



Office of the Governor of Guam

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

MAY 19 2010

2010 MAY 19 PM 3:42

The Honorable Judith T. Won Pat, Ed.D.
Speaker
Mina' Trenta Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Transmitted herewith is Substitute Bill No. 272-30 (COR) "AN ACT TO ADD A NEW §6233 TO ARTICLE 2 OF CHAPTER 6, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO THE DIVISION OF ENVIRONMENTAL HEALTH OF THE DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES; AND TO BE KNOWN AS THE 'ENVIRONMENTAL PUBLIC HEALTH MODERNIZATION AND REVITALIZATION ACT OF 2010'", which I signed into law on May 17, 2010 as Public Law 30-138.

Sins eru yan Magåhet,

MICHAEL W. CRUZ, M.D.
I Maga'låhen Guahan para pa'go
Acting Governor of Guahan

30-10-0456

Attachment: copy of Bill

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Substitute Bill No. 272-30 (LS), "AN ACT TO ADD A NEW §6233 TO ARTICLE 2 OF CHAPTER 6, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO THE DIVISION OF ENVIRONMENTAL HEALTH OF THE DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES; AND TO BE KNOWN AS THE 'ENVIRONMENTAL PUBLIC HEALTH MODERNIZATION AND REVITALIZATION ACT OF 2010'," was on the 3rd day of May, 2010, duly and regularly passed.



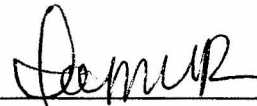
Judith T. Won Pat, Ed. D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 5th day of May, 2010, at
4:00 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



MIKE W. CRUZ, MD
GOVERNOR OF GUAM ACTING

MAY 17 2010

Date: _____

Public Law No. P.L. 30-138

I MINA'TRENTA NA LIHESLATURAN GUAHAN
2009 (FIRST) Regular Session

Bill No. 272-30 (LS)

As substituted by the Committee on Economic
Development, Health & Human Services, and Judiciary,
and further substituted and amended on the Floor.

Introduced by:

F. B. Aguon, Jr.
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
E. J.B. Calvo
B. J.F. Cruz
J. V. Espaldon
Judith P. Guthertz, DPA
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
v. c. pangelinan
R. J. Respicio
Telo Taitague
Ray Tenorio
Judith T. Won Pat, Ed.D.

**AN ACT TO *ADD* A NEW §6233 TO ARTICLE 2 OF
CHAPTER 6, TITLE 4, GUAM CODE ANNOTATED,
RELATIVE TO THE DIVISION OF ENVIRONMENTAL
HEALTH OF THE DEPARTMENT OF PUBLIC
HEALTH & SOCIAL SERVICES; AND TO BE KNOWN
AS THE “*ENVIRONMENTAL PUBLIC HEALTH
MODERNIZATION AND REVITALIZATION ACT OF
2010*”.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Intent.** The functions of the environmental public
3 health practitioners of the Department of Public Health and Social Services,

1 Division of Environmental Health (DEH) are vital in protecting the health and
2 safety of the public, therefore, *I Liheslaturan Guåhan* finds it necessary to
3 modernize the Division’s professional-technical personnel and revitalize their
4 functions by addressing their qualifications, shortages, recruitment, and retention.

5 The environmental public health practitioners of DEH implement programs
6 that prevent injuries, diseases, disabilities, and death. As a result, the Division’s
7 prevention programs promote a healthy community, which in turn lessens the
8 burden placed on our island’s healthcare system. However, in order to deliver
9 effective environmental public health programs to the community, DEH must be
10 appropriately organized and equipped with an adequate number of qualified
11 personnel. Unfortunately, because the DEH is currently hindered by outdated job
12 classifications, recruitment and retention difficulties, and funding constraints,
13 much of its services are *not* adequately provided to the public.

14 Currently, there are three (3) different professional-technical positions in the
15 DEH. They are the Environmental Health Specialists (EHS), Public Health
16 Inspectors (PHI), and the Engineers. Each position plays an integral part in
17 implementing the mission of the Division. Although all three (3) positions perform
18 environmental health tasks, each has a specific role and qualification standards,
19 which adversely impacts the overall operation of the Division. The duties and
20 responsibilities of these three (3) positions need to be consolidated to enable the
21 Division to effectively assign personnel where needed, without hindrance or
22 restrictions posed by differing positions titles and specifications. Furthermore, the
23 qualification standards of the DEH staff need to be increased to reflect the demand
24 and expectation of the job and to better enable the division to recruit individuals
25 who will be sufficiently prepared to perform their duties and responsibilities in the
26 field of environmental health.

1 In addition to higher qualification standards, competitive salaries must be
2 implemented to promote the recruitment and retention of the DEH personnel.
3 Existing salaries are far below the wages offered in the private sector and similar
4 government positions of other jurisdictions. The 2008 Hay Evaluation of the
5 Division's Environmental Health Specialist position alone recommended a pay
6 increase of over thirty percent (30%).

7 The challenges facing DEH are issues that are similarly impacting federal,
8 state, and other local governments. Attracting, recruiting, and retaining qualified
9 individuals in the field of environmental public health have become increasingly
10 difficult due to non-competitive wages, and a shrinking and aging workforce, while
11 the need for such services have grown and expanded over the years. According to
12 a 2003 report issued by U.S. Centers for Disease Control and Prevention, a
13 revitalization of the environmental public health services is necessary because its
14 functions affect millions of people at significant costs, and as emerging health
15 problems require innovative interventions, environmental public health is
16 important in responding to terrorism and other emergencies, and the field is
17 becoming more and more complex.

18 For the DEH, the recruitment of environmental public health practitioners
19 has been few and far between, and retaining them has been a struggle. The many
20 responsibilities and demands placed on the staff of DEH, along with non-
21 competitive pay, have resulted in the departure of several employees over the years
22 for better opportunities, less demanding tasks, and improved working conditions.
23 The absence of an adequate number of qualified environmental public health
24 practitioners in the Division has caused: a decline in the number of sanitation
25 inspections; the absence of an effective vector surveillance and control programs;
26 the continued importation and sale of adulterated and misbranded consumer
27 commodities; the diversion of pharmaceutical controlled substances into illicit

1 channels; an inability to adequately respond to vector- and food-borne disease
2 outbreaks or any deliberate attack of our food system; and the non-existence of the
3 radiological health program to protect the community from the hazards of ionizing
4 radiation-emitting devices, such as x-ray machines.

5 The need to modernize and revitalize the Division of Environmental Health
6 is even greater now in light of the pending military buildup. The anticipated
7 growth of the island in population and regulated facilities, such as barracks,
8 restaurants, bars, massage facilities, and hotels will only further place additional
9 demands on DEH. According to the latest data from the Military-Civilian Task
10 Force, Guam can expect nearly forty thousand (40,000) active military personnel
11 and their dependents, and civilian growth of an additional twenty thousand
12 (20,000) people, in the next five (5) years. As a result, the Division foresees a
13 need for growth in personnel number. In its attempt to meet current mandates and
14 the anticipated military buildup, the Division must be given the resources it needs
15 to serve the people of Guam, its visitors and the military.

16 Therefore, it is the intent of *I Liheslaturan Guåhan* to modernize and
17 revitalize the Division of Environmental Health. A new position series within the
18 Division of Environmental Health should be created to supplement the existing
19 three (3) professional-technical positions with increased qualification standards.
20 An updated pay structure *shall* be implemented for the new position series to
21 provide competitive salaries and compensation to the employees. To encourage
22 the retention of these personnel, and promote their continuing education, incentive
23 pay for professional certification *shall* be made available to them.

24 **Section 2.** This Act *shall* be known as the “*Environmental Public Health*
25 *Modernization and Revitalization Act of 2010.*”

26 **Section 3.** A new §6233 is *added* to Article 2, Chapter 6 of Title 4, Guam
27 Code Annotated, to read:

1 **“§6233.** The Director of Administration in consultation with the
2 Department of Public Health and Social Services *shall* establish a new series
3 of positions, called Environmental Public Health Officers, within the
4 Division of Environmental Health to replace the Division’s Environmental
5 Health Specialist, Engineer, and Public Health Inspector positions.

6 The new specifications *shall* be based on the following criteria:

7 (a) The nature of work; summary statement of examples of
8 duties performed; a statement of minimum qualifications; and the
9 minimum knowledge, abilities, and skills needed to perform the work
10 of the Environmental Public Health Officer positions, which *shall* be
11 the various combination of the class specifications of Public Health
12 Inspectors, Environmental Health Specialists, and Engineers that are
13 specific to the mission and mandates of the Division of Environmental
14 Health of the Department of Public Health and Social Services;

15 (b) Hierarchical position levels of the Environmental Public
16 Health Officer series *shall* begin with the Environmental Public
17 Health Officer I, followed by Environmental Public Health Officer II,
18 Environmental Public Health Officer III, Environmental Public Health
19 Officer Supervisor, Environmental Public Health Officer
20 Administrator, and concluding with the Chief Environmental Public
21 Health Officer;

22 (c) The minimum education requirements of all positions
23 within the Environmental Public Health Officer II and above series
24 *shall* be (1) a bachelor’s degree in any field of study from any
25 accredited college or university; (2) a college algebra course or higher
26 level math; and (3) thirty (30) semester or forty-five (45) quarter
27 hours in basic sciences;

1 (d) The Director of Administration, in collaboration with the
2 Department of Public Health and Social Services, *shall* reclassify
3 existing Environmental Health Specialists, Engineers and Public
4 Inspectors of the Division of Environmental Health in the
5 Environmental Public Health Officer I positions; and

6 (e) The Chief Environmental Public Health Officer of the
7 Environmental Public Health Officer series must possess a master's
8 degree in the field of environmental health, environmental science,
9 environmental engineering, biology, chemistry, public health, physical
10 science, or natural sciences.”

11 **Section 4. Timely Implementation.** The Department of Administration
12 *shall*, within one hundred twenty (120) days of the implementation of this Act,
13 submit to *I Liheslaturan Guåhan*, via *I Maga'lahaen Guåhan*, the positions, class
14 specifications, hierarchal structure, etc., mandated to be developed pursuant to this
15 Act, for Legislative concurrence. *I Liheslaturan Guåhan shall* have sixty (60) days
16 to act upon the submission, which *shall* be deemed approved if *no* action is taken
17 to reject or amend the submission.

18 **Section 5. Effective Date.** This Act *shall* take effect immediately upon
19 enactment.

20 **Section 6. Severability.** *If* any provision of this Act or its application to
21 any person or circumstance is held invalid, the invalidity does *not* affect other
22 provisions or applications of this Act, which can be given effect without the invalid
23 provision or application, and to this end the provisions of this Act are severable.



SENATOR FRANK B. AGUON, JR.
 Chairman, Committee on Economic Development,
 Health & Human Services, and Judiciary
I Mina' Trenta Na Liheslaturan Guåhan
 (Thirtieth Guam Legislature)



February 17, 2010

The Honorable Judith T. Won Pat, Ed.D.
 Speaker
 I Mina' Trenta na Liheslaturan Guåhan
 155 Hesler Place
 Hagåtña, Guam 96910

VIA: The Honorable Rory J. Respicio
 Chairperson, Committee on Rules

RE: Committee Report on Bill No. 272-30 (LS), as Substituted by the Committee on Economic Development, Health & Human Services, and Judiciary.

2010 FEB 22 04:12:04
 [Signature]

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 272-30 (LS), as Substituted – **“AN ACT RELATIVE TO THE DIVISION OF ENVIRONMENTAL HEALTH OF THE DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES; TO AMEND §6229 OF, AND ADD A NEW §6233 - §6233.12 AND §6234 TO, ARTICLE 2, CHAPTER 6 OF TITLE 4 GUAM CODE ANNOTATED; TO AMEND §20121 OF, AND ADD A NEW §20122 AND §20123 TO, CHAPTER 20 OF TITLE 10 GUAM CODE ANNOTATED; AND TO AMEND §7119 OF CHAPTER 7 OF TITLE 22 GUAM CODE ANNOTATED.”** – sponsored by Senator Frank B. Aguon, Jr., and referred to the Committee on Economic Development, Health & Human Services, and Judiciary.

Committee votes are as follows:

- 2 TO PASS
- NOT TO PASS
- 4 TO REPORT OUT ONLY
- TO ABSTAIN
- TO PLACE IN INACTIVE FILE

Sincerely,

FRANK B. AGUON, JR.



SENATOR FRANK B. AGUON, JR.
Chairman, Committee on Economic Development,
Health & Human Services, and Judiciary
I Mina'Trenta Na Liheslaturan Guåhan
(Thirtieth Guam Legislature)



COMMITTEE REPORT

BILL NO. 272 (LS),
as Substituted By the Committee on Economic
Development, Health & Human Services, and Judiciary

(by Senator Frank B. Aguon, Jr)

“AN ACT RELATIVE TO THE DIVISION OF ENVIRONMENTAL HEALTH OF THE DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES; TO AMEND §6229 OF, AND ADD A NEW §6233 - §6233.12 AND §6234 TO, ARTICLE 2, CHAPTER 6 OF TITLE 4 GUAM CODE ANNOTATED; TO AMEND §20121 OF, AND ADD A NEW §20122 AND §20123 TO, CHAPTER 20 OF TITLE 10 GUAM CODE ANNOTATED; AND TO AMEND §7119 OF CHAPTER 7 OF TITLE 22 GUAM CODE ANNOTATED.”



SENATOR FRANK B. AGUON, JR.
Chairman, Committee on Economic Development,
Health & Human Services, and Judiciary
I Mina'Trenta Na Liheslaturan Guåhan
(Thirtieth Guam Legislature)



February 17, 2010

MEMORANDUM

To: ALL MEMBERS
Committee on Economic Ddevelopment, Health & Human Services and Judiciary

From: SENATOR FRANK B. AGUON, JR.
Committee Chairperson

Subject: Committee Report on Bill No. 272-30 (LS), as Substituted by the Committee.

Transmitted herewith for your consideration is the Committee Report on Bill No. 272-30 (LS) – “AN ACT RELATIVE TO THE DIVISION OF ENVIRONMENTAL HEALTH OF THE DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES; TO AMEND §6229 OF, AND ADD A NEW §6233 - §6233.12 AND §6234 TO, ARTICLE 2, CHAPTER 6 OF TITLE 4 GUAM CODE ANNOTATED; TO AMEND §20121 OF, AND ADD A NEW §20122 AND §20123 TO, CHAPTER 20 OF TITLE 10 GUAM CODE ANNOTATED; AND TO AMEND §7119 OF CHAPTER 7 OF TITLE 22 GUAM CODE ANNOTATED,” sponsored by Senator Frank B. Aguon, Jr.

This report includes the following:

- Committee Voting Sheet
- Committee Report Narrative / Digest
- Copy of Substitute Bill No.272-30 (LS)
- Copy of Bill No.272-30 (LS)
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- Copy of COR Referral of Bill No. 272-30 (LS)
- Notices of Public Hearing (1st and 2nd)
- Copy of the Public Hearing Agenda
- Related News Articles (Public hearing publication of public notice)

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

Si Yu'os ma'åse'!



SENATOR FRANK B. AGUON, JR.
 Chairman, Committee on Economic Development,
 Health & Human Services, and Judiciary
I Mina'Trenta Na Liheslaturan Guåhan
 (Thirtieth Guam Legislature)



COMMITTEE VOTING SHEET

BILL No. 272-30 (LS) – “AN ACT RELATIVE TO THE DIVISION OF ENVIRONMENTAL HEALTH OF THE DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES; TO AMEND §6229 OF, AND ADD A NEW §6233 - §6233.12 AND §6234 TO, ARTICLE 2, CHAPTER 6 OF TITLE 4 GUAM CODE ANNOTATED; TO AMEND §20121 OF, AND ADD A NEW §20122 AND §20123 TO, CHAPTER 20 OF TITLE 10 GUAM CODE ANNOTATED; AND TO AMEND §7119 OF CHAPTER 7 OF TITLE 22 GUAM CODE ANNOTATED.”

Sponsored by Senator Frank B. Aguon, Jr.; and as Substituted by the Committee.

	SIGNATURE	TO PASS	NOT TO PASS	REPORT OUT ONLY	ABSTAIN	PLACE IN INACTIVE FILE
FRANK B. AGUON, JR. Chairman	<i>[Signature]</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ADOLPHO B. PALACIOS, SR. Vice Chairman	<i>[Signature]</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BENJAMIN J.F. CRUZ Vice Speaker	<i>[Signature]</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TINA ROSE MUÑA BARNES Legislative Secretary	<i>[Signature]</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
THOMAS C. ADA	<i>[Signature]</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JUDITH P. GUTHERTZ		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RORY J. RESPICIO		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FRANK F. BLAS, JR.	<i>[Signature]</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TELO TAITAGUE	<i>[Signature]</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RAY TENORIO		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



SENATOR FRANK B. AGUON, JR.
Chairman, Committee on Economic Development,
Health & Human Services, and Judiciary
I Mina'Trenta Na Liheslaturan Guåhan
(Thirtieth Guam Legislature)



COMMITTEE REPORT DIGEST

BILL NO. 272 (LS), As Substituted by the Committee

I. OVERVIEW

The Committee on Economic Development, Health & Human Services, & Judiciary, convened a public hearing on Thursday, February 11, 2010 at 1:30 PM in *I Liheslatura's* Public Hearing Room. Among the items on the agenda was the consideration of **BILL NO. 272 (LS) – “AN ACT RELATIVE TO THE DIVISION OF ENVIRONMENTAL HEALTH OF THE DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES; TO AMEND §6229 OF, AND ADD A NEW §6233 - §6233.12 AND §6234 TO, ARTICLE 2, CHAPTER 6 OF TITLE 4 GUAM CODE ANNOTATED; TO AMEND §20121 OF, AND ADD A NEW §20122 AND §20123 TO, CHAPTER 20 OF TITLE 10 GUAM CODE ANNOTATED; AND TO AMEND §7119 OF CHAPTER 7 OF TITLE 22 GUAM CODE ANNOTATED,”** sponsored by Senator Frank B. Aguon, Jr..

