequences.
- The 20 mSv/y permissible dose for radiation exposure set by the Japanese Government regarding the Fukushima Nuclear Disaster is the same maximum allowable annual dose recommended by the International Commission on Radiological protection (ICRP) for adult nuclear workers. Despite that scientific studies establish children as more sensitive to radiation and more vulnerable to developing short and long-term effects of radiation exposure, the Japanese Government’s permissible dose is applicable to all populations including women, children, and infants.
- AL JPN 1/2021 finds that as of June 2020, 195 children and young people in Fukushima have been diagnosed with thyroid cancers and undergone medical interventions. The Fukushima Medical University continues to monitor the state of health of thyroid glands of children present in Fukushima who were 18 years old and younger at the time of the nuclear disaster. The UN Special Rapporteurs note that “despite the scientific evidences, the Japanese Government continues to deny any association between radiation exposure resulting from the Fukushima Daiichi accident and higher levels of thyroid cancer. Recent analysis suggests that there is in fact a direct correlation between radiation exposure and thyroid cancers detected in Japan since 2011.” This analysis includes a 2019 report by Japanese scientists indicating statistically significant relationships between the average radiation dose-rates in the 59 municipalities of Fukushima prefecture in June 2011, and the corresponding thyroid cancer detection rates from October 2011 to March 2016.
- The *Citizens’ Alliance Stop Polluting the Ocean!* reports that as of July 3, 2020, written statements have been adopted by 41 local councils representing 59 local authorities that unanimously reflect the position that the wastewater disposal proposals presented by the GOJ’s Ministry of Economy, Trade and Industry (METI) subcommittee cannot be immediately accepted.
- Fishing industries were highly stigmatized and consequently suffered after the 2011 incident contaminated the surrounding marine life, with these industries continuing to recover over a decade later.
- During a follow up meeting with the consulate of Japan, information was presented that the IAEA Governing Board met a week after the first discharge of approximately 700 tons of ALPS-treated water, and data demonstrated that the levels of tritium were far below the requirements set by the IAEA.

- Alternatives using recycled ALPS treated tap water in lieu of large amounts of seawater in the decommissioning of the Fukushima Nuclear Power Plant over the 30-to-40-year discharge period, and/or any new technology that can be developed given Japan's technological capacities, could help prevent the further discharge of tritium contaminated water and set an example for other countries to reduce marine nuclear pollution.

The Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning hereby reports out **Resolution No. 93-37 (COR)** – Sabina Flores Perez – **“Relative to joining the Commonwealth of the Northern Mariana Islands in urging the Government of Japan to consider alternatives to the discharge of more than one million tons of contaminated water from the Fukushima Daiichi Nuclear Disaster into the Pacific Ocean.”** with the recommendation **TO ADOPT**.

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2023 (FIRST) Regular Session

Resolution No. 93-37 (COR)

Introduced by:

Sabina Flores Perez/SFP

Relative to joining the Commonwealth of the Northern Mariana Islands, Republic of Belau, other Pacific Nations in urging the Government of Japan to consider alternatives to the discharge of more than one million tons of contaminated water from the Fukushima Daiichi Nuclear Disaster into the Pacific Ocean.

1 **BE IT RESOLVED BY THE COMMITTEE ON RULES OF *I***
2 ***MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN*:**

3 **WHEREAS**, the people of Guam, the Commonwealth of the Northern Mariana
4 Islands, and broader Oceania rely on the Pacific Ocean as a source of food, economic
5 activity, culture, tradition, travel, and recreation and safeguarding of the Pacific Ocean
6 is intrinsically linked to the protection of Pacific livelihood; and

7 **WHEREAS**, the island of Guam has a deep connection with the ocean, as it is
8 central to our lives and connects us to our ancestral roots. Therefore, it is our
9 responsibility to ensure the ocean's health and safety in order to secure it for our
10 livelihood and the livelihood of our future generations; and

11 **WHEREAS**, the Government of Japan plans to dispose of more than 1.2 million
12 tons of contaminated water from the Fukushima Daiichi Nuclear Disaster into the

1 Pacific Ocean for a span of at least three decades, which will directly impact Guam and
2 other Pacific neighbors through contamination of the food chain; and

3 **WHEREAS**, in 2021, the House of Representatives’ Twenty Second Northern
4 Mariana Commonwealth Legislature passed Joint Resolution 22-11 stating that, “the
5 peoples of Oceania have throughout history been disproportionately impacted by
6 foreign powers’ nuclear activities within the Pacific region,” and “foreign powers have
7 a lackluster track record for transparency and fully disclosing the dangers and risks of
8 these nuclear activities;” and

9 **WHEREAS**, the Pacific Islands Forum (PIF) appointed an independent panel of
10 five multi-disciplinary scientists to analyze data surrounding the mitigation efforts at
11 lowering the contamination levels of the radioactive waste discharge of the Fukushima
12 disaster and expressed concern about prolonged gaps in data collection and concluded
13 that supporting data is insufficient and inaccurate, with flaws in sampling protocols,
14 statistical design, and sample analyses; and

15 **WHEREAS**, Dr. Robert Richmond of the Kewalo Marine Laboratory at the
16 University of Hawai’i at Manoa stated, “releasing radioactive-contaminated water into
17 the Pacific is an irreversible action with transboundary and transgenerational
18 implications; and

19 **WHEREAS**, Article 207 of the United Nations Convention on the Law of the
20 Sea (UNCLOS) states that, “States, acting especially through competent international
21 organizations or diplomatic conference, shall endeavor to establish global and regional
22 rules, standards and recommended practices and procedures to prevent, reduce, and
23 control pollution of the marine environment from land-based sources, including
24 pipelines and outfall structures;” and

25 **WHEREAS**, the International Atomic Energy Agency’s (IAEA) main objective
26 is to enlarge the contribution of atomic energy to peace, health and prosperity
27 throughout the world, mainly through the early detection of the diversion of nuclear

1 material or technology to the proliferation of nuclear weapons for military purpose or
2 aggression; and