Public Notice Requirements

Notices were disseminated via hand-delivery/fax to all senators and all main media broadcasting outlets on February 4, 2010 (5-Day Notice) in the Marianas Variety, and again on February 9, 2010 (48-Hour Notice) in the Marianas Variety.

Senators Present

Senator Frank B. Aguon, Jr., Chairperson
Senator Adolpho B. Palacios, Vice-Chairperson
Senator Tina Muna-Barnes, Committee Member
Senator Vicente C. Pangelinan, Committee Member
Senator Telo Taitague, Committee Member
Senator Ray Tenorio, Committee Member
Senator Eddie B. Calvo

Note: Due to the coinciding Legislative Session, Committee Members and Senators attended, left, and reentered the Public Hearing on a regular basis.

The public hearing was Called-to-Order at 1:35 PM.

II. SUMMARY OF TESTIMONY & DISCUSSION

CHAIRMAN FRANK B. AGUON, Jr., convened the discussion on Bill No. 272 (LS) at 3:02 PM, and, again explained that Senators and Committee members would be joining and leaving the hearing on a continuing basis due the Legislative Session running concurrently with the hearing. Called the first panel to testify.

Mr. Barry Mead CFBE, CHE, Chairman, Guam Food Safety Task Force, and Assistant Professor, Guam Community College. Submitted written testimony (attached), and provided oral testimony, **IN SUPPORT** of Bill No. 272: Read written testimony. In addition to his written testimony, stated, that the Division of Environmental Health is having a hard time implementing the FDA 2007 Food Code due to difficulties obtaining the \$50,000 estimated as necessary to do the economic impact study which is necessary pursuant to law . Requested that Bill No. 272 be amended so as to exempt the Division from the requirement of performing an economic impact study.

Catherine C. San Nicolas, member, Guam Food Safety Task Force, and, Registered Dietician and Hospital Food Services Administrator, Dietetic Services Department, Guam Memorial Hospital Authority. Submitted written testimony (attached), and provided oral testimony, **IN SUPPORT** of Bill No. 272. Read written testimony.

Frank Toves, member Guam Food Safety Task Force, and incoming Chairman, as well as **General Manager, Gyoza-Yatai Guam restaurant.** Submitted written testimony (attached), and provided oral testimony, **IN SUPPORT** of Bill No. 272. Briefly stated support for passage of Bill No. 272 (LS).

Arthur U. San Agustin, Acting Director, Department of Public Health & Social Services. Submitted written testimony by **J. Peter Roberto, ACSW, Director, DPH&SS** (attached), and provided oral testimony, **IN SUPPORT** of Bill No. 272. Read written testimony.

M. Thomas Nadeau, Environmental Health Specialist Administrator, Division of Environmental Health, DPH&SS. Submitted written testimony (attached), and provided oral testimony, **IN SUPPORT** of Bill No. 272. Read written testimony.

CHAIRMAN AGUON: Opened up questions from Senators.

SENATOR TELO TAITAGUE: One of the sources for funding is the Manpower Development Fund which goes to GCC [Guam Community College] – will this Bill affect GCC?

CHAIRMAN AGUON: Clarified that in recent legislation by Senator Tom Ada, increased the allocation of percentage of funds from H-2 workers fees, and that increase will go to the Division of Environmental Health.

Rosanna Rabago, Environmental Health Specialist, Division of Environmental Health, DPH&SS. Submitted written testimony (attached) as a private citizen, and provided oral

testimony, **IN SUPPORT** of Bill No. 272. Read written testimony. Noted that she has included an attachment listing the *Ten (10) Essential Environmental Public Health Services*.

Katherine Duenas, , **DPH&SS**. Submitted written testimony (attached), **IN SUPPORT** of Bill No. 272. Signed up, for the record, to testify in favor of Bill No. 272, but did not personally address the Committee in oral testimony.

Teresa I. Gutierrez, **DPH&SS**. Signed up, for the record, to testify **IN SUPPORT** of Bill No. 272, but did not personally address the Committee in oral testimony. Note: Sign-in Sheet is check-marked in the affirmative for the submission of written testimony, **however**, no copy was provided to Committee Staff.

Ronald B. Carandang, **Environmental Health Specialist Supervisor, Division of Environmental Health, DPH&SS**. Submitted written testimony (attached), and provided oral testimony, **IN SUPPORT** of Bill No. 272. Read written testimony.

Evan A. Lum, **Environmental Health Specialist Supervisor, Division of Environmental Health, DPH&SS**. Submitted written testimony (attached), **IN SUPPORT** of Bill No. 272. Signed up, for the record, to testify in favor of Bill No. 272, but did not personally address the Committee in oral testimony.

Sian Yang, Ph.D., Associate Professor, Food Science, University of Guam. Submitted written testimony (attached), **IN SUPPORT** of Bill No. 272. Signed up, for the record, to testify in favor of Bill No. 272, but did not personally address the Committee in oral testimony.

Frankie A. Cruz, **member, Guam Food Safety Task Force, and, General Manager, Guam Fast Foods, Inc.** Submitted written testimony (attached), **IN SUPPORT** of Bill No. 272. Signed up, for the record, to testify in favor of Bill No. 272, but did not personally address the Committee in oral testimony.

CHAIRMAN AGUON: Commended the Director, DPH&SS, the DEH Division Administrator and supervisors for allowing the employees to testify on Bill No. 272.

There being no further testimony, the Chairman **CONCLUDED THE PUBLIC HEARING ON BILL NO. 272 (LS)**.

III. FINDINGS & RECOMMENDATIONS

Bill No. 272 (LS), received **TWELVE (12) testimonies IN SUPPORT**.

No testimony was received opposed to Bill No. 272 (LS).

Amendments

1. A substantive amendment was made to Section 18 of the Bill, to provide for a triennial review of all fee schedules, instead of annually. It reads, as follows:

“**Section 18.** A new Section 20122 is added to Chapter 20 of Division 2, Title 10, Guam Code Annotated, to read:

“**§20122. Fee Schedule Review.**

(a) The Division of Environmental Health shall triennially [~~annually~~] review, and revise if necessary, all fee schedule(s) of the division to determine if there is a need to adjust such fees for recouping costs incurred, or will be incurring, by the division for issuing permits, certificates, and registrations; conducting inspections; and any other services provided by the division as required by law.”

2. Section 19 of the Bill was deleted in its entirety, to avoid a conflict with Public Law 30-64, which the Committee considers already adequately covers the intent of the proposed new Section 19.
3. Section 20 of the Bill was amended by the deletion of the proposed amendments to §7119(b), and the addition of a new Sub-section (c) relative to authorizing the Division of Environmental Health, DPH&SS, to recruit temporary, limited term employees until September 30, 2010, to address *the anticipated military build-up, and the significant need to ensure that worker's dormitories and other facilities regulated by the Division of Environmental Health of the Department of Public Health and Social Services comply with sanitary requirements of governing rules and regulations, and for the implementation of other environmental public health programs of the division, to protect the health of the non-immigrant temporary workers, island visitors, and the people of Guam from environmental hazards.* For this purpose, the Division of Environmental Health is authorized to utilize funds from the DPHSS Sanitary Inspection Revolving Fund, and the Environmental Health Fund, subject

No other substantive amendments, other than minor technical corrections, were made to the Bill.

The Committee on Economic Development, Health & Human Services, and Judiciary hereby reports out Bill No. 272 (LS), As Substituted by the Committee, with the recommendation TO REPORT OUT ONLY.

MINA' TRENTA NA LIHESLATURAN GUAHAN
THIRTIETH GUAM LEGISLATURE
2009 (FIRST) Regular

2009 H101 - 11
M 2:25

Bill No. 27239 (LS)

Introduced by:

FRANK B. AGUON, JR.

AN ACT RELATIVE TO THE DIVISION OF ENVIRONMENTAL HEALTH OF THE DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES; TO AMEND §6229 OF, AND ADD A NEW §6233 - §6233.12 AND §6234 TO, ARTICLE 2, CHAPTER 6 OF TITLE 4 GUAM CODE ANNOTATED; TO AMEND §20121 OF, AND ADD A NEW §20122 AND §20123 TO, CHAPTER 20 OF TITLE 10 GUAM CODE ANNOTATED; AND TO AMEND §7119 OF CHAPTER 7 OF TITLE 22 GUAM CODE ANNOTATED.

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Intent.** The functions of the environmental public
3 health practitioners of the Department of Public Health and Social Services,
4 Division of Environmental Health (DEH) are vital in protecting the health and
5 safety of the public, therefore, the *I Liheslaturan Guahan* finds it necessary to
6 modernize the division's professional-technical personnel and revitalize their
7 functions by addressing their qualifications, shortages, recruitment, and retention.

8 The environmental public health practitioners of DEH implement programs
9 that prevent injuries, diseases, disabilities, and death. As a result, the division's
10 prevention programs promote a healthy community which in turn lessens the
11 burden placed on our island's healthcare system. However, in order to deliver
12 effective environmental public health programs to the community, DEH must be
13 appropriately organized and equipped with adequate number of qualified

1 personnel. Unfortunately, because the DEH is currently hindered by outdated job
2 classifications, recruitment and retention difficulties, and funding constraints,
3 much of its services are not adequately provided to the public.

4 Currently, there are three different professional-technical positions in the
5 DEH. They are the Environmental Health Specialists (EHS), Public Health
6 Inspectors (PHI), and the Engineers. Each position plays an integral part in
7 implementing the mission of the division. Although all three positions perform
8 environmental health tasks, each has a specific role and qualification standards,
9 which adversely impacts the overall operation of the division. The duties and
10 responsibilities of these three positions need to be consolidated so to enable the
11 division to effectively assign personnel where needed without hindrance or
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13 qualification standards of the DEH staff need to be increased to reflect the demand
14 and expectation of the job and to better enable the division to recruit individuals
15 who will be sufficiently prepared to perform their duties and responsibilities in the
16 field of environmental health.

17 In addition to higher qualification standards, competitive salaries must be
18 implemented to promote the recruitment and retention of the DEH personnel.
19 Existing salaries are far below the wages offered in the private sector and similar
20 government positions of other jurisdictions. The 2008 Hay Evaluation of the
21 division's Environmental Health Specialist position alone recommended a pay
22 increase of over 30%.

23 The challenges facing DEH are issues that are similarly impacting federal,
24 state, and other local governments. Attracting, recruiting, and retaining qualified
25 individuals in the field of environmental public health have become increasingly
26 difficult due to non-competitive wages, and a shrinking and aging workforce, while
27 the need for such services have grown and expanded over the years. According to
28 a 2003 report issued by U.S. Centers for Disease Control and Prevention, a

1 revitalization of the environmental public health services is necessary because its
2 functions affect millions of people at significant costs, emerging health problems
3 require innovative interventions, environmental public health is important in
4 responding to terrorism and other emergencies, and the field is becoming more and
5 more complex.

6 For the DEH, the recruitment of environmental public health practitioners
7 has been few and far in between, and retaining them has been a struggle. The
8 many responsibilities and demands placed on the staff of DEH, along with non-
9 competitive pay, have resulted in the departure of several employees over the years
10 for better opportunities, less demanding tasks, and improved working conditions.
11 The absence of adequate number of qualified environmental public health
12 practitioners in the division has caused: a decline in the number of sanitation
13 inspections, the absence of an effective vector surveillance and control programs,
14 continued importation and sale of adulterated and misbranded consumer
15 commodities, diversion of pharmaceutical controlled substances into illicit
16 channels, inability to adequately respond to vector- and food-borne disease
17 outbreaks or any deliberate attack of our food system, and the non-existence of the
18 radiological health program to protect the community from the hazards of ionizing
19 radiation-emitting devices such as x-ray machines.

20 The need to modernize and revitalize the Division of Environmental Health
21 is even greater now in light of the pending military build-up. The anticipated
22 growth of the island in population and regulated facilities, such as barracks,
23 restaurants, bars, massage facilities, and hotels will only further place additional
24 demands on DEH. According to the latest data from the Military-Civilian Task
25 Force, Guam can expect nearly 40,000 active military personnel and their
26 dependents, and civilian growth of additional 20,000 people, in the next five years.
27 As a result, the division foresees a need for growth in personnel number. In
28 attempt to meet current mandates and the anticipated military build-up, the division

1 must be given the resources it needs to serve the people of Guam and its visitors
2 and the military.

3 Therefore, it is the intent of *I Liheslaturan Guahan* to modernize and
4 revitalize the Division of Environmental Health. A new position series within the
5 Division of Environmental Health will be created to replace the existing three
6 professional-technical positions with increased qualification standards. The DEH
7 staff impacted will be reclassified into one of the positions of this new series. An
8 updated pay structure shall be implemented for the new position series to provide
9 competitive salaries and compensation to the employees. To encourage the
10 retention of these personnel, and promote their continuing education, incentive pay
11 for professional certification shall be made available to them.

12 The funding will derive from the Environmental Health Fund, which will be
13 more readily accessible to the division, and from the creation of the Environmental
14 Health Military Build-Up Fund.

15 **Section 2.** This Act shall be known as the “*Environmental Public Health*
16 *Modernization and Revitalization Act of 2009.*”

17 **Section 3.** Section 6229 of Article 2, Chapter 6 of Title 4, Guam Code
18 Annotated, is amended to read:

19 “§6229. **Definition.** As used in this and any other applicable Act the
20 following words and phrases are defined to mean:

21 (a) ‘Basic science’ means those college courses in the
22 sciences, such as environmental health, environmental science,
23 biology, chemistry, physics, engineering, and other courses
24 acknowledged by the National Environmental Health Association as
25 part of the association’s qualification requirements for the Registered
26 Environmental Health Specialist or Registered Sanitarian
27 examination.

1
2 (a)(b) 'Board' means the Guam Boards under the Healing Arts.

3 (b)(c) 'Class Specifications' means official document which
4 describes the general characteristics of a class, including the title;
5 nature of work; summary statement of examples of duties performed;
6 a statement of minimum qualifications; and the minimum knowledge,
7 abilities and skills needed to perform the work which provides the
8 criteria for placing each position in its proper class.

9 (d) 'Division of Environmental Health' ("DEH") means the
10 Division of Environmental Health of the Department of Public Health
11 and Social Services, or its successor, as provided in §20103 of
12 Chapter 20, Title 10 Guam Code Annotated.

13 (e) 'Environmental Public Health Officer' ("EPHO") means
14 an environmental health practitioner within the Division of
15 Environmental Health of the Department of Public Health and Social
16 Services who conducts inspections, investigations, surveillance, plan
17 review, warnings, permitting, grading, risk management, sampling,
18 analyses, education, supervision, and other activities of environmental
19 health programs of DEH.

20 (e)(f) 'HealthCare professional(s)' means any employee in the
21 government agencies who is essential to the delivery of patient/client
22 care services, and as defined in §10101 of Title 10 of the Guam Code
23 Annotated and §5 of Public Law Number 22-87.

24 (d)(g) 'Known-Promotion-Potential' ("KPP") means an upward
25 career mobility in a series of positions within an organization without
26 competition, and where at an earlier date an employee was selected
27 under a competitive examination.

1 (h) 'National Environmental Health Association' ("NEHA")
2 means the national professional society for environmental health
3 practitioners, or its successor, that issues the professional
4 credentialing of Registered Environmental Health Specialist or
5 Registered Sanitarian.

6 (e)(i) 'Nurse(s)' means a professional nurse who is licensed by
7 the Guam Board of Nurse Examiners to practice as a registered nurse,
8 or as an advanced practice registered nurse on Guam.

9 (j) 'Registered Environmental Health Specialist ("REHS")
10 or Registered Sanitarian ("RS")' means the highest professional
11 credentialing offered by the National Environmental Health
12 Association."

13 **Section 4.** A new §6233 is added to Article 2 of Chapter 6, Title 4, Guam
14 Code Annotated, to read:

15 **"§6233. Environmental Public Health Officer.** There shall be within the
16 Division of Environmental Health of the Department of Public Health and
17 Social Services an Environmental Public Health Officer position series to
18 replace the division's Environmental Health Specialists, Engineers, and
19 Public Health Inspectors."

20 **Section 5.** A new §6233.01 is added to Article 2 of Chapter 6, Title 4,
21 Guam Code Annotated, to read:

22 **"§6233.01. Duties and Responsibilities of Environmental Public Health**
23 **Officer.** The Director of Administration, in close collaboration with the
24 Department of Public Health and Social Services, shall establish class
25 specifications and updated pay schedule for the Environmental Public
26 Health Officer position series based on the following criteria:

1 (a) The nature of work; summary statement of examples of
2 duties performed; a statement of minimum qualifications; and the
3 minimum knowledge, abilities, and skills needed to perform the work
4 of the Environmental Public Health Officer positions, which shall be
5 the various combination of the class specifications of Public Health
6 Inspectors, Environmental Health Specialists, and Engineers that are
7 specific to the mission and mandates of the Division of Environmental
8 Health of the Department of Public Health and Social Services;

9 (b) Hierarchical position levels of the Environmental Public
10 Health Officer series shall begin with the Environmental Public
11 Health Officer I, followed by Environmental Public Health Officer II,
12 Environmental Public Health Officer III, Environmental Public Health
13 Officer Supervisor, Environmental Public Health Officer
14 Administrator, and concluding with the Chief Environmental Public
15 Health Officer;

16 (c) The minimum education requirements of all positions
17 within the Environmental Public Health Officer series shall be (1) a
18 bachelor's degree in any field of study from any accredited college or
19 university; (2) a college algebra course or higher level math; and (3)
20 30 semester or 45 quarter hours in basic sciences; and

21 (d) The Chief Environmental Public Health Officer of the
22 Environmental Public Health Officer series must possess a master's
23 degree in the field of environmental health, environmental science,
24 environmental engineering, biology, chemistry, public health, physical
25 science, or natural sciences.”

26 **Section 6.** A new §6233.02 is added to Article 2 of Chapter 6, Title 4,
27 Guam Code Annotated, to read:

1 **“§6233.02. Reclassification of Environmental Health Specialists,**
2 **Engineers, and Public Health Inspectors of the Division of**
3 **Environmental Health into the Environmental Public Health Officer**
4 **positions.** (a) The Director of Administration, in close collaboration with
5 the Department of Public Health and Social Services, shall reclassify
6 existing Environmental Health Specialists, Engineers, and Public Health
7 Inspectors of the Division of Environmental Health, provided the employee
8 meets the new qualification standards established in Section 6233.01, into
9 one of the Environmental Public Health Officer position series based on the
10 following:

11 (1) Employees holding the position titles of Environmental
12 Health Specialist I and any levels of Public Health Inspector shall be
13 reclassified as Environmental Public Health Officer I;

14 (2) Employees holding the position titles of Environmental
15 Health Specialist II and Engineer I shall be reclassified as an
16 Environmental Public Health Officer II;

17 (3) Employees holding the position title of Environmental
18 Health Specialist III shall be reclassified as an Environmental Public
19 Health Officer III;

20 (4) Employees holding the position title of Environmental
21 Health Specialist Supervisor shall be reclassified as either an
22 Environmental Public Health Officer Supervisor or an Environmental
23 Public Health Officer Administrator depending on the employees
24 existing duties and responsibilities that best match the duties and
25 responsibilities of the EPHO Supervisor or EPHO Administrator; and

26 (5) An employee holding the position title of Environmental
27 Health Specialist Administrator shall be reclassified as the Chief
28 Environmental Public Health Officer.

1 (b) An existing employee of the Division of Environmental Health
2 who is holding a position title within the Environmental Health Specialist,
3 Engineer, or Public Health Inspector series who does not meet the minimum
4 education standards of Section 6233.01(c) shall instead meet the following
5 requirements to be reclassified into his/her respective Environmental Public
6 Health Officer positions within 4 years of the enactment of this act:

7 (1) A course in college algebra;

8 (2) 8 semester credits in biology; and

9 (3) 6 semester credits in English from an accredited
10 university or college.

11 (c) If the existing Environmental Health Specialist Administrator
12 of the Division of Environmental Health does not meet the education
13 requirement of Section 6233.01(d), the employee shall instead be
14 reclassified into the next highest EPHO position that employee is qualified
15 to hold.

16 (d) Existing employees who does not meet the requirements for
17 reclassification into their respective EPHO position shall remain in his/her
18 current position and continue to perform the duties and responsibilities of
19 that position until such time the employee meets the minimum
20 qualifications outlined in Section 6233.01(c) or Section 6233.02(b), and
21 shall be eligible and receive the updated salary for their existing positions as
22 provided in Section 6233.04; and

23 (e) The Director of Administration shall provide within 4 years of
24 enactment of this act, on a one-time basis, priority placement for any
25 employee who is impacted by this act and who wishes to transfer out of the
26 Division of Environmental Health to any vacant, funded classified position
27 within government of Guam for which the employee applies and qualifies.”

1 **Section 7.** A new §6233.03 is added to Article 2 of Chapter 6, Title 4,
2 Guam Code Annotated, to read:

3 “**§6233.03. Deletion of Public Health Inspector Position Series and the**
4 **Class Specifications amendments of Environmental Health Specialist**
5 **Position Series.** The Director of Administration shall:

6 (a) immediately delete the Public Health Inspector position
7 series within the government of Guam upon the reclassification or
8 departure of all existing applicable DEH employees, and its place
9 there shall be a creation of a new position called, Environmental
10 Health Technician, which shall possess the classification
11 specifications for performing the lower level duties and
12 responsibilities of the DEH that are left vacant in the establishment of
13 the Environmental Public Health Officer series;

14 (b) within 60 days of the implementation of this Act make any
15 necessary revisions to the class specifications of the Environmental
16 Health Specialist series to remove reference of the job specifications
17 relevant to the mandates of the DEH; and

18 (c) permit existing DEH employees not reclassified into his/her
19 respective EPHO position to continue to utilize their existing class
20 specifications until such time the employee is reclassified to EPHO or
21 separates from DEH.”

22 **Section 8.** A new §6233.04 is added to Article 2 of Chapter 6, Title 4,
23 Guam Code Annotated, to read:

24 “**§6233.04. Competitive Salary and Incentives for Environmental Public**
25 **Health Officer.** The Director of Administration shall establish updated
26 competitive salaries, using the Hay methodology or any other classification
27 methods and salary administration deemed appropriate, and provide

1 incentives for the recruitment and retention of Environmental Public Health
2 Officers in the Division of Environmental Health of the Department of
3 Public Health and Social Services. The review and implementation of
4 salaries shall also include existing Public Health Inspector, Environmental
5 Health Specialist, and Engineer positions of DEH that will remain in
6 existence until such time the holder of these positions are reclassified to the
7 EPHO position series or separates from the division within 4 years of
8 enactment of this act.”

9 **Section 9.** A new §6233.05 is added to Article 2 of Chapter 6, Title 4,
10 Guam Code Annotated, to read:

11 **“§6233.05. Salary and Incentive Review.** The salary schedules of the
12 Environmental Public Health Officers are to be reviewed by the Director of
13 Administration every three (3) years, and upgraded as needed. The salary
14 for each of the Environmental Public Health Officer classifications in the
15 Division of Environmental Health shall be established so to be competitive
16 in their recruitment and retention. The Director of Administration is to
17 annually meet with the Director of the Department of Public Health and
18 Social Services and the Chief Environmental Public Health Officer of the
19 Division of Environmental Health to address recruitment and retention
20 incentives for Environmental Public Health Officers.”

21 **Section 10.** A new §6233.06 is added to Article 2 of Chapter 6, Title 4,
22 Guam Code Annotated, to read:

23 **“§6233.06. Class Specifications Review.** The Director of Administration,
24 in close collaboration with the Director of the Department of Public Health
25 and Social Services and the Chief Environmental Public Health Officer is to
26 evaluate and update, if necessary, the class specifications pertaining to the

1 duties, requirements, and experience of all Environmental Public Health
2 Officer classifications when deemed necessary by both departments.”

3 **Section 11.** A new §6233.07 is added to Article 2 of Chapter 6, Title 4,
4 Guam Code Annotated, to read:

5 “**§6233.07. Compensation for Professional Certification.** Environmental
6 Public Health Officers in the Division of Environmental Health who possess
7 professional certification of REHS or RS shall be entitled to professional
8 certification pay differential which shall be the rate of their base salary plus
9 ten percent (10%) to promote competency in the knowledge and application
10 of environmental health principles and for the continuation of their
11 education. The loss of such certification, for example by failing to maintain
12 the required continuing education credits, shall result in the loss of the ten
13 percent incentive pay differential until such time the certification is
14 regained.”

15
16 **Section 12.** A new §6233.08 is added to Article 2 of Chapter 6, Title 4,
17 Guam Code Annotated, to read:

18 “**§6233.08. Promoting Training and Professional Certification.** The
19 Department of Public Health and Social Services shall make every
20 reasonable efforts to provide opportunities for Environmental Public Health
21 Officers to pursue continuing education credits and college credits by
22 allowing them to attend environmental health related training, conferences,
23 seminars, certification and recertification courses, etc. to broaden their
24 knowledge of environmental health and to keep abreast of new and
25 improving technology of the field and to pursue and retain professional
26 certification. The department shall also provide, as funding permits, the cost

1 for the training, education, examination, certification, and renewal of REHS
2 or RS for the Environmental Health Officers.”

3 **Section 13.** A new §6233.09 is added to Article 2 of Chapter 6, Title 4,
4 Guam Code Annotated, to read:

5 **“§6233.09. Promoting and Enhancing Environmental Public Health.**
6 The Division of Environmental Health shall pursue for possible adoption and
7 implementation, activities that will promote and enhance the field and
8 services of environmental public health. Such activities may include, but not
9 limited to, updating existing rules and regulations; awareness and education
10 campaigns; public outreach programs; development of partnerships with
11 stakeholders; and review of innovative practices, projects, or technologies to
12 improve the delivery of environmental public health services to the people of
13 Guam.”

14 **Section 14.** A new §6233.10 is added to Article 2 of Chapter 6, Title 4,
15 Guam Code Annotated, to read:

16 **“§6233.10. Implementation.** (a) Unless otherwise indicated, the
17 Director of Administration shall closely coordinate with the
18 Department of Public Health and Social Services to implement the
19 provisions of this Act within ninety (90) days of enactment.”

20 **Section 15.** A new §6233.11 is added to Article 2 of Chapter 6, Title 4,
21 Guam Code Annotated, to read:

22 **“§6233.11. Salary Structure for Division Heads of the Department of**
23 **Public Health and Social.** The Department of Administration shall review,
24 and adjust as necessary, the pay structure of classified employees serving as
25 the head of the division within the Department of Public Health Social
26 Services to ensure their pay grades reflect the department’s organizational

1 structure whereby division heads are hierarchically above supervisors of
2 bureaus, sections, units, and other organizational levels of the department
3 regardless of the division. Pursuant to Title 10 GCA, Part 1, the divisions of
4 the Department of Public Health and Social Services shall be the Division of
5 Public Health, Division of Public Welfare, Division of Environmental
6 Health, and the Division of Senior Citizens.”

7 **Section 16.** A new §6233.12 is added to Article 2 of Chapter 6, Title 4,
8 Guam Code Annotated, to read:

9 **“§6237.12. Acknowledging the Functions of the Division of**
10 **Environmental as Vital Component in Protecting Public Health.** It shall
11 be acknowledged by the government of Guam that the services provided by
12 the Division of Environmental of the Department of Public Health and
13 Social Services are vital in protecting the health of the people of Guam and
14 the duties and responsibilities of the Environmental Public Health Officers
15 and other supporting personnel of DEH are critical to the mission of the
16 division.”

17 **Section 17.** Section 20121 of Chapter 20, Division 2, Title 10, Guam Code
18 Annotated, is amended to read:

19 **“§20121. Environmental Health Fund.** There is hereby created, separate
20 and apart from other funds of the government of Guam, a fund known as the
21 “Environmental Health Fund.” The Fund shall *not* be commingled with any
22 other fund and shall be deposited into a separate bank account. Any and all
23 fees collected pursuant to this Part, unless otherwise specifically provided,
24 shall be deposited into the Fund and it shall be expended upon Legislative
25 appropriation solely in support of the functions of the Division of
26 Environmental Health of the Department of Public Health & Social Services.
27 *I Liheslaturan Guåhan shall every fiscal year appropriate and authorize the*

1 Department of Public Health & Social Services to expend up to the level of
2 revenues collected in the Fund for the operation of the Division of
3 Environmental Health. Any unexpended balance of the Fund shall be
4 carried over into the next fiscal year. These funds are not subject to the
5 transfer authority of the Director of the Department of Public Health &
6 Social Services or *I Maga'lahañ Guahån* unless specifically cited by name
7 and authorized in any appropriation law.”

8
9 **Section 18.** A new Section 20122 is added to Chapter 20 of Division 2,
10 Title 10, Guam Code Annotated, to read:

11 **“§20122. Fee Schedule Review.**

12 (a) The Division of Environmental Health shall annually review, and
13 revise if necessary, all fee schedule(s) of the division to determine if there is
14 a need to adjust such fees for recouping costs incurred, or will be incurring,
15 by the division for issuing permits, certificates, and registrations; conducting
16 inspections; and any other services provided by the division as required by
17 law.

18 (b) The economic impact statement exemption provided in §9301(i)
19 of Article 3, Chapter 9 of Title 5 Guam Code Annotated for the purpose of
20 fee adoption shall be applied to any proposed fee increase of the division
21 only *if* the difference of such increase is Five Hundred Thousand Dollars
22 (\$500,000.00) or less as determined by the Department of Public Health and
23 Social Services.”

24 **Section 19.** A new §20123 is added to Chapter 20 of Division 2, Title 10,
25 Guam Code Annotated, to read:

26 **“Section 20123. Environmental Health Military Build-Up Fund. (a)**

27 There is hereby created the Environmental Health Military Build-Up Fund,

1 which shall be separate and apart from the General Fund in its own bank
2 account. Monies in this fund shall not lapse at the end of a fiscal year but
3 shall roll-over until used by the DPHSS for the overall cost in the operation
4 of the Division of Environmental Health of the Department of Public Health
5 and Social Services. The fund may also be used for personnel expenses.”

6 **Section 20.** Section 7119 of Chapter 7 of Division 1, Title 22, Guam Code
7 Annotated is amended to read:

8 **“§7119. Registration Fee.**

9 (a) The Guam Department of Labor is authorized to collect a
10 registration fee of One Thousand Dollars (\$1,000) annually per non-
11 immigrant temporary worker for each calendar year or a fraction thereof
12 from the employer of each non-immigrant temporary worker, payable at the
13 time of registration by the non-immigrant worker.

14 (b) Fund collected pursuant thereto shall be subject to legislative
15 appropriation, and shall be used solely to support §7120, Chapter 7, Title 22
16 GCA (Manpower Development Fund), ~~and the Skills Training Programs and~~
17 the activities of the Department of Public Health and Social Service,
18 Environmental Health Division. Eighty point Forty-five percent (80.45%) of
19 funds collected shall go to the MDF and appropriated pursuant to §7120,
20 Chapter 7 of Title 22 GCA; the remaining Nineteen point Forty-five percent
21 (19.55%) shall be deposited into the Environmental Health Military Build-
22 Up Fund. Funds allocated for the Manpower Development and Skills
23 Training Programs are used for Guam residents in order to eliminate the
24 needs to bring non-immigrant temporary workers on Guam. Environmental
25 Health Military Build-Up Fund is used to ensure that worker’s dormitories
26 and other facilities regulated by the Division of Environmental Health of the
27 Department of Public Health and Social Services comply with sanitary

1 requirements of governing rules and regulations, and for the implementation
2 of other environmental public health programs of the division, to protect the
3 health of the non-immigrant temporary workers, island visitors, and the
4 people of Guam from environmental hazards. In preparation for the large
5 number of workers' dormitories and other regulated facilities that will open
6 as a result of the military expansion on Guam, the Division of
7 Environmental Health may recruit temporary, limited term employees until
8 September 30, 2015."

9 **Section 21. Interpretation.** The provisions of this Act shall be liberally
10 construed to ensure the spirit and intent of the act are applied and implemented for
11 the modernization and revitalization of the Division of Environmental Health in the
12 protection of public health.

13 **Section 22. Severability.** If any provision of this Act or its application to
14 any person or circumstance is held invalid, the invalidity does not affect other
15 provisions or applications of this Act which can be given effect without the invalid
16 provision or application, and to this end the provisions of this Act are severable.

17 **Section 20. Effective Date.** This Act shall take effect immediately upon
18 enactment.

**MINA' TRENTA NA LIHESLATURAN GUAHAN
THIRTIETH GUAM LEGISLATURE
2009 (FIRST) Regular**

**Bill No. 272 (LS), as Substituted
by the Committee on Economic
Development, Health & Human Services,
and Judiciary**

Introduced by:

FRANK B. AGUON, JR.

AN ACT RELATIVE TO THE DIVISION OF ENVIRONMENTAL HEALTH OF THE DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES; TO AMEND §6229 OF, AND ADD A NEW §6233 - §6233.12 AND §6234 TO, ARTICLE 2, CHAPTER 6 OF TITLE 4 GUAM CODE ANNOTATED; TO AMEND §20121 OF, AND ADD A NEW §20122 AND §20123 TO, CHAPTER 20 OF TITLE 10 GUAM CODE ANNOTATED; AND TO AMEND §7119 OF CHAPTER 7 OF TITLE 22 GUAM CODE ANNOTATED.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Intent. The functions of the environmental public health practitioners of the Department of Public Health and Social Services, Division of Environmental Health (DEH) are vital in protecting the health and safety of the public, therefore, the *I Liheslaturan Guahan* finds it necessary to modernize the division's professional-technical personnel and revitalize their functions by addressing their qualifications, shortages, recruitment, and retention.