3 **WHEREAS**, the IAEA is authorized under Article III of its statute to “establish
4 or adopt, in consultation and, where appropriate, in collaboration with the competent
5 organs of the United Nations and with the specialized agencies concerned, standards of
6 safety for protection of health and minimization of danger to life and property,” but
7 these standards are not legally binding on Member States and IAEA Safety Reports may
8 describe good practices and give practical examples and detailed methods that can be
9 used to meet safety requirements but they do not establish requirements or make
10 recommendations; and

11 **WHEREAS**, the preamble of the IAEA’s Joint Convention on the Safety of
12 Spent Fuel Management and on the Safety of Radioactive Waste states, “The
13 Contracting Parties, convinced that radioactive waste should, as far as is compatible
14 with the safety of the management of such material, be disposed of in the State in which
15 it was generated.” Article I of the Convention states, “The objectives of this Convention
16 are: to ensure that during all stages of spent fuel and radioactive waste management
17 there are effective defenses against potential hazards so that individuals, society and the
18 environment are protected from harmful effects of ionizing radiation, now and in the
19 future, in such a way that the needs and aspirations of the present generation are met
20 without compromising the ability of future generations to meet their needs and
21 aspirations;” and

22 **WHEREAS**, during the 2021 International Maritime Organization’s (IMO)
23 London Convention and London Protocol (LC/LP) Convention, Greenpeace, an
24 internationally recognized environmental organization, reported that the governments
25 of the Republic of Korea, China, Chile, and the Pacific Island nations of Vanuatu and
26 Palau offered recommendations to establish a working group to review alternatives such

1 as long-term storage and the application of best available technology to process the
2 contaminated water including tritium disposal technology, and

3 **WHEREAS**, three independent experts appointed by the UN Human Rights
4 Council, known as Special Rapporteurs, expressed concern over Japan’s proposal,
5 stating, “the release of one million tons of contaminated water into the marine
6 environment imposes considerable risks to the full enjoyment of human rights of
7 concerned populations in and beyond the borders of Japan,” and “we remind Japan of
8 its international obligations to prevent exposure to hazardous substances, to conduct
9 environmental impact assessments of the risks that the discharge of water may have, to
10 prevent transboundary environmental harms, and to protect the marine environment;”
11 and

12 **WHEREAS**, the Government of Japan has historically been a responsible Pacific
13 partner. For example, in 1980, leaders from Guam, Saipan, Samoa, Nauru, and the US
14 Trust Territory Islands strongly opposed Japan’s plan to dump 10,000 drums of low-
15 level radioactive waste at a site north of the CNMI, to which officials from Japan’s
16 Science and Technology Agency publicly responded that they would not dump into the
17 ocean until the understanding of the Pacific people was obtained; and

18 **WHEREAS**, in 1993, the Government of Japan criticized the Russian
19 Federation’s dumping of 237,000 gallons (900 tons) of low-level nuclear waste into the
20 Sea of Japan, and consequently supported an amendment to the International Maritime
21 Organization’s (IMO) London Convention and London Protocol (LC/LP) that would
22 make ocean-based dumping of low-level nuclear waste a violation of the Convention.
23 Furthermore, the Japanese Government provided approximately 2.5 billion yen
24 (\$19,395,750.00) to Russia to construct a liquid radioactive waste storage and

1 processing facility as a preventative measure against continued dumping into the Sea of
2 Japan; and

3 **WHEREAS**, multiple factors affect the decontamination of the Fukushima
4 wastewater, including (1) the number of radionuclides present are much higher than the
5 numbers generated at other power plants, (2) the presence of saltwater can affect how
6 radionuclides are filtered out, and (3) the amount of water needing treatment is the
7 largest amount in history; and

8 **WHEREAS**, the Kuroshio Current off the coast of the Fukushima Prefecture is
9 the Pacific Ocean’s strongest current, and the temperature and salinity of the Kuroshio
10 water are relatively high for the region. The current flows fast and deep, and feeds into
11 the North Pacific Ocean as it flows towards North America. Therefore, the wastewater
12 dumped off the coast of Fukushima can be impacted by these factors. The ocean is
13 dynamic and does not act similarly to a tank where testing the ALPS treated water
14 occurs; temperature, salinity, and biochemistry must be considered in all matters of
15 wastewater testing; and

16 **WHEREAS**, it was reported that roughly 80%, or 890,000 of 1.1 million tons of
17 the treated water still contained above-limits of Strontium-90, Cobalt-60, and
18 Ruthenium 106 along with other radionuclides. It was further noted that “with the
19 subsequent failure of Advanced Liquid Processing System (ALPS), the Non-Detectable
20 (ND) target was replaced with targets below Regulatory Limits;” and

21 **WHEREAS**, Strontium-90, with a half-life of 29.1 years, causes the most harm
22 when ingested through food or water. It can cause cancer of the bone, bone marrow,
23 and soft tissues around the bone Cobalt-60, with a half-life of about 5.3 years, releases
24 gamma rays, and external exposure to low levels of gamma radiation through touch,
25 ingestion, or even proximity over an extended period of time can cause cancer.

1 Ruthenium-106, with a half-life of 371.5 days, is not found naturally, and high doses
2 are toxic and carcinogenic when ingested and is strongly retained in the bones; and

3 **WHEREAS**, existing ALPS technology is unable to properly remove the
4 radionuclide tritium from the Fukushima wastewater. Tritium is a relatively weak
5 source of beta radiation with a half-life of 12.3 years, but it may be absorbed into the
6 body through the skin or when ingested through water or food, or when inhaled.
7 Additionally, tritium released into the environment can become organically-bound
8 tritium (OBT), and can bio-accumulate into nutrients such as carbohydrates, fats, or
9 proteins. Tritium binds to phytoplankton which can then migrate up the food chain; and
10 when consumed poses a slightly greater health risk as the body retains it longer than
11 tritiated water; and

12 **WHEREAS**, other radionuclides still present in the ALPS treated wastewater
13 have the potential to accumulate in seafloor sediments and organically bind and bio-
14 accumulate through marine organisms, which could move up the food-chain and
15 negatively impact fishing industries and consumers;

16 **WHEREAS**, contaminated water can act as another stressor on marine life, along
17 with climate change, plastic pollution, microplastics, pre-existing radioactive pollution
18 leftover from nuclear testing within the Pacific, all of which have compounding effects;
19 and