The environmental public health practitioners of DEH implement programs that prevent injuries, diseases, disabilities, and death. As a result, the division's prevention programs promote a healthy community which in turn lessens the burden placed on our island's healthcare system. However, in order to deliver effective environmental public health programs to the community, DEH must be

1 appropriately organized and equipped with adequate number of qualified
2 personnel. Unfortunately, because the DEH is currently hindered by outdated job
3 classifications, recruitment and retention difficulties, and funding constraints,
4 much of its services are not adequately provided to the public.

5 Currently, there are three different professional-technical positions in the
6 DEH. They are the Environmental Health Specialists (EHS), Public Health
7 Inspectors (PHI), and the Engineers. Each position plays an integral part in
8 implementing the mission of the division. Although all three positions perform
9 environmental health tasks, each has a specific role and qualification standards,
10 which adversely impacts the overall operation of the division. The duties and
11 responsibilities of these three positions need to be consolidated so to enable the
12 division to effectively assign personnel where needed without hindrance or
13 restrictions posed by differing positions titles and specifications. Furthermore, the
14 qualification standards of the DEH staff need to be increased to reflect the demand
15 and expectation of the job and to better enable the division to recruit individuals
16 who will be sufficiently prepared to perform their duties and responsibilities in the
17 field of environmental health.

18 In addition to higher qualification standards, competitive salaries must be
19 implemented to promote the recruitment and retention of the DEH personnel.
20 Existing salaries are far below the wages offered in the private sector and similar
21 government positions of other jurisdictions. The 2008 Hay Evaluation of the
22 division's Environmental Health Specialist position alone recommended a pay
23 increase of over 30%.

24 The challenges facing DEH are issues that are similarly impacting federal,
25 state, and other local governments. Attracting, recruiting, and retaining qualified
26 individuals in the field of environmental public health have become increasingly
27 difficult due to non-competitive wages, and a shrinking and aging workforce, while
28 the need for such services have grown and expanded over the years. According to

1 a 2003 report issued by U.S. Centers for Disease Control and Prevention, a
2 revitalization of the environmental public health services is necessary because its
3 functions affect millions of people at significant costs, emerging health problems
4 require innovative interventions, environmental public health is important in
5 responding to terrorism and other emergencies, and the field is becoming more and
6 more complex.

7 For the DEH, the recruitment of environmental public health practitioners
8 has been few and far in between, and retaining them has been a struggle. The
9 many responsibilities and demands placed on the staff of DEH, along with non-
10 competitive pay, have resulted in the departure of several employees over the years
11 for better opportunities, less demanding tasks, and improved working conditions.
12 The absence of adequate number of qualified environmental public health
13 practitioners in the division has caused: a decline in the number of sanitation
14 inspections, the absence of an effective vector surveillance and control programs,
15 continued importation and sale of adulterated and misbranded consumer
16 commodities, diversion of pharmaceutical controlled substances into illicit
17 channels, inability to adequately respond to vector- and food-borne disease
18 outbreaks or any deliberate attack of our food system, and the non-existence of the
19 radiological health program to protect the community from the hazards of ionizing
20 radiation-emitting devices such as x-ray machines.

21 The need to modernize and revitalize the Division of Environmental Health
22 is even greater now in light of the pending military build-up. The anticipated
23 growth of the island in population and regulated facilities, such as barracks,
24 restaurants, bars, massage facilities, and hotels will only further place additional
25 demands on DEH. According to the latest data from the Military-Civilian Task
26 Force, Guam can expect nearly 40,000 active military personnel and their
27 dependents, and civilian growth of additional 20,000 people, in the next five years.
28 As a result, the division foresees a need for growth in personnel number. In

1 attempt to meet current mandates and the anticipated military build-up, the division
2 must be given the resources it needs to serve the people of Guam and its visitors
3 and the military.

4 Therefore, it is the intent of *I Liheslaturan Guahan* to modernize and
5 revitalize the Division of Environmental Health. A new position series within the
6 Division of Environmental Health will be created to replace the existing three
7 professional-technical positions with increased qualification standards. The DEH
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9 updated pay structure shall be implemented for the new position series to provide
10 competitive salaries and compensation to the employees. To encourage the
11 retention of these personnel, and promote their continuing education, incentive pay
12 for professional certification shall be made available to them.

13 The funding will derive from the Environmental Health Fund, which will be
14 more readily accessible to the division, and from the creation of the Environmental
15 Health Military Build-Up Fund.

16 **Section 2.** This Act shall be known as the “*Environmental Public Health*
17 *Modernization and Revitalization Act of 2009.*”

18 **Section 3.** Section 6229 of Article 2, Chapter 6 of Title 4, Guam Code
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4 (a)(b) '*Board*' means the Guam Boards under the Healing Arts.

5 (b)(c) '*Class Specifications*' means official document which
6 describes the general characteristics of a class, including the title;
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9 abilities and skills needed to perform the work which provides the
10 criteria for placing each position in its proper class.

11 (d) '*Division of Environmental Health*' ("DEH") means the
12 Division of Environmental Health of the Department of Public Health
13 and Social Services, or its successor, as provided in §20103 of
14 Chapter 20, Title 10 Guam Code Annotated.

15 (e) '*Environmental Public Health Officer*' ("EPHO") means
16 an environmental health practitioner within the Division of
17 Environmental Health of the Department of Public Health and Social
18 Services who conducts inspections, investigations, surveillance, plan
19 review, warnings, permitting, grading, risk management, sampling,
20 analyses, education, supervision, and other activities of environmental
21 health programs of DEH.

22 (f) '*HealthCare professional(s)*' means any employee in the
23 government agencies who is essential to the delivery of patient/client
24 care services, and as defined in §10101 of Title 10 of the Guam Code
25 Annotated and §5 of Public Law Number 22-87.

26 (g) '*Known-Promotion-Potential*' ("KPP") means an upward
27 career mobility in a series of positions within an organization without

1 competition, and where at an earlier date an employee was selected
2 under a competitive examination.

3 (h) ‘National Environmental Health Association’ (“NEHA”)
4 means the national professional society for environmental health
5 practitioners, or its successor, that issues the professional
6 credentialing of Registered Environmental Health Specialist or
7 Registered Sanitarian.

8 (e)(i) ‘Nurse(s)’ means a professional nurse who is licensed by
9 the Guam Board of Nurse Examiners to practice as a registered nurse,
10 or as an advanced practice registered nurse on Guam.

11 (j) ‘Registered Environmental Health Specialist (“REHS”)
12 or Registered Sanitarian (“RS”)’ means the highest professional
13 credentialing offered by the National Environmental Health
14 Association.”

15 **Section 4.** A new §6233 is added to Article 2 of Chapter 6, Title 4, Guam
16 Code Annotated, to read:

17 **“§6233. Environmental Public Health Officer.** There shall be within the
18 Division of Environmental Health of the Department of Public Health and
19 Social Services an Environmental Public Health Officer position series to
20 replace the division’s Environmental Health Specialists, Engineers, and
21 Public Health Inspectors.”

22 **Section 5.** A new §6233.01 is added to Article 2 of Chapter 6, Title 4,
23 Guam Code Annotated, to read:

24 **“§6233.01. Duties and Responsibilities of Environmental Public Health**
25 **Officer.** The Director of Administration, in close collaboration with the
26 Department of Public Health and Social Services, shall establish class

1 specifications and updated pay schedule for the Environmental Public
2 Health Officer position series based on the following criteria:

3 (a) The nature of work; summary statement of examples of
4 duties performed; a statement of minimum qualifications; and the
5 minimum knowledge, abilities, and skills needed to perform the work
6 of the Environmental Public Health Officer positions, which shall be
7 the various combination of the class specifications of Public Health
8 Inspectors, Environmental Health Specialists, and Engineers that are
9 specific to the mission and mandates of the Division of Environmental
10 Health of the Department of Public Health and Social Services;

11 (b) Hierarchical position levels of the Environmental Public
12 Health Officer series shall begin with the Environmental Public
13 Health Officer I, followed by Environmental Public Health Officer II,
14 Environmental Public Health Officer III, Environmental Public Health
15 Officer Supervisor, Environmental Public Health Officer
16 Administrator, and concluding with the Chief Environmental Public
17 Health Officer;

18 (c) The minimum education requirements of all positions
19 within the Environmental Public Health Officer series shall be (1) a
20 bachelor's degree in any field of study from any accredited college or
21 university; (2) a college algebra course or higher level math; and (3)
22 30 semester or 45 quarter hours in basic sciences; and

23 (d) The Chief Environmental Public Health Officer of the
24 Environmental Public Health Officer series must possess a master's
25 degree in the field of environmental health, environmental science,
26 environmental engineering, biology, chemistry, public health, physical
27 science, or natural sciences.”

1 **Section 6.** A new §6233.02 is added to Article 2 of Chapter 6, Title 4,
2 Guam Code Annotated, to read:

3 **“§6233.02. Reclassification of Environmental Health Specialists,**
4 **Engineers, and Public Health Inspectors of the Division of**
5 **Environmental Health into the Environmental Public Health Officer**
6 **positions.** (a) The Director of Administration, in close collaboration with
7 the Department of Public Health and Social Services, shall reclassify
8 existing Environmental Health Specialists, Engineers, and Public Health
9 Inspectors of the Division of Environmental Health, provided the employee
10 meets the new qualification standards established in Section 6233.01, into
11 one of the Environmental Public Health Officer position series based on the
12 following:

13 (1) Employees holding the position titles of Environmental
14 Health Specialist I and any levels of Public Health Inspector shall be
15 reclassified as Environmental Public Health Officer I;

16 (2) Employees holding the position titles of Environmental
17 Health Specialist II and Engineer I shall be reclassified as an
18 Environmental Public Health Officer II;

19 (3) Employees holding the position title of Environmental
20 Health Specialist III shall be reclassified as an Environmental Public
21 Health Officer III;

22 (4) Employees holding the position title of Environmental
23 Health Specialist Supervisor shall be reclassified as either an
24 Environmental Public Health Officer Supervisor or an Environmental
25 Public Health Officer Administrator depending on the employees
26 existing duties and responsibilities that best match the duties and
27 responsibilities of the EPHO Supervisor or EPHO Administrator; and

1 (5) An employee holding the position title of Environmental
2 Health Specialist Administrator shall be reclassified as the Chief
3 Environmental Public Health Officer.

4 (b) An existing employee of the Division of Environmental Health
5 who is holding a position title within the Environmental Health Specialist,
6 Engineer, or Public Health Inspector series who does not meet the minimum
7 education standards of Section 6233.01(c) shall instead meet the following
8 requirements to be reclassified into his/her respective Environmental Public
9 Health Officer positions within 4 years of the enactment of this act:

10 (1) A course in college algebra;

11 (2) 8 semester credits in biology; and

12 (3) 6 semester credits in English from an accredited
13 university or college.

14 (c) If the existing Environmental Health Specialist Administrator
15 of the Division of Environmental Health does not meet the education
16 requirement of Section 6233.01(d), the employee shall instead be
17 reclassified into the next highest EPHO position that employee is qualified
18 to hold.

19 (d) Existing employees who does not meet the requirements for
20 reclassification into their respective EPHO position shall remain in his/her
21 current position and continue to perform the duties and responsibilities of
22 that position until such time the employee meets the minimum
23 qualifications outlined in Section 6233.01(c) or Section 6233.02(b), and
24 shall be eligible and receive the updated salary for their existing positions as
25 provided in Section 6233.04; and

26 (e) The Director of Administration shall provide within 4 years of
27 enactment of this act, on a one-time basis, priority placement for any
28 employee who is impacted by this act and who wishes to transfer out of the

1 Division of Environmental Health to any vacant, funded classified position
2 within government of Guam for which the employee applies and qualifies.”

3 **Section 7.** A new §6233.03 is added to Article 2 of Chapter 6, Title 4,
4 Guam Code Annotated, to read:

5 **“§6233.03. Deletion of Public Health Inspector Position Series and the**
6 **Class Specifications amendments of Environmental Health Specialist**
7 **Position Series.** The Director of Administration shall:

8 (a) immediately delete the Public Health Inspector position
9 series within the government of Guam upon the reclassification or
10 departure of all existing applicable DEH employees, and its place
11 there shall be a creation of a new position called, Environmental
12 Health Technician, which shall possess the classification
13 specifications for performing the lower level duties and
14 responsibilities of the DEH that are left vacant in the establishment of
15 the Environmental Public Health Officer series;

16 (b) within 60 days of the implementation of this Act make any
17 necessary revisions to the class specifications of the Environmental
18 Health Specialist series to remove reference of the job specifications
19 relevant to the mandates of the DEH; and

20 (c) permit existing DEH employees not reclassified into his/her
21 respective EPHO position to continue to utilize their existing class
22 specifications until such time the employee is reclassified to EPHO or
23 separates from DEH.”

24 **Section 8.** A new §6233.04 is added to Article 2 of Chapter 6, Title 4,
25 Guam Code Annotated, to read:

26 **“§6233.04. Competitive Salary and Incentives for Environmental Public**
27 **Health Officer.** The Director of Administration shall establish updated

1 competitive salaries, using the Hay methodology or any other classification
2 methods and salary administration deemed appropriate, and provide
3 incentives for the recruitment and retention of Environmental Public Health
4 Officers in the Division of Environmental Health of the Department of
5 Public Health and Social Services. The review and implementation of
6 salaries shall also include existing Public Health Inspector, Environmental
7 Health Specialist, and Engineer positions of DEH that will remain in
8 existence until such time the holder of these positions are reclassified to the
9 EPHO position series or separates from the division within 4 years of
10 enactment of this act.”

11 **Section 9.** A new §6233.05 is added to Article 2 of Chapter 6, Title 4,
12 Guam Code Annotated, to read:

13 “**§6233.05. Salary and Incentive Review.** The salary schedules of the
14 Environmental Public Health Officers are to be reviewed by the Director of
15 Administration every three (3) years, and upgraded as needed. The salary
16 for each of the Environmental Public Health Officer classifications in the
17 Division of Environmental Health shall be established so to be competitive
18 in their recruitment and retention. The Director of Administration is to
19 annually meet with the Director of the Department of Public Health and
20 Social Services and the Chief Environmental Public Health Officer of the
21 Division of Environmental Health to address recruitment and retention
22 incentives for Environmental Public Health Officers.”

23 **Section 10.** A new §6233.06 is added to Article 2 of Chapter 6, Title 4,
24 Guam Code Annotated, to read:

25 “**§6233.06. Class Specifications Review.** The Director of Administration,
26 in close collaboration with the Director of the Department of Public Health
27 and Social Services and the Chief Environmental Public Health Officer is to

1 evaluate and update, if necessary, the class specifications pertaining to the
2 duties, requirements, and experience of all Environmental Public Health
3 Officer classifications when deemed necessary by both departments.”

4 **Section 11.** A new §6233.07 is added to Article 2 of Chapter 6, Title 4,
5 Guam Code Annotated, to read:

6 “**§6233.07. Compensation for Professional Certification.** Environmental
7 Public Health Officers in the Division of Environmental Health who possess
8 professional certification of REHS or RS shall be entitled to professional
9 certification pay differential which shall be the rate of their base salary plus
10 ten percent (10%) to promote competency in the knowledge and application
11 of environmental health principles and for the continuation of their
12 education. The loss of such certification, for example by failing to maintain
13 the required continuing education credits, shall result in the loss of the ten
14 percent incentive pay differential until such time the certification is
15 regained.”

16
17 **Section 12.** A new §6233.08 is added to Article 2 of Chapter 6, Title 4,
18 Guam Code Annotated, to read:

19 “**§6233.08. Promoting Training and Professional Certification.** The
20 Department of Public Health and Social Services shall make every
21 reasonable efforts to provide opportunities for Environmental Public Health
22 Officers to pursue continuing education credits and college credits by
23 allowing them to attend environmental health related training, conferences,
24 seminars, certification and recertification courses, etc. to broaden their
25 knowledge of environmental health and to keep abreast of new and
26 improving technology of the field and to pursue and retain professional
27 certification. The department shall also provide, as funding permits, the cost

1 for the training, education, examination, certification, and renewal of REHS
2 or RS for the Environmental Health Officers.”

3 **Section 13.** A new §6233.09 is added to Article 2 of Chapter 6, Title 4,
4 Guam Code Annotated, to read:

5 “**§6233.09. Promoting and Enhancing Environmental Public Health.**

6 The Division of Environmental Health shall pursue for possible adoption and
7 implementation, activities that will promote and enhance the field and
8 services of environmental public health. Such activities may include, but not
9 limited to, updating existing rules and regulations; awareness and education
10 campaigns; public outreach programs; development of partnerships with
11 stakeholders; and review of innovative practices, projects, or technologies to
12 improve the delivery of environmental public health services to the people of
13 Guam.”

14 **Section 14.** A new §6233.10 is added to Article 2 of Chapter 6, Title 4,
15 Guam Code Annotated, to read:

16 “**§6233.10. Implementation.** (a) Unless otherwise indicated, the
17 Director of Administration shall closely coordinate with the
18 Department of Public Health and Social Services to implement the
19 provisions of this Act within ninety (90) days of enactment.”

20 **Section 15.** A new §6233.11 is added to Article 2 of Chapter 6, Title 4,
21 Guam Code Annotated, to read:

22 “**§6233.11. Salary Structure for Division Heads of the Department of**
23 **Public Health and Social.** The Department of Administration shall review,
24 and adjust as necessary, the pay structure of classified employees serving as
25 the head of the division within the Department of Public Health Social
26 Services to ensure their pay grades reflect the department’s organizational

1 structure whereby division heads are hierarchically above supervisors of
2 bureaus, sections, units, and other organizational levels of the department
3 regardless of the division. Pursuant to Title 10 GCA, Part 1, the divisions of
4 the Department of Public Health and Social Services shall be the Division of
5 Public Health, Division of Public Welfare, Division of Environmental
6 Health, and the Division of Senior Citizens.”

7 **Section 16.** A new §6233.12 is added to Article 2 of Chapter 6, Title 4,
8 Guam Code Annotated, to read:

9 **“§6237.12. Acknowledging the Functions of the Division of**
10 **Environmental as Vital Component in Protecting Public Health.** It shall
11 be acknowledged by the government of Guam that the services provided by
12 the Division of Environmental of the Department of Public Health and
13 Social Services are vital in protecting the health of the people of Guam and
14 the duties and responsibilities of the Environmental Public Health Officers
15 and other supporting personnel of DEH are critical to the mission of the
16 division.”

17 **Section 17.** Section 20121 of Chapter 20, Division 2, Title 10, Guam Code
18 Annotated, is amended to read:

19 **“§20121. Environmental Health Fund.** There is hereby created, separate
20 and apart from other funds of the government of Guam, a fund known as the
21 “Environmental Health Fund.” The Fund shall *not* be commingled with any
22 other fund and shall be deposited into a separate bank account. Any and all
23 fees collected pursuant to this Part, unless otherwise specifically provided,
24 shall be deposited into the Fund and it shall be expended upon Legislative
25 appropriation solely in support of the functions of the Division of
26 Environmental Health of the Department of Public Health & Social Services.
27 *I Liheslaturan Guåhan shall every fiscal year appropriate and authorize the*

1 Department of Public Health & Social Services to expend up to the level of
2 revenues collected in the Fund for the operation of the Division of
3 Environmental Health. Any unexpended balance of the Fund shall be
4 carried over into the next fiscal year. These funds are not subject to the
5 transfer authority of the Director of the Department of Public Health &
6 Social Services or *I Maga'lahaen Guahan* unless specifically cited by name
7 and authorized in any appropriation law.”

8
9 **Section 18.** A new Section 20122 is added to Chapter 20 of Division 2,
10 Title 10, Guam Code Annotated, to read:

11 **“§20122. Fee Schedule Review.**

12 (a) The Division of Environmental Health shall triennially review,
13 and revise if necessary, all fee schedule(s) of the division to determine if
14 there is a need to adjust such fees for recouping costs incurred, or will be
15 incurring, by the division for issuing permits, certificates, and registrations;
16 conducting inspections; and any other services provided by the division as
17 required by law.

18 (b) The economic impact statement exemption provided in §9301(i)
19 of Article 3, Chapter 9 of Title 5 Guam Code Annotated for the purpose of
20 fee adoption shall be applied to any proposed fee increase of the division
21 only *if* the difference of such increase is Five Hundred Thousand Dollars
22 (\$500,000.00) or less as determined by the Department of Public Health and
23 Social Services.”

24 **Section 19.** A new Subsection (c) is added to §7119 of Chapter 7 of
25 Division 1, Title 22, Guam Code Annotated, to read:

26 “(c) With the anticipated military build-up, there is a significant
27 need to ensure that worker’s dormitories and other facilities regulated

1 by the Division of Environmental Health of the Department of Public
2 Health and Social Services comply with sanitary requirements of
3 governing rules and regulations, and for the implementation of other
4 environmental public health programs of the division, to protect the
5 health of the non-immigrant temporary workers, island visitors, and
6 the people of Guam from environmental hazards. In preparation for
7 the large number of workers' dormitories and other regulated facilities
8 that will open as a result of the military expansion on Guam, the
9 Division of Environmental Health may recruit temporary, limited term
10 employees until September 30, 2015, utilizing funds from the DPHSS
11 Sanitary Inspection Fund, and/or the Environmental Health Fund,
12 subject to availability of funds."

13 **Section 20. Interpretation.** The provisions of this Act shall be liberally
14 construed to ensure the spirit and intent of the act are applied and implemented for
15 the modernization and revitalization of the Division of Environmental Health in the
16 protection of public health.

17 **Section 21. Severability.** If any provision of this Act or its application to
18 any person or circumstance is held invalid, the invalidity does not affect other
19 provisions or applications of this Act which can be given effect without the invalid
20 provision or application, and to this end the provisions of this Act are severable.

21 **Section 22. Exemption from Conduct of Economic Impact Study.**

22 **Section 23. Effective Date.** This Act shall take effect immediately upon
23 enactment.



SENATOR FRANK B. AGUON, JR., Chairman
COMMITTEE ON ECONOMIC DEVELOPMENT, HEALTH & HUMAN SERVICES,
AND JUDICIARY

I Mina'Trenta Na Liheslaturan Guahan • 30th Guam Legislature
 238 Archbishop F.C. Flores St., DNA Bldg., Suite 701A, Hagatña, Guam 96910
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PUBLIC HEARING SIGN-IN SHEET

Thursday, February 11, 2010 • 1:30 PM • Guam Legislature Public Hearing Room

AGENDA ITEM: BILL NO. 272-30 (LS) – FRANK B. AGUON, JR. – An act relative to the Division of Environmental Health of DPHSS; to amend §6229 of Article 2, Chapter 6 of Title 4 GCA; to add new §6233 to §6233.12 and §6234 to Article 2, Chapter 6 of Title 4 GCA; to amend §20121 of Chapter 20 of Title 10 GCA; add new §20122 and §20123 to Chapter 20 of Title 10 GCA; and to amend §7119 of Chapter 7, Title 22 GCA.

NAME	AGENCY OR ORGANIZATION (IF ANY)	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	CONTACT NUMBER	EMAIL ADDRESS
<i>Agua Mead</i>	<i>GFSE / GCC</i>	<i>Support</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<i>727-2632</i>	<i>bigbojua.net</i>
<i>CATHERINE C. SAN NICOLAS</i>	<i>Guam Food Safety Task Force</i>	<i>Force & GMHA Support</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<i>647-2345</i>	<i>catherine.sanicolas@gmail.com</i>
<i>FRANK TORRES</i>	<i>Guam Food Safety Task Force</i>	<i>Support</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<i>777-6637</i>	<i>franktorres@gmail.com</i>
<i>FRANK TORRES</i>	<i>DPHSS</i>	<i>Support</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<i>735-7107</i>	
<i>M. THERESA GUAN</i>	<i>DPHSS</i>	<i>Support</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<i>735-7221</i>	
<i>Sianna Rabago</i>	<i>DPHSS</i>	<i>Support</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<i>735-7221</i>	
<i>KATHERINE JENENAS</i>	<i>DPHSS</i>	<i>SUPPORT</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<i>735-7221</i>	
<i>Teresa L. Guzman</i>	<i>DPHSS</i>	<i>Support</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<i>735-7221</i>	
<i>RONALD B. CARRANZA</i>	<i>DPHSS</i>	<i>SUPPORT</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<i>735-7221</i>	
<i>EVAN A. CUM</i>	<i>DPHSS</i>	<i>SUPPORT</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<i>735-7221</i>	
<i>Sian Yang</i>	<i>UOG</i>	<i>support</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<i>735-2027</i>	<i>iyang@ugam.uog.edu</i>
<i>FRANKIE A. CHUIZ</i>	<i>Guam Fast Foods</i>	<i>SUPPORT</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<i>687-3734</i>	<i>thecolonel@guam.net</i>

GOVERNMENT OF GUAM



DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES
(DEPATTAMENTON SALUT PUPBLEKU YAN SETBISION SUSIAT)

#123 Chalan Kareta
Mangilao, Guam 96913-6304



FELIX P. CAMACHO
GOVERNOR

MICHAEL W. CRUZ, M.D.
LIEUTENANT GOVERNOR

J. PETER ROBERTO, ACSW
DIRECTOR

Handwritten notes:
Roni
BTM 272
2/17/10

FEB 17 2010

Honorable Frank B. Aguon, Jr.
30th Guam Legislature
Chairman, Committee on Economic Development,
Health & Human Services, and Judiciary
Ste. 701A, DNA Bldg.
238 Archbishop Flores Street
Hagatna, GU 96910

Dear Senator Aguon:

Hafa Adai! The Department wishes to once again thank you and your committee for granting us the opportunity to provide testimonies to Bill 272 during the February 11, 2010 public hearing. Based on the number of positive testimonies that were submitted for the bill, I believe the hearing went quite well.

Since the public hearing, our department has had the time to reflect on some of the comments that were presented at the hearing. There was one in particular that caught our attention. The current Chairman of the Guam Food Safety Task Force recommended that the economic impact statement, as required by Title 5 GCA Chapter 9, be waived altogether for the Division of Environmental Health. Considering the number of rules and regulations that the division must revise or develop in the coming years, we too support the recommendation.

Just this year alone, we are hoping to adopt at least 5 regulations, which equate to the same number of environmental impact statements (EIS) that must be prepared. Assuming that the University of Guam is still willing to conduct an EIS for the Division of Environmental Health at \$50,000 a study, the department would need a quarter of a million dollars in our attempt to promulgate these five regulations. Since much of our existing regulations are over 20 years old, additional 10 or more regulations must be revised at an added cost of \$500,000. The cost alone for an EIS would deter, if not prevent, any attempts to adopt rules and regulations.

Therefore, we request that Section 18 (p. 15) of Bill 272 be revised to read:

“§20122. Fee Schedule Review.


(a) The Division of Environmental Health shall annually review, and revise if necessary, all fee schedule(s) of the division to determine if there is a need to adjust such fees for recouping costs incurred, or will be incurring, by the division for issuing permits,

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certificates, and registrations; conducting inspections; and any other services provided by the division as required by law.

(b) The economic impact statement **required** ~~exemption provided~~ in §9301(i) of Article 3, Chapter 9 of Title 5 Guam Code Annotated **shall be waived for the Department of Public Health and Social Services in the promulgation of any rules or regulations required by the Division of Environmental Health for its operation** ~~for the purpose of fee adoption shall be applied to any proposed fee increase of the division only if the difference of such increase is Five Hundred Thousand Dollars (\$500,000.00) or less as determined by the Department of Public Health and Social Services.~~”

You continued support and consideration into this matter are greatly appreciated. For any questions, please contact Mr. Tom Nadeau, the Administrator of the Division of Environmental Health, at 735-7221. *Dangkolo Na Si Yu'us Ma'ase!*


J. PETER ROBERTO, ACSW
Director

BARRY L. MEAD
CHAIRPERSON



Guam Food Safety Task Force

VACANT
CO-CHAIR

Testimony in Support of Bill No. 272

Hafa Adai! My name is Barry Mead, I am a member of the Guam Food Safety Task and have served as the Chair for the last 4 years. I am also an Assistant Professor with the Guam Community College where I serve as the Department Chair for the Hospitality & Tourism and Culinary Arts Departments where we educate and train our students to become trained future employees in the Hospitality Industry. I also coordinate the food safety workshops at the College for training of individuals seeking not only the employee Health Certificates from the Department of Public Health and Social Services, but also the NRAEF ServSafe Managerial Certification Course which we teach the 2007 FDA Food Code, as currently required for all food service managers in-order for them to receive the Guam Food Service Managers Certificate. I am also one of only three Certified Food and Beverage Executives (CFBE) on island. Food and food safety is my profession.

I am here today to personally and professionally support Bill 272 and the positive impact it will have to the Division of Environmental Health of the Department of Public and Social Services and the people of our island that the division serves, which includes not only our friends and neighbors but, our 1M annual visitors, as well as the military personnel and their dependents.

In 2000, I helped craft Executive Order 2000-20, which established the Guam Food Safety Task Force with the vision of assisting the Department of Public Health and Social Services in developing a comprehensive, long-term food safety plan for the island of Guam. This executive order was not implemented until 2004 when the department was finally able to recruit a few additional staff to the Division of Environmental Health. Needless to say, the division is still understaffed and the many goals of the task force have yet to be realized. By no fault of its leadership and its personnel, the Division of Environmental Health is simply unable to fulfill the mission of the task force with its limited resources. This includes the inability to bring Guam out of the "Dark Ages" of food safety (we currently are using a 1986 Food Code) by implementing what the Guam Food Safety Task Force recommended in the FDA 2007 Food Code.

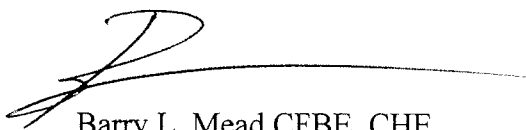
The Guam Food Safety Task Force is composed of representatives from the local and federal regulatory agencies, military, healthcare community, food industry, social service organization, academia, and the Guam Legislature. We have been meeting once every quarter for the past six years, and we have finally approved for adoption, the 2007 FDA Food Code, to be the Guam Food Code, which will update the current regulations for retail food establishments. However, this only the first step of many in the development of a seamless food safety system with protective measures in place from the moment a food is manufactured or imported to the time it reaches the consumer. But regardless of what the task force accomplishes, all our efforts will be

of no value if the very agency responsible for leading this cause does not have the resources to effectively conduct even the basic, routine inspections.

There are about 2,000 food facilities regulated by the Division of Environmental Health. If the division were to comply with the law, they would be performing 8,000 inspections of food establishment annually, and this would not even include the follow-up inspections, investigations, and other forms of inspections. Instead, they performed only 651 total food inspections in 2008, and even less in 2009. The division needs more staff to perform more inspections. In the March 2009 issue of the *Food Protection Report*, there is an article that laments the need for more inspectors across the nation to conduct food inspections. The article cited how the State of Georgia has 60 inspectors for about 16,000 facilities, which is 1 inspector for every 267 facilities, and how the situation is even worse in Texas with 34 inspectors for about 21,000 facilities or 1 inspector for every 618 facilities. On our island, the condition is even worse; the Division of Environmental Health has only 2 full-time employees who conduct food inspections, which equates to 1 inspector for every 1,000 food facilities. This is unacceptable when you consider that the island may have as many as 80,000 additional people in the next 5-7 years as a result of the military build-up. How can the division possibly provide services to the anticipated new arrivals when it can't even meet the demands and expectations of the people of Guam right now?

The members of the Guam Food Safety Task Force are fully aware that Bill 272 will not solve the problems of the Division of Environmental Health. However, we do recognize the significant, positive impact it will have to the division in its ability to increase the number of food inspections to minimize the potential for a food-borne illness outbreak. And when I say outbreak, this includes deliberate act of food contamination, which this island has already experienced. As you will recall couple of years ago, there was a worldwide recall of various food items containing milk from China that were contaminated with melamine. The recall affected our island as popular instant coffee and candies were removed from the shelves of our island retail stores. We were fortunate that no one on island became injured. Although the melamine contamination that originated in China occurred as a result of economic greed and not an act of terrorism, it was a deliberate contamination of food nonetheless. What would prevent a similar event from occurring once again but for the sole purpose of causing intentional injuries to our people and the large military population that we'll be hosting in the coming years? Our island needs to put in place a system where food produced on Guam, or imported from elsewhere, are sufficiently examined, monitored, and regulated to protect the consumer, and this begins by providing the necessary resources to the very entity, the Division of Environmental Health, that is responsible for protecting our food supply.

We, the Guam Food Safety Task Force, urge the members of the 30th Guam Legislature to support and pass Bill 272 without delay. Thank you very much and *Dangkolo Si Yu'us Ma'ase!*



Barry L. Mead CFBE, CHE
Chairman, GFSTF

Testimony in support of Bill 272
At the 30th Guam Legislature
Public Hearing
February 11, 2010

Good Afternoon, Chairman Senator Frank Aguon, Jr. and members of the Committee on Economic Development, Health and Human Services, and Judiciary.

My name is Catherine Cruz San Nicolas.

I am a Registered Dietitian by profession and the Hospital Food Services Administrator of the Dietetic Services Department at the Guam Memorial Hospital Authority.

I am also a Certified Dietary Manager specializing in healthcare food services.

I've been an active member of the Guam Food Safety Task Force, as appointed by the Governor of Guam, since its inception and have served as the Chairperson of the Food-borne Illness, Outbreak and Analysis Subcommittee of the Task Force.

I am here today before you in support of Bill 272.

Reshaping and polishing an entity of a government agency is a monumental task in its making. Therefore, I would like to first commend the thinkers and authors of Bill 272, the *Environmental Public Health Modernization and Revitalization Act of 2009*, for having foresight to vision that the Division of Environmental Health (DEH) of the Department of Public Health and Social Services need to move to greater heights in its scope of services, starting with its personnel, after being status quo for decades. This is what the passage of Bill 272 would do and this is why I am a proponent of it.

I am not going to tell you the importance of food safety. You know that.

I am not going to tell you about the many sanitation inspections on this island that could not be met with the staffing limitations at the DEH. You may have known that by now.