20 **WHEREAS**, a 2022 science-based study declares the risks involved with the
21 Government of Japan’s intended method of disposal of nuclear waste could lead to
22 decades-long damage that will have widespread consequences and long-term effects on
23 human health and the global marine environment. This same study asserts the “decision
24 to dispose at sea should be rectified to redistribute the disproportionate burdens to those
25 with a stake in risk-generating activities rather than to the public, the environment, and
26 the future generations that do not benefit from the disposal. Additionally, the
27 Precautionary Principle, as enshrined by Principle 15 of the Rio Declaration, dictates it

1 is better to avoid potential or uncertain threats before it is too late. Furthermore, a long-
2 term comprehensive and cumulative environmental impact study should be publicly
3 released that demonstrates the contaminated water is safe; and

4 **WHEREAS**, Fukushima Prefecture’s fishing industry was highly stigmatized
5 after the 2011 incident contaminated the surrounding marine life, and full recovery of
6 the industry has yet to be seen. Japan’s local fishermen and fishing unions oppose the
7 release, as they fear it will once again ruin the industry’s reputation and harm businesses
8 that have spent over a decade recovering; and

9 **WHEREAS**, the people of the Pacific are expected to bear the cost of foreign
10 powers’ nuclear decisions at the expense of our economies, security, environment, and
11 health; and

12 **WHEREAS**, the precedence set by the Government of Japan for all other
13 producers of nuclear waste is of great concern; now therefore, be it

14 **RESOLVED**, that the Committee on Rules of *I Mina'trentai Siette Na*
15 *Liheslaturan Guåhan* does hereby, on behalf of the people of Guam urge the
16 Government of Japan to heed the concerns and input of its local stakeholders, its
17 neighbors in the Asia-Pacific Region, and of Pacific Island leaders to indefinitely
18 postpone the discharge nuclear contaminated water into the Pacific until safer
19 alternative solutions can be pursued in order to protect the rights of all humans to a safe
20 and healthy future; and be it further

21 **RESOLVED**, that the Committee on Rules of *I Mina'trentai Siette Na*
22 *Liheslaturan Guåhan* urges the Government of Japan to conduct a full assessment of
23 the risks or effects of its plan to discharge nuclear wastewater into the Pacific Ocean,
24 and foster an open exchange of information with Asia-Pacific region neighbors,
25 including the Government of Guam, on a regular basis. Further, that the Government of
26 Japan consider the impact that a release of this magnitude could have on both the

1 environment and its immediate relations with neighbors such as China, South Korea,
2 Taiwan, Guam and concerned Pacific Island nations; and be it further

3 **RESOLVED**, that *I Mina'trentai Siette Na Liheslaturan Guåhan* urges President
4 Joseph Biden to take into consideration the environmental justice issues concerning the
5 people of Guam and work towards measures in rectifying it; and be it further

6 **RESOLVED**, that the Speaker and the Chairperson of the Committee on Rules
7 certify, and the Legislative Secretary attest to, the adoption hereof, and that copies of
8 the same be thereafter transmitted to Volker Türk, United Nations High Commissioner
9 for Human Rights; Dr. Marcos A. Orellana, UN Special Rapporteur on toxics and
10 human rights; Dr. Michael Fakhri, UN Special Rapporteur on the right to food; Dr.
11 David R. Boyd, UN Special Rapporteur on human rights and the environment; Clément
12 Nyaletsossi Voule, UN Special Rapporteur on the rights to freedom of peaceful
13 assembly and of association; Jose Francisco Cali Tzay, Special Rapporteur on the rights
14 of Indigenous Peoples; Inger Anderson, Executive Director, United Nations
15 Environment Programme; Kobayashi Toshiaki, Consulate-General of Japan in
16 *Hagåtña*; U.S. President Joseph Biden, U.S. Vice President Kamala Harris,
17 Congressman James Moylan, and to the Honorable Lourdes A. Leon Guerrero, *I*
18 *Maga'hågan Guåhan*.

**DULY AND REGULARLY ADOPTED BY THE COMMITTEE ON RULES OF
I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN ON THE DAY
OF MONTH YYYY.**

THERESE M. TERLAJE
Speaker

CHRIS BARNETT
Chairperson, Committee on Rules

AMANDA L. SHELTON
Legislative Secretary

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2023 (FIRST) Regular Session

Resolution No. 93-37 (COR)

As Amended by the Author

Introduced by:

Sabina Flores Perez

Relative to joining the Commonwealth of the Northern Mariana Islands in urging the Government of Japan to consider alternatives to the discharge of more than one million tons of contaminated water from the Fukushima Daiichi Nuclear Disaster into the Pacific Ocean.

1 **BE IT RESOLVED BY THE COMMITTEE ON RULES OF *I***
2 ***MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN*:**

3 **WHEREAS**, the people of Guam, the Commonwealth of the Northern Mariana
4 Islands, and broader Oceania rely on the Pacific Ocean as a source of food, economic
5 activity, culture, tradition, travel, and recreation and safeguarding of the Pacific Ocean
6 is intrinsically linked to the protection of Pacific livelihood; and

7 **WHEREAS**, the island of Guam has a deep connection with the ocean, as it is
8 central to our lives and connects us to our ancestral roots. Therefore, it is our
9 responsibility to ensure the ocean's health and safety in order to secure it for our
10 livelihood and the livelihood of our future generations; and

11 **WHEREAS**, the Government of Japan plans to dispose of more than 1.2 million
12 tons of contaminated water from the Fukushima Daiichi Nuclear Disaster into the
13 Pacific Ocean for a span of at least three decades, which will directly impact Guam and

1 other Pacific neighbors through contamination of the ocean, its fish and wildlife
2 ecosystems, and consequently our food chain; and

3 **WHEREAS**, in 2021, the House of Representatives’ Twenty Second Northern
4 Mariana Commonwealth Legislature passed Joint Resolution 22-11 stating that, “the
5 peoples of Oceania have throughout history been disproportionately impacted by
6 foreign powers’ nuclear activities within the Pacific region,” and “foreign powers have
7 a lackluster track record for transparency and fully disclosing the dangers and risks of
8 these nuclear activities;” and