I am not going to tell you about the military build up and the anticipated increase in population on Guam, which would have a domino effect on an increase in foodservice establishments and businesses. You could tell us that.

I am not going to tell you what you already know and have been arduously attentive to. But rather, putting it simply, I would like to tell you why Bill 272 is good for Guam.

The Bill identifies key positions of the Division that are essential to the delivery of environmental public health to our community, and takes these positions to a higher standard that is comparable to its mainland counterparts. Such step allows the Division as a whole to be understanding and speaking the same language as the feds. And what better way to ensure such clarity and understanding on the many complex federal mandates the DEH receives than to have qualified and professional individuals on staff.

This bill not only suggests what existing positions will be developed and enhanced, but also describes how it would be done and how it can be supported. Let me point out ~~the~~ some highlights of the Bill.

1. It finally addresses the need to raise the educational standards of key positions responsible for essential environmental public health functions of the Division.

We need to stop the “no need for ‘edumacation’ me” arguments of lowering or maintaining the low education standards of government employment positions. We only hurt ourselves in being behind in knowledge and aptitude with the rest of the nation’s workforce.

2. It addresses the provision of professional training and education needs of the staff.

This Bill truly advocates the professionalism that the DEH wants to attain and maintain at the Department.

3. It encourages upward mobility within the organization and through an incentive program, promotes professional certification.

In the professional world, it is second nature to keep studying and learning for continuing education credits not only to maintain our credentials and certifications within our respective fields, but also to keep up with current literature, studies and findings necessary to our expertise. It is only fitting, then, that the professional positions proposed in this Bill mirror these requisites.

4. It leaves no man behind.

There is NO demotion as a consequence for those not qualified for the professional positions, unlike current DOA practice; Individuals not qualified in their current positions would face demotion to a lower level position to which they are qualified for. This Bill gives opportunities for individuals to meet education qualifications or choose to transfer to another government agency in positions that they are already qualified for. And if all else fails, this Bill recovers and saves those individuals who absolutely cannot qualify for the reclassified professional positions to a technician position.

5. It has the community’s protection, safety and best interest in mind.

By upgrading the workforce at the DEH, this island can expect provisions in services to be delivered. For the many reasons in food safety, meeting sanitation inspections demands, and rapid response to food-borne illness outbreaks or acts of terrorism involving our food system, we need to turn to and rely on the DEH. Therefore, we need a strong, professional, and well-supported DEH.

6. It cleverly identified a funding source for sustainability.

Most bills generally tell you they need to reclassify positions and leave it to the Legislature to determine where the funding will come from. This one has proactively determined two prospects, the Environmental Health Fund and the Environmental Health

Build-Up Fund. It still gives the Legislature the appropriation authority to financially support the functions of the DEH.

In conclusion, please know that this Bill is not about a change in new staff uniforms at DEH, but a most needed move toward building a better DEH for Guam.

I thank you for listening. Si Yu'os Ma'ase.

Submitted by:



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Testimony in Support of Bill No. 272

Draft

Hello and *Hâfa Adai* Mr. Chairman, Senator Frank Aguon, Jr., and the members of the Committee on Economic Development, Health & Human Services, and Judiciary. My name is Frank Toves. I am a member of the Guam Food Safety Task Force and the in-coming Chairman for the task force. I am in support of Bill 272, an act to modernize and revitalize the Division of Environmental Health.

In my current capacity, I am the General Manager of Gyoza-Yatai Guam restaurant, located in Tumon, and previous to that I was the GM for the former Sam Choy Restaurant for eight years. I've worked for McDonald's Corporation, Hilton International, and also as an associate instructor for Tourism Food & Beverage at our Guam Community College. So I have been working in the food industry for most my life. It is, and will continue to be, my livelihood.

As the General Manager for Gyoza-Yatai, it is my goal to provide the best food and service possible to the people of Guam and our visitors. However, as a restaurateur I must also ensure that the food I provide to our customers is safe for consumption. Believe me when I say that one of most frightening things for any operator of a food facility is being linked to a food-borne illness. In the food industry, food contamination is bad for business and bad for everyone. Because of my extensive experience in the food industry, and being a former food safety trainer, I work hard with my staff in maintaining a sanitary facility. We take pride in our ability to provide food that is both delicious *and* safe.

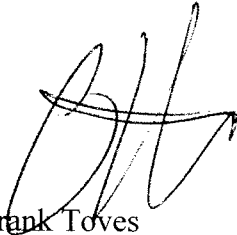
However, I can't say if all operators of retail food establishments and distributors possess the same attitude as I do in the area of food safety. Sadly, there are individuals in our industry, and I don't mean just local businesses but also off-island firms, who do not consider the safety of their food product a priority. It is not that they wish to sicken their customers, which would be counterproductive to their business, but they are either ignorant about food safety or their focus is elsewhere. For this and many other reasons, the island needs a strong food safety system in protecting our community, and that begins with providing our regulatory agency, the Department of Public Health and Social Services, the needed resources to perform their job.

I have personally worked and interacted with the staff of the Division of Environmental Health over the years. It is quite evident that the division lacks the resources, specifically the manpower, to conduct even the basic sanitation inspections of all regulated facilities, let alone the food establishments, which make up over half of all businesses that they oversee. Although the personnel of the Division of Environmental Health are hardworking and dedicated group, they cannot effectively protect our people from potential outbreaks and do so with a rapid response time. They are greatly in need of help and I and the task force believe Bill 272 can provide them that much needed assistance.

The passage of Bill 272 will permit the Division of Environmental Health to increase personnel staffing so that may in turn increase the number of inspections of food facilities. This will be very important for the implementation of the much awaited Guam Food Code, which will replace and update the existing regulations governing retail food establishment that is over 20 years old.

An increase in staffing for the division will also mean that they will be better able to prevent the importation of improperly labeled and potentially unsafe food into the island. The proposed legislation will also encourage existing and future inspectors to remain with the division to reduce staff turn-over and maintain continuity in their operation.

As the division grows in human resource and strengthens its operation with the passage of Bill 272, so will its ability to implement and maintain a comprehensive food safety system for the people of this island. Food safety is not solely the responsibility of the Department of Public Health and Social Services and the industry, it is everyone's responsibility, and that includes this legislative body and this administration, and we should do everything reasonable to ensure we do our part to making that a reality. Thank you very much and *Dangkolo Si Yu'us Ma'ase!*



Frank Toves
General Manager, Gyoza-Yatai Guam
Chairman, Guam Food Safety Task Force

GOVERNMENT OF GUAM



Felix P. Camacho
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J. Peter Roberto, ACSW
DIRECTOR

Testimony in Support of Bill No. 272

Hafa Adai Mr. Chairman, and members of the Committee on Economic Development, Health & Human Services, and Judiciary. I am Arthur U. San Agustin, Acting Director for the Department of Public Health and Social Services. The testimony provided is on behalf of J. Peter Roberto, Director for the Department of Public Health and Social Services (DPHSS). I submit today, Mr. Chairman, testimony IN SUPPORT of Bill 272, the "*Environmental Public Health Modernization and Revitalization Act of 2009.*"

Bill 272 supports the department's overall mission which is to promote health and self sufficiency. This proposed legislation is both timely and responsive to address both existing and future environmental public health challenges from the context of system change; it advocates for a policy from the premise that in order to meet the complexities of today's rapidly changing environment, increased importation of commodities through ports of entry, and the reliance of technology to conduct environmental health inspections to protect the public health against environmental health hazards, food borne diseases and other preventable illnesses in our environment, there is need for the department to provide for the resources to raise the level of qualifications of field staff, provide for a competitive salary to prevent attrition and attract and sustain professional staff, and modernize and revitalize the operations of Division of Environmental Health (DEH) through system change.

As referenced in the "Legislative Intent" of Bill 272, in 2003 the U.S. Centers for Disease Control and Prevention released a national strategy entitled, "*A National Strategy to Revitalize Environmental Public Health Services,*" as a result of the declining environmental health services throughout the country. The document highlighted the following generalizations about environmental health:

- "*There is insufficient number of practitioners and properly trained environmental public health specialists.*"
- "*In the public sector, environmental public health personnel are underpaid compared with their counterparts in the private sector, leading to many vacant positions and high turnover rates.*"
- "*Substandard residential housing, school buildings, and day-care facilities pose potential risks to health and have received little attention from environmental public health programs.*"
- "*The demand for expanded environmental public health services and new and emerging threats are diluting service delivery.*"

The generalizations highlighted from the above referenced study are applicable to DEH. Therefore, it is the impact these generalizations have to both DEH and the people of Guam that call for the support and passage of the measure before us. The continuous vacant and unfunded positions amounting to staff shortages below the baseline, a professional practice field requiring personnel receive specialized training and, attrition rates as a result of personnel seeking fair and comparable salaries and upward mobility elsewhere, has resulted in high levels of stress amongst staff, the need to prioritize health inspections while many other required inspections are not conducted in a timely manner and, business owners and contractors experiencing longer wait periods for environmental health inspections and clearance, thus, impacting businesses and the economy.

This proposed legislation will address many of the challenges by strengthening workforce capacity, improving operations and responding more timely to environmental health inspections to protect the public health and comes at a time as we plan for population growth. With the proposed action by the Department of Defense's re-location of military personnel and their dependants, it will bring about the construction of new regulated facilities including temporary workforce housing. Therefore, the DEH must ensure that its workforce, operational infrastructure and program services meet the economic opportunities brought about through increased regulated facilities and imported goods.

Thanks to the efforts of you, Mr. Chairman, and Senators Ada and Palacios, the passage of Bill 135, now P.L. 30-64, will definitely assist the department in tackling the anticipated increase of temporary workforce housing through the recruitment of additional personnel. Bill 272 will address the programmatic and operational infrastructure to meet and sustain the demands placed on the DEH. The measure before us will provide the framework for DEH to integrate a multidisciplinary practice model to better meet day to day service demands, more timely and efficiently, establish performance and qualification standards meeting national requirements for professional field staff, and an infrastructure to support on-going training and development.

Bill 272 will essentially allow the DEH to transform its existing level of service to a strong and effective regulatory entity designed to prevent injuries, diseases, disabilities, and deaths from environmental hazards. The current organizational structure of the division is discipline-specific, which limits employees to only a segment of the entire division's operation. By taking a multidisciplinary approach, such as through the creation of the Environmental Public Health Officer positions identified in Bill 272, the division personnel will acquire a broader knowledge base within their scope of practice, and the skills and abilities to implement all programs across the division. The resources needed by DEH to meet the qualification standards outlined in Bill 272 will directly support the dedicated and hardworking DEH staff to increase their skills and abilities and sense of pride as they continue to do the critical work of inspecting our restaurants, childcare facilities, and other health regulated establishments.

It is understood that with the increase in qualification and responsibilities, there has to be an increase in compensation to attract and retain exemplary personnel, which Bill 272 also acknowledges. This is extremely important considering the status of environmental health professionals across the nation. According to the "*Seventh Report to the President and Congress on the Status of Health Personnel in the United States*," which was released in 1988 by the U.S.

Department of Health and Human Services, approximately 235,000 environmental public health practitioners existed in 1988. The same report forecasted the need for an additional 137,000 environmental health professionals over the next decade. Sadly, that need was not met. In the publication of *"The Public Health Workforce: Enumeration, 2000,"* which was also issued by the U.S. Department of Health and Human Services, nearly a decade later, the number of environmental health professionals declined to only 19,431. In response, nationally, the U.S. Health and Human Services has been advocating for the growth in the environmental health field, and we must do the same locally, especially when the island will need additional environmental health practitioners.

With an eye toward protecting the public health, in order to meet the objective of salaries and to expand program operations, Bill 272 acknowledges that the department will be able to more readily enhance, access, and utilize the "Environmental Health Fund" for the division's operations, which will be augmented through additional funding obtained from the registration of foreign workers in response to the military build-up.

Mr. Chairman, as with any proposed legislation, it must be responsive and accountable to the people served. The modernization and revitalization of DEH is an outcome of listening to the staff, responding to the many valid concerns and issues raised by businesses and the general population who call in and share their concerns and working closely with the Guam Food Safety Task Force to gain input to this proposed legislation. I commend the leadership of DEH Administrator Tom Nadeau, who for the past 4 years or so has championed the need for a policy to modernize and revitalize the DEH for the betterment of operations and the public health of our people.

I believe the DEH and its partners took great care and time in assisting in the crafting of the proposed legislation that will meet the mission of the DEH in protecting the people of Guam which is part of the Department's mission. As such, I once again, thank you Mr. Chairman for introducing Bill 272 for public testimony and allowing the department the opportunity to provide testimony in support of Bill 272, the *"Environmental Public Health Modernization and Revitalization Act of 2009."*

Dangkolo Na Si Yu'us Ma'ase!


J. PETER ROBERTO, ACSW
Director

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Testimony in Support of Bill No. 272

February 11, 2010

Hafa Adai, Mr. Chairman, and Members of the Committee on Economic Development, Health & Human Services, and Judiciary. My name is Tom Nadeau, I am the Administrator of the Division of Environmental Health (DEH) of the Department of Public Health and Social Services. I am in full support of Bill No. 272, also known as the "Environmental Public Health Modernization and Revitalization Act of 2009." This bill, when implemented, will strengthen the division's ability to better serve the public, and I thank the Chairman Aguon for his support by way of introducing the legislation before us.

I began working at the Division of Environmental Health about 17 years ago, and back then I recall the division performing as many as 10,000 sanitation inspections a year. Now in 2010, with significantly fewer staff, we have difficulties in completing even 1,000 annual inspections. The once active programs of the division, such as the consumer commodity programs, the Controlled Substances Program, and the vector control programs, are operating only when necessary, if at all. Then there are certain programs that have never been really implemented, such as the Radiological Health Program and the Cemetery/Mortuary Program. The division's inability to fully execute these programs is primarily due to the lack of qualified field personnel and how the division is organized. Over the years, the division has lost several employees and I suspect more employees will eventually depart and may not be replaced when you consider the following:

- Since 2000 there have been over 10 field positions that have become vacant and most have not been funded for recruitment, which adversely impacts all our programs (**Attachment 1**).
- In the last five years, we've had 6 employees who have laterally transferred to another division or agency to seek better opportunity. This has had two negative effects; first is the existing staff carries the extra workload and second is a demoralized staff.
- In 2005, we attempted to recruit a supervisory position. Of the seven qualified applicants, one wanted higher pay, three declined the interview upon learning it was for DEH, two failed to show, and one was unsuitable for the position. Because of the lack of interested and qualified applicants, the position was eventually unfunded.
- For the past 4 years DEH has been attempting to fill a vacant senior position without success. Of the many applicants that we interviewed, most were unsuitable for the position because of their limited knowledge and skills, and those who showed great potential declined the position because of the non-competitive salary.
- DEH was able to fill three entry-level specialist positions only after interviewing over 10 applicants.

Thus, in addition to losing personnel, we have had little success in recruiting individuals who possessed great potential to succeed in the Division of Environmental Health.

Now, thanks to Bill 272, DEH will be given the potential to turn in the direction it needs to go to meet the challenges of today and tomorrow. We are fully aware that the bill will not be the magic bullet that will solve all the ills of the Division of Environmental Health, but it will be the foundation that will enable the division to implement its many mandates so to provide environmental health services to the public, especially in light of the anticipated military buildup.

Bill 272 will modernize the Division of Environmental Health through the creation of a single position series for all field personnel of the division; so that each may be able perform essentially all aspects of environmental health work without hindrance from differing position titles and duties and responsibilities. Currently, there are three professional-technical positions in DEH. Although they all perform environmental health work, each has specific job specifications which limits their work in the division (**Attachment 2**). However, by consolidating all three positions into one, such as the proposed "Environmental Public Health Officer" series, the division can readily assign division staff among programs to ensure the continuity of operation.

The proposal will further modernize the division by increasing the qualification standards of employees filling the positions of "Environmental Public Health Officer" so the public may be assured that the field personnel of the division possesses the minimum knowledge of science and math, and the skill to effectively communicate orally and in writing so that they are able to successfully perform their duties.

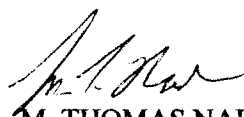
Since 1983, there have been five evaluations conducted of the DEH by the U.S. Food and Drug Administration (USFDA) in the area of food safety and sanitation (**Attachment 3**). Each evaluation was performed by a different representative of the USFDA, and in each report the respective evaluator noted or recommended that the qualification standards of the DEH staff be increased to meet the needs of their roles and responsibilities. The standards outlined in Bill 272 are identical to the qualifications recommended or expected by the National Environmental Health Association and the U.S. Centers for Disease Control and Prevention, which also happens to be the same qualification standards in most U.S. jurisdictions.

Over the last decades, our population, economy, and infrastructure have grown tremendously. We have sophisticated operation and machinery in our food industry comparable to that of the mainland U.S. While the island as a whole has changed, the qualification standards for our field employees have not. It has been 25 years since the first evaluation was conducted by the USFDA, and I do not believe we can afford to wait another 25 years to increase the standards of our employees, especially when we must consider the demand that will be placed upon them in the coming years with the huge growth in population and the services we must provide to them.

Furthermore, the implementation of competitive salary and incentives for the new position series will attract interested and *well qualified* applicants. Bill 272 will also encourage employees to further their training and education, and then reward them for pursuing their professional certification. I believe the change will promote staff retention and positive staff morale, and advance the programs that will be serving the community.

Finally, the enhancement of the existing "Environmental Health Fund," and the creation of the "Environmental Health Military Build-Up Fund," will make the implementation of Bill 272 much more realistic and attainable. (By the way, Line 20 of Page 16 of the Bill will need to be revised to read "Nineteen point *Fifty-five* percent" rather than "Nineteen point *Forty-five* percent".)

Thank you and *Si Yu'us Ma'ase* to the Honorable Frank Aguon, Jr. and the Members of the Committee for granting me and this department the opportunity to present this testimony.



M. THOMAS NADEAU
Environmental Health Specialist Administrator
Division of Environmental Health

FIELD PERSONNEL VACANCIES OF THE DIVISION OF ENVIRONMENTAL HEALTH, DPHSS SINCE 2000

No.	POSITION NUMBER	FORMER STAFF	YEAR VACANT	REASON FOR VACANCY	CURRENT STATUS	FUNDING SOURCE
1	6345	E.O.	2000	Resigned; moved off-island	Vacant-Unfunded	GF
2	6337	R.C.	2002	Promoted to another agency	Vacant-Unfunded	GF
3	6328	C.H.	2002	Promoted to another division	Vacant-Unfunded	GF
4	6313	M.T.	2002	Resigned	Vacant-Unfunded	GF
5	6299	J.Q.	2004	Promoted in-house	Vacant-Unfunded	GF
6	6305	R.C.	2005	Resigned; moved off-island	Vacant-Unfunded	GF
7	6090	R.R.	2005	Lateral transfer to another division	Vacant-Unfunded	EHF
8	6306	S.C.	2005	Retired	Vacant-Unfunded	GF
9	6300	B.B.	2006	Resigned; moved off-island	Vacant-Unfunded	GF
10	6347	T.S.	2006	Promoted in-house	Vacant-Unfunded	GF
11	6093	J.Q.	2006	Lateral transfer to another division	Position filled in Nov. 2008	EHF
		D.Q.	2007	Lateral transfer to another agency		
12	6092	C.H.	2006	Lateral transfer to another agency	Vacant-Funded	EHF
13	6266	T.T.	2007	Resigned after 2 years with division	Position filled after two years of vacancy and several interviews	EHF
14	6290	J.E.	2005	Resigned after 1 month with division	Position filled after two years of vacancy and several interviews	EHF
		P.Z.	2006	Released after 2 months with division		
		B.M.	2007	Lateral transfer to another agency		
15	6188	L.R.	2007	Lateral transfer to another agency	Position filled after two years of vacancy and several interviews	EHF
16	6322	N.D.	2009	Resigned after 2 years with division	Vacant-Funded	GF

PROFESSIONAL-TECHNICAL POSITIONS OF THE DIVISION OF ENVIRONMENTAL HEALTH

Public Health Inspector

- **Minimum education required:** High School Diploma
- **Primary Duty:** Conducts sanitation inspections of regulated establishments
- **Restrictions:** Cannot manage or lead “specialized” programs of the division, which are deemed too technical and/or complex; and cannot review construction plans or perform pre-operation inspections of regulated facilities
- **Comment:** Individuals who perform similar tasks in other U.S. jurisdictions are generally required to possess a baccalaureate degree in science with professional certification due to the complex nature of the job, which include food inspections and investigations.

Environmental Health Specialist

- **Minimum education required:** Baccalaureate degree or High School Diploma with experience
- **Primary Duty:** Manages the more “specialized” programs of the division that are deemed technical or complex
- **Restrictions:** Cannot perform sanitation inspections of regulated facilities full-time, and cannot review construction plans or perform pre-operation inspections of regulated facilities.
- **Comment:** Individuals who perform similar tasks in other U.S. jurisdictions are generally required to possess a baccalaureate degree in science with professional certification due to the complex nature of the job required of the position.

Engineer (Environmental)

- **Minimum education required:** Baccalaureate degree in Engineering or Associate degree with experience
- **Primary Duty:** Reviews and analyzes the construction plans of regulated facilities to ensure compliance of governing laws
- **Restrictions:** Cannot perform regular sanitation inspections or manage the “specialized” programs of the division.
- **Comment:** In some jurisdictions, the plan review and pre-operation inspections are performed by non-Engineers, such as environmental health practitioners, who generally possess a baccalaureate degree with professional certification.

Proposed Environmental Public Health Officer

- **Minimum education required:** Baccalaureate degree in any field with 30 semester units of basic science and a course in college algebra,
- **Primary Duty:** Ability to perform all inspections and investigations in the division
- **Restrictions:** None
- **Comment:** The qualification standards and the duties and responsibilities of the position are not uncommon in other U.S. jurisdictions.

USFDA Recommendations to Increase Qualifications of DEH Personnel

1. Evaluation of Food Service Sanitation Program. February 1983. K.M. McKemie. U.S. Food and Drug Administration.
 - *“In contrast to most health departments, none of the nine individuals doing foodservice inspections are registered sanitarians or college (4 year B.S./B.A. degree) graduates. The Division should attempt to bring in highly qualified individuals, such as those with Environmental Health degrees, and should encourage present staff to attend college level or other courses, join professional organizations, and subscribe to journals to develop their professional competence.”*
2. Evaluation Update of the Guam Food Service Program. April 1991. F.H. Fuchs. U.S. Food and Drug Administration.
 - *“The food service industry is quite technical and to inspect and regulate it effectively and fairly, the inspector needs sufficient technical knowledge. This does not appear to be the case with at least some of the inspection staff in Guam.”*
 - *“The education level needed to be eligible for hiring as a public health inspector is a high school education. This is not enough to enable a person to inspect the full range of food service facilities normally found in this day and age. Guam has the full range of restaurants, from the simplest to the sophisticated. Some of them have the latest in equipment. It takes a great deal of technical knowledge to be able to evaluate all the systems and practices found in the restaurant industry.”*
3. Guam Evaluation Report: Food Program. January 1992. R. Zielinski. U.S. Food and Drug Administration.
 - *“On the mainland part of the USA, most health department food inspectors have minimum BS degree in a science area. Almost all are “Registered Sanitarians”, meaning that they have passed strict education and setting in relevant environmental health areas, including food safety. Many have multi-jurisdiction experience. Guam staff generally do not have these advantages.”*
4. Guam/Saipan Alternative Water Supplies Training. October 2002. R. Runyon. U.S. Food and Drug Administration.
 - *“The level of education and training for the Public Health Inspectors is inadequate for the responsibility of the position...The lack of this basic knowledge severely handicaps the Inspectors and the Division as routine failures in water processing would be allowed to continue because the significance of the failures would not be understood by the Inspectors.”*
 - *“All personnel conducting inspections of food facilities, including water, should have a minimum of a baccalaureate degree with at least 30 units in the basic sciences. This minimum standard is recognized by environmental health professionals in the States and by the National Environmental Health Association the professional organization for this field. In addition, as a future requirement for advancement within the Division, all professionals should take a “Registration” exam to become fully Registered Environmental Health Professional (Registered Sanitarian).”*
5. Guam/Saipan Program Assessment and GMP/GRP Training. February 2003. B. Clifton and R. Ramirez. U.S. Food and Drug Administration.
 - *“Environmental Health Inspectors are not required to have a college degree as a condition of employment. There is a need to increase the qualifications of the inspection to that above high school level. Staff needs basic biology, microbiology, chemistry, report writing skills, etc. The level of education and training for the Public Health Inspectors is inadequate for the responsibility of the position.”*
 - *“All personnel conducting inspections of food facilities, including water, should have a minimum of a baccalaureate degree with at least 30 units in the basic sciences.”*

Testimony in Support of Bill No. 272

Hafa Adai and Good Afternoon, Mr. Chairman and Members of the Committee on Economic Development, Health & Human Services, and Judiciary. I would like to thank you for allowing me the opportunity to present testimony to Bill No. 272 – an act to modernize and revitalize the Division of Environmental Health. My name is Rosanna Y. Rabago and I am here as a private citizen. Professionally, I am an Environmental Health Specialist Supervisor with the Division of Environmental Health. I have been employed at the division for over 17 years.

I am in full support of Bill 272. It has been a long-awaited legislation and for that I am grateful to Mr. Chairman and the members of the Committee for finally bringing this to light.

The passage of Bill 272 comes at an opportune time. According to the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, ten essential services were developed to “help define the activities performed within three essential core functions which define the national strategy for public health. Secondly, the core functions and essential services are directly linked to Healthy People 2010 initiative which identifies environmental quality as one of the top 10 health priorities in the nation. According to CDC, poor environmental quality is estimated to be directly responsible for approximately 25% of preventable disease in the world. Furthermore, two-thirds of preventable diseases that children suffer from are due to environmental conditions which are fundamental to public health. Future population growth is expected to have a profound effect on the environment and lead to an increase in environmental health disorders. We can relate to that. The impending military build-up and population surge would definitely impact environmental health services within our division and adversely impact the health of the people of Guam.

Bill 272 addresses essential service #8 (Assuring a competent environmental health workforce) by providing a minimum criteria for basic science, math and writing skills. These are critical skills incumbent upon employees in this environmental health field. The remaining nine essential services would also be addressed once the manpower resources are strengthened, particularly with respect to the recruitment and retention incentives for environmental public health officers.

I can recall first joining the division in 1992 with a full complement of 52 FTE staff. Things seemed to be great at that time as a newly hired staff working my first GovGuam job. I could focus on my one program assignment. Almost two decades later, our division has lost over half of our numbers due to retirement, resignation, promotion, and unfortunately, lateral transfers primarily to our sister agency, the Guam Environmental Protection Agency, where staff can enjoy assignment to one program area of focus and have the potential for upward mobility. Current staff, including myself, has had to wear multiple hats in juggling the numerous programs of our division. In spite of this, the division has had to prioritize existing programs based on meeting customer demands for services (whether it be the issuance of permits and certificates, ensuring that pre-operation inspections are conducted so that businesses can operate, or addressing complaints and the sanitation needs of our vulnerable populations –

within schools and child care facilities. We continue to strive towards improving environmental health services because we cannot afford to do otherwise.

Guam has been very fortunate with respect to outbreaks, such as food-borne illnesses and vector-borne diseases. Some reasons could possibly be attributed to our focus on vulnerable populations, annual public educational awareness campaigns on food safety, or even luck. We need to ensure that our environmental health services continue to focus on prevention and not having to react after an outbreak hits our island. At that time, it would be too late. We could only work towards control and minimizing its spread.

Bill 272 has long been the dream of our former division administrators (Dr. O.V. Natarajan and Annabelle Cruz) and even our current administrator, Tom Nadeau, to address the recruitment, retention and certification requirements for staff employed in the environmental health field within the division. Many times I have asked myself why I continue to stay within my division and have even looked at other job opportunities to “escape the stressful work conditions” of the division. In spite of this, I can honestly say that Bill 272 is making me think otherwise by providing an incentive to stay. I already met the criteria to take the certification exam and though I may not even have the registered sanitarian or registered environmental health sanitarian certification at this time, I am planning on becoming certified in the near future. I am sure my other colleagues will follow suit. Bill 272 is making our staff think twice towards attaining higher education and certification. It is creating the “buzz” that is necessary towards meeting one of the ten essential public health services as mentioned earlier.

We need to develop policy to create incentives to keep our environmental health workforce going. We need to develop policies that allow for the continued training and education to ensure our staff are kept abreast of current environmental health trends and emerging diseases. Above all, we need to ensure that the environmental quality and health of our people are protected. Bill 272 is the start of this process.

In closing, I fully support the passage of Bill 272. I hope that all the members of this committee can also endorse the passage of Bill 272 and serve as our “political champions” to your fellow colleagues in the Guam Legislature to garner support. Dangko’lo na Si Yu’os Ma’ase.


ROSANNA Y. RABAGO

February 11, 2010

The Ten Essential Environmental Public Health Services

1. Monitor environmental and health status to identify community environmental health problems.
2. Diagnose and investigate environmental health problems and hazards in the community.
3. Inform, educate, and empower people about environmental health issues.
4. Mobilize community partnerships to identify and solve environmental health problems.
5. Develop policies and plans that support individual and community environmental health efforts.
6. Enforce laws and regulations that protect health and ensure safety.
7. Link people to needed environmental health services and assure the provision of environmental health services when otherwise unavailable.
8. Assure a competent environmental health workforce.
9. Evaluate effectiveness, accessibility, and quality of environmental health services.
10. Research for new insights and innovation solutions to environmental health problems.

Adapted from Public Health Functions Steering Committee. (1994). *Public Health in America*. Washington, DC: U.S. Public Health Services.

Testimony in Support of Bill No. 272

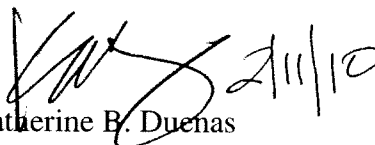
Hafa Adai! My name is Katherine Duenas, an Environmental Health Specialist I with the Division of Environmental Health. As a private citizen, I would like to thank you all for giving me this opportunity to provide a written testimony to Bill 272. I specifically would like to thank Senator Aguon for introducing this bill and supporting the need to modernize and revitalize the Division of Environmental Health of the Department of Public Health and Social Services.

After 12 years of service, I departed from the Guam Police Department to accept a promotional status with the Division of Environmental Health. Unfortunately, as I transitioned into this department, six employees of Division of Environmental Health either retired, resigned, or transferred to the Guam Environmental Protection Agency within one year. I was puzzled and curious on how many employees in this division had departed at one time. Unfortunately, years elapsed without any recruitment to replace all that left the division. We definitely need more employees to meet current mandates, especially, with the impending military build-up that will greatly impact our division to enforce all mandates to protect the health of the people of Guam. I feel that Bill 272 will retain current employees and attract qualified individuals in the field of environmental public health.

I am happy to say that I have been employed with this Department for approximately 4 years now. As a former Doc Sanchez Recipient and a graduate with a Bachelors of Science Degree in Public Administration and Criminal Justice, I do not meet the minimum education standards as stated in Bill 272 to re-classify as an Environmental Public Health Officer. However, given the opportunity, I am willing to pursue my education to meet the minimum standards and hopefully continue to obtain a masters degree in the near future. I believe that continuing education and enhancing ones knowledge is very important for an individual to improve themselves whether for personal or career advancement.

I fully support Bill 272 and will continue to perform the duties and responsibilities to meet the mandates and the need to modernize and revitalize the Division of Environmental Health in protecting the health of the people of Guam.

Un Dangkolo Na Si Yu'os Ma'ase.


Katherine B. Duenas

02/11/10

Testimony in Support of Bill 272

Hafa Adai! I am Ronald B. Carandang, Environmental Health Specialist Supervisor with the Division of Environmental Health with eleven years of service. I write this testimony as a private citizen in full support of Bill 272. I've met the minimum requirements to become an Environmental Public Health Officer. I will need to continue my off duty education to meet the 30 semester or 45 quarter hours of basic sciences for professional certification of Registered Environmental Health Specialist (REHS) or Registered Sanitarian (RS).

We will continue to increase the training and qualification standards of our staff in order to meet the mandates and to perform duties and responsibilities as an Environmental Public Health Officer.

I would like to thank Senator Aguon for introducing this bill, and the committee for having me provide testimony to Bill 272.

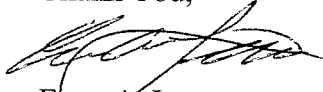

RONALD B. CARANDANG

Testimony in Support of Bill 272

Hafa Adai! My name is Evan Andrew Lum. I am an Environmental Health Specialist with the Division of Environmental Health. I wrote this testimony as a private citizen to fully support Bill 272. The changes included in Bill 272 will help me and my family immensely in achieving our goals, and in turn will satisfy part of the overall mission of the bill...employee retention. I believe that the compensation for the Environmental Public Health Officer position is fair, considering the requirements for recruitment (which I do qualify for). In addition, I will be highly motivated by the compensation rewarded for furthering my professional certifications.

I would like to thank Senator Frank Aguon Jr. for introducing this bill, and the committee for giving me the opportunity to provide testimony to Bill 272.

Thank You,



Evan A. Lum
EHS-I



UNIVERSITY
OF GUAM

Unibetsedåt
Guahan

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Mission Statement of Guam Cooperative Extension Service

We serve the people of Guam by providing research-based knowledge
through innovative community programs.

Cooperative Extension Service (CES)

Honorable Frank B. Aguon, Jr.
30th Guam Legislature
Chairman, Committee on Economic Development,
Health & Human Services, and Judiciary
Ste. 701A, DNA Bldg.
238 Archbishop Flores St.
Hagatna, Guam 96910

February 11, 2010

Dear Senator Frank Aguon,

This letter is to strongly support the Bill 272 "Modernize and Revitalize the Division of Environmental Health (DEH)" endorsed by the Guam Food Safety Task Force.

With my observation, the current structure and number of employees of Division of Environmental Health cannot meet the needs in the community of Guam. For example, because of the declined number in sanitation inspectors, DEH cannot meet the minimum-required visits to conduct regular sanitation inspections in restaurants on the island. Also the current DEH is not able to respond to foodborne illness outbreaks quickly and conduct effective investigation on the outbreaks. The data and information of foodborne illness outbreaks and cases in the community are not well recorded for the decision making on policies because of the limitation in facilities to test and identify pathogens.