9 **WHEREAS**, the Pacific Islands Forum (PIF) appointed an independent panel of
10 five multi-disciplinary scientists to analyze data surrounding the mitigation efforts at
11 lowering the contamination levels of the radioactive waste discharge of the Fukushima
12 disaster and expressed concern about prolonged gaps in data collection and concluded
13 that supporting data is insufficient and inaccurate, with flaws in sampling protocols,
14 statistical design, and sample analyses; and

15 **WHEREAS**, Dr. Robert Richmond of the Kewalo Marine Laboratory at the
16 University of Hawai’i at Manoa stated, “releasing radioactive-contaminated water into
17 the Pacific is an irreversible action with transboundary and transgenerational
18 implications; and

19 **WHEREAS**, Article 207 of the United Nations Convention on the Law of the
20 Sea (UNCLOS) states that, “States, acting especially through competent international
21 organizations or diplomatic conference, shall endeavor to establish global and regional
22 rules, standards and recommended practices and procedures to prevent, reduce, and
23 control pollution of the marine environment from land-based sources, including
24 pipelines and outfall structures;” and

25 **WHEREAS**, the Government of Japan enlists the assistance of the International
26 Atomic Energy Agency (IAEA), so that the IAEA may provide “a technical review to
27 assess whether the actions of TEPCO and the Government of Japan to discharge the

1 ALPS treated water over the coming decades are consistent with international safety
2 standards”; and

3 **WHEREAS**, the IAEA’s May 2023 report details “the results of the first
4 interlaboratory comparison conducted for the determination of radionuclides in samples
5 of ALPS treated water,” and determines that “TEPCO has demonstrated that it has a
6 sustainable and robust analytical system in place to support the ongoing needs at the
7 Fukushima Daiichi Nuclear Power Station (FDNPS) during the discharge of ALPS
8 treated water”; and

9 **WHEREAS**, the IAEA notes that notwithstanding their determinations,
10 reassessment of the ALPS treated water discharges will need to be conducted to ensure
11 that the discharges are consistent with relevant international safety standards; and

12 **WHEREAS**, the International Atomic Energy Agency’s (IAEA) main objective
13 is to enlarge the contribution of atomic energy to peace, health and prosperity
14 throughout the world, mainly through the early detection of the diversion of nuclear
15 material or technology to the proliferation of nuclear weapons for military purpose or
16 aggression; and

17 **WHEREAS**, the IAEA is authorized under Article III of its statute to “establish
18 or adopt, in consultation and, where appropriate, in collaboration with the competent
19 organs of the United Nations and with the specialized agencies concerned, standards of
20 safety for protection of health and minimization of danger to life and property,” but
21 these standards are not legally binding on Member States and IAEA Safety Reports may
22 describe good practices and give practical examples and detailed methods that can be
23 used to meet safety requirements but they do not establish requirements or make
24 recommendations; and

25 **WHEREAS**, the preamble of the IAEA’s Joint Convention on the Safety of
26 Spent Fuel Management and on the Safety of Radioactive Waste states, “The
27 Contracting Parties, convinced that radioactive waste should, as far as is compatible

1 with the safety of the management of such material, be disposed of in the State in which
2 it was generated.” Article I of the Convention states, “The objectives of this Convention
3 are: to ensure that during all stages of spent fuel and radioactive waste management
4 there are effective defenses against potential hazards so that individuals, society and the
5 environment are protected from harmful effects of ionizing radiation, now and in the
6 future, in such a way that the needs and aspirations of the present generation are met
7 without compromising the ability of future generations to meet their needs and
8 aspirations;” and

9 **WHEREAS**, during the 2021 International Maritime Organization’s (IMO)
10 London Convention and London Protocol (LC/LP) Convention, Greenpeace, an
11 internationally recognized environmental organization, reported that the governments
12 of the Republic of Korea, China, Chile, and the Pacific Island nations of Vanuatu and
13 Palau offered recommendations to establish a working group to review alternatives such
14 as long-term storage and the application of best available technology to process the
15 contaminated water including tritium disposal technology, and

16 **WHEREAS**, three independent experts appointed by the UN Human Rights
17 Council, known as Special Rapporteurs, expressed concern over Japan’s proposal,
18 stating, “the release of one million tons of contaminated water into the marine
19 environment imposes considerable risks to the full enjoyment of human rights of
20 concerned populations in and beyond the borders of Japan,” and “we remind Japan of
21 its international obligations to prevent exposure to hazardous substances, to conduct
22 environmental impact assessments of the risks that the discharge of water may have, to
23 prevent transboundary environmental harms, and to protect the marine environment;”
24 and

25 **WHEREAS**, in their 2017-2021 communications with the Government of Japan,
26 United Nations Special Rapporteurs indicated an association between radiation
27 exposure and thyroid cancers among children and young people in Fukushima per

1 scientific evidence and the displacement of over 40,000 Fukushima citizens whose
2 status as Internally Displaced Person (IDPs) remains unacknowledged by the
3 Government of Japan following the Fukushima Daiichi Nuclear Disaster; and

4 **WHEREAS**, the Government of Japan has historically participated in or
5 considered the disposal of radioactive waste into the Pacific Ocean. For example, in
6 1980, leaders from Guam, Saipan, Samoa, Nauru, and the US Trust Territory Islands
7 strongly opposed Japan’s plan to dump 10,000 drums of low-level radioactive waste at
8 a site north of the CNMI, to which officials from Japan’s Science and Technology
9 Agency publicly responded that they would not dump into the ocean until the
10 understanding of the Pacific people was obtained; and

11 **WHEREAS**, in 1993, the Government of Japan criticized the Russian
12 Federation’s dumping of 237,000 gallons (900 tons) of low-level nuclear waste into the
13 Sea of Japan, and consequently supported an amendment to the International Maritime
14 Organization’s (IMO) London Convention and London Protocol (LC/LP) that would
15 make ocean-based dumping of low-level nuclear waste a violation of the Convention.
16 Furthermore, the Japanese Government provided approximately 2.5 billion yen
17 (\$19,395,750.00) to Russia to construct a liquid radioactive waste storage and
18 processing facility as a preventative measure against continued dumping into the Sea of
19 Japan; and

20 **WHEREAS**, multiple factors affect the decontamination of the Fukushima
21 wastewater, including (1) the number of radionuclides present are much higher than the
22 numbers generated at other power plants, (2) the presence of saltwater can affect how
23 radionuclides are filtered out, and (3) the quantity of radioactive wastewater is the
24 largest ever observed and is an unprecedented amount to discharge into the ocean; and

25 **WHEREAS**, the Kuroshio Current off the coast of the Fukushima Prefecture is
26 the Pacific Ocean’s strongest current, and the temperature and salinity of the Kuroshio
27 water are relatively high for the region. The current flows fast and deep, and feeds into

1 the North Pacific Ocean as it flows towards North America. Therefore, the wastewater
2 dumped off the coast of Fukushima can be impacted by these factors. The ocean is
3 dynamic and does not act similarly to a tank where testing the ALPS treated water
4 occurs; temperature, salinity, and biochemistry must be considered in all matters of
5 wastewater testing; and

6 **WHEREAS**, it was reported that roughly 80%, or 890,000 of 1.1 million tons of
7 the treated water still contained above-limits of Strontium-90, Cobalt-60, and
8 Ruthenium 106 along with other radionuclides. It was further noted that “with the
9 subsequent failure of Advanced Liquid Processing System (ALPS), the Non-Detectable
10 (ND) target was replaced with targets below Regulatory Limits;” and

11 **WHEREAS**, Strontium-90, with a half-life of 29.1 years, causes the most harm
12 when ingested through food or water. It can cause cancer of the bone, bone marrow,
13 and soft tissues around the bone. Cobalt-60, with a half-life of about 5.3 years, releases
14 gamma rays, and external exposure to low levels of gamma radiation through touch,
15 ingestion, or even proximity over an extended period of time can cause cancer.
16 Ruthenium-106, with a half-life of 371.5 days, is not found naturally, and high doses
17 are toxic and carcinogenic when ingested and is strongly retained in the bones; and

18 **WHEREAS**, the Government of Japan’s efforts to follow relevant international
19 safety standards are illustrated in their adherence to the World Health Organization
20 (WHO) Guidelines for Drinking-water Quality. The WHO Guidelines for Drinking-
21 water Quality indicate the Tritium guidance level to be 10,000 Bq/L, and the
22 Government of Japan establishes the ALPS treated water discharge suspension level at
23 700Bq/L and investigation level at 350Bq/L—both below the WHO guidance level for
24 Tritium; and

25 **WHEREAS**, existing ALPS technology is unable to thoroughly remove the
26 radionuclide tritium from the Fukushima wastewater. Tritium is a relatively weak
27 source of beta radiation with a half-life of 12.3 years, but it may be absorbed into the

1 body through the skin or when ingested through water or food, or when inhaled.
2 Additionally, tritium released into the environment can become organically-bound
3 tritium (OBT), and can bio-accumulate into nutrients such as carbohydrates, fats, or
4 proteins. Tritium binds to phytoplankton which can then migrate up the food chain; and
5 when consumed poses a slightly greater health risk as the body retains it longer than
6 tritiated water; and

7 **WHEREAS**, other radionuclides still present in the ALPS treated wastewater
8 have the potential to accumulate in seafloor sediments and organically bind and bio-
9 accumulate through marine organisms, which could move up the food-chain and
10 negatively impact fishing industries and consumers;

11 **WHEREAS**, contaminated water can act as another stressor on marine life, along
12 with climate change, plastic pollution, microplastics, pre-existing radioactive pollution
13 leftover from nuclear testing within the Pacific, all of which have compounding effects;
14 and

15 **WHEREAS**, a 2022 science-based study declares the risks involved with the
16 Government of Japan’s intended method of disposal of nuclear waste could lead to
17 decades-long damage that will have widespread consequences and long-term effects on
18 human health and the global marine environment. This same study asserts the “decision
19 to dispose at sea should be rectified to redistribute the disproportionate burdens to those
20 with a stake in risk-generating activities rather than to the public, the environment, and
21 the future generations that do not benefit from the disposal. Additionally, the
22 Precautionary Principle, as enshrined by Principle 15 of the Rio Declaration, dictates it
23 is better to avoid potential or uncertain threats before it is too late. Furthermore, a long-
24 term comprehensive and cumulative environmental impact study should be publicly
25 released that demonstrates the contaminated water is safe; and

26 **WHEREAS**, the Rio Declaration on Environment and Development of 1992
27 critically serves as an environmental law instrument that “defines principles for the

1 relationship of states to each other and the relationship between states and their citizens
2 in the field of environment and development,” with Principle 15 asserting “where there
3 are threats of serious or irreversible damage, lack of full scientific certainty shall not be
4 used as a reason for postponing cost-effective measures to prevent environmental
5 degradation” (i.e. precautionary approach). Per Principle 15 and the greater Rio
6 Declaration, a long-term comprehensive and cumulative environmental impact study
7 should be publicly released demonstrating the contaminated water discharged from the
8 ALPS is safe; and

9 **WHEREAS**, Fukushima Prefecture’s fishing industry was highly stigmatized
10 after the 2011 incident contaminated the surrounding marine life, and full recovery of
11 the industry has yet to be seen. Japan’s local fishermen and fishing unions oppose the
12 release, as they fear it will once again ruin the industry’s reputation and harm businesses
13 that have spent over a decade recovering; and

14 **WHEREAS**, the people of the Pacific are expected to bear the cost of foreign
15 powers’ nuclear decisions at the expense of our economies, security, environment, and
16 health; and

17 **WHEREAS**, the precedence set by the Government of Japan for all other
18 producers of nuclear waste is of great concern; now therefore, be it

19 **RESOLVED**, that the Committee on Rules of *I Mina'trentai Siette Na*
20 *Lihe slaturan Guåhan* does hereby, on behalf of the people of Guam urge the
21 Government of Japan to heed the concerns and input of its local stakeholders, its
22 neighbors in the Asia-Pacific Region, and of Pacific Island leaders to indefinitely
23 postpone the discharge nuclear contaminated water into the Pacific until safer
24 alternative solutions can be pursued in order to protect the rights of all humans to a safe
25 and healthy future; and be it further

26 **RESOLVED**, that the Committee on Rules of *I Mina'trentai Siette Na*
27 *Lihe slaturan Guåhan* urges the Government of Japan to conduct a full assessment of

1 the risks or effects of its plan to discharge nuclear wastewater into the Pacific Ocean,
2 and foster an open exchange of information with Asia-Pacific region neighbors,
3 including the Government of Guam, on a regular basis. Further, that the Government of
4 Japan consider the impact that a release of this magnitude could have on both the
5 environment and its immediate relations with neighbors such as China, South Korea,
6 Taiwan, Guam and concerned Pacific Island nations; and be it further

7 **RESOLVED**, that *I Mina'trentai Siette Na Liheslaturan Guåhan* urges President
8 Joseph Biden to take into consideration the environmental justice issues concerning the
9 people of Guam and work towards measures in rectifying it; and be it further

10 **RESOLVED**, that the Speaker and the Chairperson of the Committee on Rules
11 certify, and the Legislative Secretary attest to, the adoption hereof, and that copies of
12 the same be thereafter transmitted to Volker Türk, United Nations High Commissioner
13 for Human Rights; Dr. Marcos A. Orellana, UN Special Rapporteur on toxics and
14 human rights; Dr. Michael Fakhri, UN Special Rapporteur on the right to food; Dr.
15 David R. Boyd, UN Special Rapporteur on human rights and the environment; Clément
16 Nyaletsossi Voule, UN Special Rapporteur on the rights to freedom of peaceful
17 assembly and of association; Jose Francisco Cali Tzay, Special Rapporteur on the rights
18 of Indigenous Peoples; Inger Anderson, Executive Director, United Nations
19 Environment Programme; Ishigami Rumiko, Consulate-General of Japan in *Hagåtña*;
20 U.S. President Joseph Biden, U.S. Vice President Kamala Harris, Congressman James
21 Moylan, and to the Honorable Lourdes A. Leon Guerrero, *I Maga'hågan Guåhan*.

**DULY AND REGULARLY ADOPTED BY THE COMMITTEE ON RULES OF
I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN ON THE DAY
OF MONTH YYYY.**

THERESE M. TERLAJE
Speaker

CHRIS BARNETT
Chairperson, Committee on Rules

AMANDA L. SHELTON
Legislative Secretary

Author's Markup

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÁHAN
2023 (FIRST) Regular Session

Resolution No. 93-37 (COR)

As Amended by the Author

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Introduced by:

Sabina Flores Perez

Relative to joining the Commonwealth of the Northern Mariana Islands in urging the Government of Japan to consider alternatives to the discharge of more than one million tons of contaminated water from the Fukushima Daiichi Nuclear Disaster into the Pacific Ocean.

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1 **BE IT RESOLVED BY THE COMMITTEE ON RULES OF I**
2 ***MINA'TRENTAI SIETTE NA LIHESLATURAN GUÁHAN:***

3 **WHEREAS**, the people of Guam, the Commonwealth of the Northern Mariana
4 Islands, and broader Oceania rely on the Pacific Ocean as a source of food, economic
5 activity, culture, tradition, travel, and recreation and safeguarding of the Pacific Ocean
6 is intrinsically linked to the protection of Pacific livelihood; and

7 **WHEREAS**, the island of Guam has a deep connection with the ocean, as it is
8 central to our lives and connects us to our ancestral roots. Therefore, it is our
9 responsibility to ensure the ocean's health and safety in order to secure it for our
10 livelihood and the livelihood of our future generations; and

11 **WHEREAS**, the Government of Japan plans to dispose of more than 1.2 million
12 tons of contaminated water from the Fukushima Daiichi Nuclear Disaster into the
13 Pacific Ocean for a span of at least three decades, which will directly impact Guam and

1 other Pacific neighbors through contamination of the ocean, its fish and wildlife
2 ecosystems, and consequently our food chain; and

3 **WHEREAS**, in 2021, the House of Representatives’ Twenty Second Northern
4 Mariana Commonwealth Legislature passed Joint Resolution 22-11 stating that, “the
5 peoples of Oceania have throughout history been disproportionately impacted by
6 foreign powers’ nuclear activities within the Pacific region,” and “foreign powers have
7 a lackluster track record for transparency and fully disclosing the dangers and risks of
8 these nuclear activities;” and

9 **WHEREAS**, the Pacific Islands Forum (PIF) appointed an independent panel of
10 five multi-disciplinary scientists to analyze data surrounding the mitigation efforts at
11 lowering the contamination levels of the radioactive waste discharge of the Fukushima
12 disaster and expressed concern about prolonged gaps in data collection and concluded
13 that supporting data is insufficient and inaccurate, with flaws in sampling protocols,
14 statistical design, and sample analyses; and

15 **WHEREAS**, Dr. Robert Richmond of the Kewalo Marine Laboratory at the
16 University of Hawai’i at Manoa stated, “releasing radioactive-contaminated water into
17 the Pacific is an irreversible action with transboundary and transgenerational
18 implications; and

19 **WHEREAS**, Article 207 of the United Nations Convention on the Law of the
20 Sea (UNCLOS) states that, “States, acting especially through competent international
21 organizations or diplomatic conference, shall endeavor to establish global and regional
22 rules, standards and recommended practices and procedures to prevent, reduce, and
23 control pollution of the marine environment from land-based sources, including
24 pipelines and outfall structures;” and

25 **WHEREAS**, the Government of Japan enlists the assistance of the International
26 Atomic Energy Agency (IAEA), so that the IAEA may provide “a technical review to
27 assess whether the actions of TEPCO and the Government of Japan to discharge the

1 ALPS treated water over the coming decades are consistent with international safety
2 standards”; and

3 WHEREAS, the IAEA’s May 2023 report details “the results of the first
4 interlaboratory comparison conducted for the determination of radionuclides in samples
5 of ALPS treated water,” and determines that “TEPCO has demonstrated that it has a
6 sustainable and robust analytical system in place to support the ongoing needs at the
7 Fukushima Daiichi Nuclear Power Station (FDNPS) during the discharge of ALPS
8 treated water”; and

9 WHEREAS, the IAEA notes that notwithstanding their determinations,
10 reassessment of the ALPS treated water discharges will need to be conducted to ensure
11 that the discharges are consistent with relevant international safety standards; and

12 **WHEREAS,** the International Atomic Energy Agency’s (IAEA) main objective
13 is to enlarge the contribution of atomic energy to peace, health and prosperity
14 throughout the world, mainly through the early detection of the diversion of nuclear
15 material or technology to the proliferation of nuclear weapons for military purpose or
16 aggression; and

17 **WHEREAS,** the IAEA is authorized under Article III of its statute to “establish
18 or adopt, in consultation and, where appropriate, in collaboration with the competent
19 organs of the United Nations and with the specialized agencies concerned, standards of
20 safety for protection of health and minimization of danger to life and property,” but
21 these standards are not legally binding on Member States and IAEA Safety Reports may
22 describe good practices and give practical examples and detailed methods that can be
23 used to meet safety requirements but they do not establish requirements or make
24 recommendations; and

25 **WHEREAS,** the preamble of the IAEA’s Joint Convention on the Safety of
26 Spent Fuel Management and on the Safety of Radioactive Waste states, “The
27 Contracting Parties, convinced that radioactive waste should, as far as is compatible

1 with the safety of the management of such material, be disposed of in the State in which
2 it was generated.” Article I of the Convention states, “The objectives of this Convention
3 are: to ensure that during all stages of spent fuel and radioactive waste management
4 there are effective defenses against potential hazards so that individuals, society and the
5 environment are protected from harmful effects of ionizing radiation, now and in the
6 future, in such a way that the needs and aspirations of the present generation are met
7 without compromising the ability of future generations to meet their needs and
8 aspirations;” and

9 **WHEREAS**, during the 2021 International Maritime Organization’s (IMO)
10 London Convention and London Protocol (LC/LP) Convention, Greenpeace, an
11 internationally recognized environmental organization, reported that the governments
12 of the Republic of Korea, China, Chile, and the Pacific Island nations of Vanuatu and
13 Palau offered recommendations to establish a working group to review alternatives such
14 as long-term storage and the application of best available technology to process the
15 contaminated water including tritium disposal technology, and

16 **WHEREAS**, three independent experts appointed by the UN Human Rights
17 Council, known as Special Rapporteurs, expressed concern over Japan’s proposal,
18 stating, “the release of one million tons of contaminated water into the marine
19 environment imposes considerable risks to the full enjoyment of human rights of
20 concerned populations in and beyond the borders of Japan,” and “we remind Japan of
21 its international obligations to prevent exposure to hazardous substances, to conduct
22 environmental impact assessments of the risks that the discharge of water may have, to
23 prevent transboundary environmental harms, and to protect the marine environment;”
24 and

25 **WHEREAS**, in their 2017-2021 communications with the Government of Japan,
26 United Nations Special Rapporteurs indicated an association between radiation
27 exposure and thyroid cancers among children and young people in Fukushima per

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1 scientific evidence and the displacement of over 40,000 Fukushima citizens whose
2 status as Internally Displaced Person (IDPs) remains unacknowledged by the
3 Government of Japan following the Fukushima Daiichi Nuclear Disaster; and

4 **WHEREAS**, the Government of Japan has historically participated in or
5 considered the disposal of radioactive waste into the Pacific Ocean. For example, in
6 1980, leaders from Guam, Saipan, Samoa, Nauru, and the US Trust Territory Islands
7 strongly opposed Japan's plan to dump 10,000 drums of low-level radioactive waste at
8 a site north of the CNMI, to which officials from Japan's Science and Technology
9 Agency publicly responded that they would not dump into the ocean until the
10 understanding of the Pacific people was obtained; and

11 **WHEREAS**, in 1993, the Government of Japan criticized the Russian
12 Federation's dumping of 237,000 gallons (900 tons) of low-level nuclear waste into the
13 Sea of Japan, and consequently supported an amendment to the International Maritime
14 Organization's (IMO) London Convention and London Protocol (LC/LP) that would
15 make ocean-based dumping of low-level nuclear waste a violation of the Convention.
16 Furthermore, the Japanese Government provided approximately 2.5 billion yen
17 (\$19,395,750.00) to Russia to construct a liquid radioactive waste storage and
18 processing facility as a preventative measure against continued dumping into the Sea of
19 Japan; and

20 **WHEREAS**, multiple factors affect the decontamination of the Fukushima
21 wastewater, including (1) the number of radionuclides present are much higher than the
22 numbers generated at other power plants, (2) the presence of saltwater can affect how
23 radionuclides are filtered out, and (3) the quantity of radioactive wastewater is the
24 largest ever observed and is an unprecedented amount to discharge into the ocean; and

25 **WHEREAS**, the Kuroshio Current off the coast of the Fukushima Prefecture is
26 the Pacific Ocean's strongest current, and the temperature and salinity of the Kuroshio
27 water are relatively high for the region. The current flows fast and deep, and feeds into

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1 the North Pacific Ocean as it flows towards North America. Therefore, the wastewater
2 dumped off the coast of Fukushima can be impacted by these factors. The ocean is
3 dynamic and does not act similarly to a tank where testing the ALPS treated water
4 occurs; temperature, salinity, and biochemistry must be considered in all matters of
5 wastewater testing; and

6 **WHEREAS**, it was reported that roughly 80%, or 890,000 of 1.1 million tons of
7 the treated water still contained above-limits of Strontium-90, Cobalt-60, and
8 Ruthenium 106 along with other radionuclides. It was further noted that “with the
9 subsequent failure of Advanced Liquid Processing System (ALPS), the Non-Detectable
10 (ND) target was replaced with targets below Regulatory Limits;” and

11 **WHEREAS**, Strontium-90, with a half-life of 29.1 years, causes the most harm
12 when ingested through food or water. It can cause cancer of the bone, bone marrow,
13 and soft tissues around the bone. Cobalt-60, with a half-life of about 5.3 years, releases
14 gamma rays, and external exposure to low levels of gamma radiation through touch,
15 ingestion, or even proximity over an extended period of time can cause cancer.

16 Ruthenium-106, with a half-life of 371.5 days, is not found naturally, and high doses
17 are toxic and carcinogenic when ingested and is strongly retained in the bones; and

18 **WHEREAS**, the Government of Japan’s efforts to follow relevant international
19 safety standards are illustrated in their adherence to the World Health Organization
20 (WHO) Guidelines for Drinking-water Quality. The WHO Guidelines for Drinking-
21 water Quality indicate the Tritium guidance level to be 10,000 Bq/L, and the
22 Government of Japan establishes the ALPS treated water discharge suspension level at
23 700Bq/L and investigation level at 350Bq/L—both below the WHO guidance level for
24 Tritium; and

25 **WHEREAS**, existing ALPS technology is unable to thoroughly remove the
26 radionuclide tritium from the Fukushima wastewater. Tritium is a relatively weak
27 source of beta radiation with a half-life of 12.3 years, but it may be absorbed into the

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1 body through the skin or when ingested through water or food, or when inhaled.
2 Additionally, tritium released into the environment can become organically-bound
3 tritium (OBT), and can bio-accumulate into nutrients such as carbohydrates, fats, or
4 proteins. Tritium binds to phytoplankton which can then migrate up the food chain; and
5 when consumed poses a slightly greater health risk as the body retains it longer than
6 tritiated water; and

7 **WHEREAS**, other radionuclides still present in the ALPS treated wastewater
8 have the potential to accumulate in seafloor sediments and organically bind and bio-
9 accumulate through marine organisms, which could move up the food-chain and
10 negatively impact fishing industries and consumers;

11 **WHEREAS**, contaminated water can act as another stressor on marine life, along
12 with climate change, plastic pollution, microplastics, pre-existing radioactive pollution
13 leftover from nuclear testing within the Pacific, all of which have compounding effects;
14 and

15 **WHEREAS**, a 2022 science-based study declares the risks involved with the
16 Government of Japan’s intended method of disposal of nuclear waste could lead to
17 decades-long damage that will have widespread consequences and long-term effects on
18 human health and the global marine environment. This same study asserts the “decision
19 to dispose at sea should be rectified to redistribute the disproportionate burdens to those
20 with a stake in risk-generating activities rather than to the public, the environment, and
21 the future generations that do not benefit from the disposal. Additionally, the
22 Precautionary Principle, as enshrined by Principle 15 of the Rio Declaration, dictates it
23 is better to avoid potential or uncertain threats before it is too late. Furthermore, a long-
24 term comprehensive and cumulative environmental impact study should be publicly
25 released that demonstrates the contaminated water is safe; and

26 **WHEREAS**, the Rio Declaration on Environment and Development of 1992
27 critically serves as an environmental law instrument that “defines principles for the

1 relationship of states to each other and the relationship between states and their citizens
2 in the field of environment and development,” with Principle 15 asserting “where there
3 are threats of serious or irreversible damage, lack of full scientific certainty shall not be
4 used as a reason for postponing cost-effective measures to prevent environmental
5 degradation” (i.e. precautionary approach). Per Principle 15 and the greater Rio
6 Declaration, a long-term comprehensive and cumulative environmental impact study
7 should be publicly released demonstrating the contaminated water discharged from the
8 ALPS is safe; and

9 **WHEREAS**, Fukushima Prefecture’s fishing industry was highly stigmatized
10 after the 2011 incident contaminated the surrounding marine life, and full recovery of
11 the industry has yet to be seen. Japan’s local fishermen and fishing unions oppose the
12 release, as they fear it will once again ruin the industry’s reputation and harm businesses
13 that have spent over a decade recovering; and

14 **WHEREAS**, the people of the Pacific are expected to bear the cost of foreign
15 powers’ nuclear decisions at the expense of our economies, security, environment, and
16 health; and

17 **WHEREAS**, the precedence set by the Government of Japan for all other
18 producers of nuclear waste is of great concern; now therefore, be it

19 **RESOLVED**, that the Committee on Rules of *I Mina'trentai Siette Na*
20 *Liheslaturan Guåhan* does hereby, on behalf of the people of Guam urge the
21 Government of Japan to heed the concerns and input of its local stakeholders, its
22 neighbors in the Asia-Pacific Region, and of Pacific Island leaders to indefinitely
23 postpone the discharge nuclear contaminated water into the Pacific until safer
24 alternative solutions can be pursued in order to protect the rights of all humans to a safe
25 and healthy future; and be it further

26 **RESOLVED**, that the Committee on Rules of *I Mina'trentai Siette Na*
27 *Liheslaturan Guåhan* urges the Government of Japan to conduct a full assessment of

1 the risks or effects of its plan to discharge nuclear wastewater into the Pacific Ocean,
2 and foster an open exchange of information with Asia-Pacific region neighbors,
3 including the Government of Guam, on a regular basis. Further, that the Government of
4 Japan consider the impact that a release of this magnitude could have on both the
5 environment and its immediate relations with neighbors such as China, South Korea,
6 Taiwan, Guam and concerned Pacific Island nations; and be it further

7 **RESOLVED**, that *I Mina'trentai Siette Na Liheslaturan Guåhan* urges President
8 Joseph Biden to take into consideration the environmental justice issues concerning the
9 people of Guam and work towards measures in rectifying it; and be it further

10 **RESOLVED**, that the Speaker and the Chairperson of the Committee on Rules
11 certify, and the Legislative Secretary attest to, the adoption hereof, and that copies of
12 the same be thereafter transmitted to Volker Türk, United Nations High Commissioner
13 for Human Rights; Dr. Marcos A. Orellana, UN Special Rapporteur on toxics and
14 human rights; Dr. Michael Fakhri, UN Special Rapporteur on the right to food; Dr.
15 David R. Boyd, UN Special Rapporteur on human rights and the environment; Clément
16 Nyaletsossi Voule, UN Special Rapporteur on the rights to freedom of peaceful
17 assembly and of association; Jose Francisco Cali Tzay, Special Rapporteur on the rights
18 of Indigenous Peoples; Inger Anderson, Executive Director, United Nations
19 Environment Programme; Ishigami Rumiko, Consulate-General of Japan in *Hagåtña*;
20 U.S. President Joseph Biden, U.S. Vice President Kamala Harris, Congressman James
21 Moylan, and to the Honorable Lourdes A. Leon Guerrero, *I Maga'hågan Guåhan*.

Deleted: Kobayashi Toshiaki

**DULY AND REGULARLY ADOPTED BY THE COMMITTEE ON RULES OF
I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN ON THE DAY
OF MONTH YYYY.**

THERESE M. TERLAJE
Speaker

CHRIS BARNETT
Chairperson, Committee on Rules

AMANDA L. SHELTON
Legislative Secretary