Based on available data and information from the Guam DPHSS, I estimated that every year the incidences of foodborne illness on Guam are 39,000 (13,000-152,000), death 3 (1-10), hospitalization 167 (18-197), and economic cost 5.1-42.6 million. Since Guam is a tropical island, the temperature factor along can cause the higher frequency of foodborne illness than that in the states of U.S. mainland.

Food safety is a critical and global issue in public health. Recently the National Institute of Food and Agriculture (NIFA), USDA, sharpened the focus on big and bold issues, prioritizing the food safety as one of five National Priorities. The purpose of the food safety priority is to reduce the incidence of foodborne illness, provide a safer food supply, educate consumer and food safety

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professionals, and develop food processing technology to improve safety.

Regular inspection of restaurants, controlling imported food commodities, educate food safety to consumers, and conducting investigation on foodborne illness is a must to protect the health of residents and tourists in the community of Guam. Current changes in environments and climates, trends of food consumption and choices, and emerging pathogens in food products challenge the Guam DPHSS to win the battle in fighting pathogens to protect people. Therefore, strengthening the Division of Environmental Health in DPHSS will be significant in providing a safer food supply and reducing the incidences of foodborne illness in the community.

According to my perspectives as a food scientist at the university, I would like to urge that the Bill 272 can be passed to benefit the community, residents, and tourist on Guam. I would greatly appreciate it if you could give a favorable consideration on the Bill 272.

Sincerely,



Jian Yang, Ph.D.

Associate Professor, Food Science

Extension Cooperative Service/Western Pacific Tropical Research Center

College of Natural and Applied Sciences

University of Guam

Mangilao, Guam 96923

Phone: 671-735-2027

E-mail: jyang@uguam.uog.edu



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Guam Fast Foods Inc.

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Cliff Hotel & Business Center, Suite 423 178 Francisco Javier Dr, Agana Hts, GU 96910
Tel: (671) 477-5266 Fax: (671) 477-2839 Email: guamfastfood@guam.net

**WRITTEN TESTOMONY FROM
FRANKIE A. CRUZ
GENERAL MANAGER
GUAM FAST FOODS, INC.**

**TO
30TH GUAM LEGISLATURE AND
SENATOR FRANK B. AGUON
ON**

BILL 272 REGARDING DEH EMPLOYMENT QUALIFICATIONS

I strongly support to modernize and revitalize the Department of Environmental Health (DEH). I have worked in the private sector close to 27 years, specifically in the restaurant industry. I am also on the Guam Food Safety Task Force. (GFSTF). Over the years I have witnessed the departure of many good DEH employees and the pressure they are constantly under. We need to do our best to keep the people we have and work to make DEH more attractive for qualified candidates. Most people think they are only responsible for inspecting restaurants, but we know they do a whole lot more. The restructuring of DEH and ongoing efforts to improve quality are changing how the work of environmental health is organized. Many inspectors are taking on new roles and responsibilities. They are trying to protect and keep our people safe but being short staffed and not having enough qualified people makes it next to impossible to do. When I first started working in the restaurants we had regular monthly inspections. We worked closely with the inspectors to ensure that any issues were quickly taken care of and efforts were taken to prevent any reoccurrence. I think it was in the late 90's that the monthly inspections changed to quarterly inspections, soon after, it went to annual inspections, and now I know of some restaurants that haven't been inspected for over two years. Let's not wait until someone dies or gets seriously ill before we help DEH. They need the resources to do this job (including financial, personnel, capital, equipment and supplies).

Guam Food Safety Task Force

The main objective of GFSTF is the approval of the FDA Food Code as DEH's guide for Guam.

The passage of Bill 272 will give DEH the resources they need to enforce this code.

From: Tom Nadeau <nadeau@guam.net>
Date: Fri, Feb 12, 2010 at 9:50 AM
Subject: Thanks
To: aguon4guam@gmail.com

Hi Senator Aguon:

On the behalf of my staff who showed up, and the task force members, we thank you for holding the public hearing for Bill 272 yesterday. I'm sure there was some pressure from your colleagues to cancel the hearing because of the ongoing session. We're grateful it was held.

Regarding Bill 272, I believe it's best to amend Section 18 of the bill [proposed Section 20122(b), (p. 15)] so to rid of the economic impact study requirements altogether. In addition to the draft Guam Food Code, we're planning to revisit and develop nearly 15 more regulations and I can't imagine seeking impact studies for all them. Assuming UOG is still willing to do the study for \$50,000 each, that means our division would need \$750,000 to pursue them all; that's half of our budget.

Since all proposed regulations will ultimately need the final approval of the legislature, per the Administrative Adjudication Law, maybe the section can be amended so that the study will be required only if the legislature requests it upon receipt of the proposal. That way, the economic impact study is not mandatory for regulations unless specifically requested by the legislature.

I do understand the purpose for the economic impact study, but without funding it's nearly impossible for this division to adopt any regulations.

I'm surprised that other regulatory agencies are not having the same problem. Thank you for your time and reading my suggestion.

Respectfully,
Tom Nadeau



COMMITTEE ON RULES

I Mina' Trenta na Liheslaturan Guåhan • 30th Guam Legislature

155 Hesler Place, Hagatña, Guam 96910 • tel: (671)472-7679 • fax: (671)472-3547 • roryforguam@gmail.com

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November 6, 2009

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio
Chairperson, Committee on Rules

Subject: Referral of Bill Nos. 272-30 (LS) – 273-30 (LS)

As Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 272-30 (LS) – 273-30 (LS).

Please ensure that the subject bills are referred, in my name, to the respective committees, as shown on the attachment. I also request that the same be forwarded to all Senators of *I Mina' Trenta Na Liheslaturan Guåhan*.

Should you have any questions, please contact Stephanie Mendiola or Elaine Tajalle at 472-7679.

Si Yu'os Ma'åse'!

(1) Attachment

2009 NOV -9 AM 11:56 AM

I Mina'Trenta Na Liheslaturan Guåhan

Bill Log Sheet

Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date)
B272-30 (LS)	F. B. Aguon, Jr.	AN ACT RELATIVE TO THE DIVISION OF ENVIRONMENTAL HEALTH OF THE DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES; TO AMEND §6229 OF, AND ADD A NEW §6233 - §6233.12 AND §6234 TO, ARTICLE 2, CHAPTER 6 OF TITLE 4 GUAM CODE ANNOTATED; TO AMEND §20121 OF, AND ADD A NEW §20122 AND §20123 TO, CHAPTER 20 OF TITLE 10 GUAM CODE ANNOTATED; AND TO AMEND §7119 OF CHAPTER 7 OF TITLE 22 GUAM CODE ANNOTATED.	11/4/09 2:25 p.m.	11/06/09	Committee on Economic Development, Health and Human Services, and Judiciary			
B273-30 (LS)	J.T. Won Pat, Ed. D. v.C. pangelinan, T. R. Muña Barnes	AN ACT TO AMEND SECTION 7 OF CHAPTER 7 OF P.L. 30-55 RELATIVE TO GROUNDS MAINTENANCE FOR THE PUBLIC SCHOOLS.	11/4/09 4:06 p.m.	11/06/09	Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land			




**COMMITTEE ON ECONOMIC DEVELOPMENT,
HEALTH AND HUMAN SERVICES, AND JUDICIARY**
I Mina'Trenta Na Liheslaturan Guåhan • 30th Guam Legislature
238 Archbishop F.C. Flores St., DNA Bldg., Suite 701A, Hagatña, Guam 96910
Tel: (671) 969-1495/6 • Fax: (671) 969-1497 • Email: aguon4guam@gmail.com

February 3, 2010

MEMORANDUM

TO: All Senators/Members
*Committee on Economic Development, Health & Human Services
and Judiciary*

FROM: SENATOR FRANK B. AGUON, JR. 
SUBJECT: First Notice
Public Hearing –
Thursday, February 11, 2010- 1:30PM

Buenas yan Hafa Adai!

The Committee on Economic Development, Health & Human Services and Judiciary will be conducting a Public Hearing on **Thursday, February 11, 2010, 1:30pm** in the Legislature's Public Hearing Room.

On the agenda will be the following:

1:30PM to 6PM

- ✓ **BILL NO. 252-30 (COR)** An act to amend Section 4301(a), add a new Section 4301.1(d) and to add a new Section 4302.1 of Chapter 4, Article 3, Title 4 GCA relative to creating the Government of Guam Employee Health Benefits Trust Fund by the Division of Accounts of the Department of Administration.
- ✓ **BILL NO. 268-30 (COR)** An act to add a new Article 23 to Chapter 12 of Division 1 of Title 10 GCA, relative to the licensing of massage practitioners to practice in Guam.
- ✓ **BILL NO. 272-30 (LS)** An act relative to the Division of Environmental Health of DPHSS; to amend §6229 of Article 2, Chapter 6 of Title 4 GCA; to add new §6233 to §6233.12 and §6234 to Article 2, Chapter 6 of Title 4 GCA; to amend §20121 of Chapter 20 of Title 10 GCA; add new §20122 and §20123 to Chapter 20 of Title 10 GCA; and to amend §7119 of Chapter 7, Title 22 GCA.
- ✓ **BILL NO. 275-30 (LS)** An act relative to providing clarification and flexibility to DPHSS in the management of its financial resources for the direct operation of the Community Health Centers by amending Subsection (a) of §3811, Chapter 3, Title 10 GCA.
- BILL NO. 280-30 (LS)** An act to amend Subsections (a) (b) (c) (d) (e) and to add Subsections (f) (g) and (h) of Section 3811 and to add Subsections (6) and (7) to Section 3814 of Chapter 3 of Article 8 of Title 10 GCA relative to the establishment and use of the Community Health Center Revolving Fund.

FRANK B. AGUON, JR.
SENATOR, CHAIRMAN

ADOLPHO B. PALACIOS, SR.
SENATOR, VICE CHAIRMAN

JUDITH T. WON PAT
SPEAKER
EX-OFFICIO MEMBER

BENJAMIN J.F. CRUZ
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SENATOR

TELO TAITAGUE
SENATOR

RAY TENORIO
SENATOR



**COMMITTEE ON ECONOMIC DEVELOPMENT,
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Agenda Continuation...

FRANK B. AGUON, JR.
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SENATOR

TELO TAITAGUE
SENATOR

RAY TENORIO
SENATOR

BILL NO. 309-30 (COR)- An act to add a new Chapter 91 entitled "Childs Right To Live Act" to title 9 of the GCA relative to the protection of infants born alive as a result of an abortion.

BILL NO. 312(COR) An act to add a new article 4 to Chapter 70 of 9 GCA Relative to penalties for those convicted of furnishing alcohol to minors.

6PM

BILL NO. 266-30 (COR)An act to provide capital improvement funds for the Guam Veterans Cemetery by adding a new Subsection (i) to §51821 of Article 8, Chapter 51, Division 2, Title 10 GCA, relative to the reallocation of excess funding proceeds from the 2009 Solid Waste Management System Bond Funds.

Should you have any question, please feel free to contact my office at 9691495/96.

Un Dangkolo Si Yu'os Si Ma'ase!

Cc: Clerk of the Legislature
Sgt-at-Arms/Protocol/AV
MIS

NOTE: Blocked calls are not displayed on this report.
 For more information, see Junk Fax Report and the Caller ID History report.

Last 30 Transactions

Date	Time	Type	Station ID Caller ID	Duration	Pages	Result
Feb 3	1:35PM	Fax Sent	4773982	0:54	2	OK
Feb 3	1:37PM	Fax Sent	4773079	1:23	2	OK
Feb 3	1:39PM	Fax Sent	4770793	0:55	2	OK
Feb 3	1:43PM	Fax Sent	6482007	1:34	2	OK
Feb 3	1:45PM	Fax Sent	4777663	0:00	0	No answer
Feb 3	1:47PM	Fax Sent	4777663	0:00	0	No answer
Feb 3	1:49PM	Fax Sent	4776411	1:19	2	OK
Feb 3	1:51PM	Fax Sent	7343476	1:11	2	OK
Feb 3	1:53PM	Fax Sent	4727663	0:56	2	OK
Feb 3	1:55PM	Fax Sent	7347342958	0:17	0	Cancel
Feb 3	1:56PM	Fax Sent	5652983	0:56	2	OK
Feb 3	1:57PM	Fax Sent	4777136	0:57	2	OK
Feb 3	1:59PM	Fax Sent	4774678	0:57	2	OK
Feb 3	2:06PM	Fax Sent	7342958	1:08	2	OK
Feb 3	2:08PM	Fax Sent	4772240	1:46	2	OK
Feb 3	3:08PM	Fax Sent	4723589 - Spkr Won Pat	0:52	2	OK
Feb 3	3:10PM	Fax Sent	4733303 - Sen. Adia	1:19	2	OK
Feb 3	3:12PM	Fax Sent	4723400 - Sen. Barnes	1:21	2	OK
Feb 3	3:15PM	Fax Sent	4722528 - Sen. Blas	1:37	2	OK
Feb 3	3:18PM	Fax Sent	4758805 - Sen. Calvo	0:52	2	OK
Feb 3	3:19PM	Fax Sent	4772522 - Sen. Cruz	0:58	2	OK
Feb 3	3:21PM	Fax Sent	4752000 - Sen. Espaldon	0:56	2	OK
Feb 3	3:23PM	Fax Sent	4723547 - Sen. Gutierrez	0:55	2	OK
Feb 3	3:25PM	Fax Sent	4725022 - Sen. Palacios	1:22	2	OK
Feb 3	3:26PM	Received	6482007 6716482007	0:38	1	OK
Feb 3	3:31PM	Fax Sent	4734238 - Sen. Pangelinan	1:06	2	OK
Feb 3	3:34PM	Fax Sent	4723547 - Sen. Respicio	0:51	2	OK
Feb 3	3:36PM	Fax Sent	9698357 - Sen. Taitague	2:40	2	OK
Feb 3	3:39PM	Fax Sent	4791329 - Sen. Tenorio	1:11	2	OK
Feb 3	3:41PM	Fax Sent	4728896	1:07	2	OK



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1st Notice Public Hearing Inbox X

from **Gina Tabonares** <aguonmedia@gmail.com>
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**COMMITTEE ON ECONOMIC DEVELOPMENT,
HEALTH AND HUMAN SERVICES, AND JUDICIARY**
I Mina'Trenta Na Liheslaturan Guåhan • 30th Guam Legislature
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Tel: (671) 969-1495/6 • Fax: (671) 969-1497 • Email: aguon4guam@gmail.com

February 3, 2010

MEMORANDUM

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FROM: SENATOR FRANK B. AGUON, JR.
SUBJECT: First Notice --Public Hearing
Thursday, February 11, 2010- 1:30PM

Buenas yan Hafa Adai!

The Committee on Economic Development, Health & Human Services and Judiciary will be conducting a Public Hearing on **Thursday, February 11, 2010, 1:30pm** in the Legislature's Public Hearing Room.

On the agenda will be the following:

1:30PM to 6PM

BILL NO. 252-30 (COR) An act to amend Section 4301(a), add a new Section 4301.1(d) and to add a new Section 4302.1 of Chapter 4, Article 3, Title 4 GCA relative to creating the Government of Guam Employee Health Benefits Trust Fund by the Division of Accounts of the Department of Administration.,

BILL NO. 268-30 (COR) An act to add a new Article 23 to Chapter 12 of Division 1 of Title 10 GCA, relative to the licensing of massage practitioners to practice in Guam.

BILL NO. 272-30 (LS) An act relative to the Division of Environmental Health of DPHSS; to amend §6229 of Article 2, Chapter 6 of Title 4 GCA; to add new §6233 to §6233.12 and §6234 to Article 2, Chapter 6 of Title 4 GCA; to amend §20121 of Chapter 20 of Title 10 GCA; add new §20122 and §20123 to Chapter 20 of Title 10 GCA; and to amend §7119 of Chapter 7, Title 22 GCA.

BILL NO. 275-30 (LS) An act relative to providing clarification and flexibility to DPHSS in the management of its financial resources for the direct operation of the Community Health Centers by amending Subsection (a) of §3811, Chapter 3, Title 10 GCA.

FRANK B. AGUON, JR.
SENATOR, CHAIRMAN

ADOLPHO B. PALACIOS, SR.
SENATOR, VICE CHAIRMAN

JUDITH T. WON PAT
SPEAKER
EX-OFFICIO MEMBER

BENJAMIN J.F. CRUZ
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TINA ROSE MUÑA BARNES
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FRANK F. BLAS, JR.
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SENATOR



**COMMITTEE ON ECONOMIC DEVELOPMENT,
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Agenda Continuation...

FRANK B. AGUON, JR.
SENATOR, CHAIRMAN

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SPEAKER
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SENATOR

FRANK F. BLAS, JR.
SENATOR

TELO TAITAGUE
SENATOR

RAY TENORIO
SENATOR

BILL NO. 280-30 (LS) An act to amend Subsections (a) (b) (c) (d) (e) and to add Subsections (f) (g) and (h) of Section 3811 and to add Subsections (6) and (7) to Section 3814 of Chapter 3 of Article 8 of Title 10 GCA relative to the establishment and use of the Community Health Center Revolving Fund.

BILL NO. 309-30 (COR)-_An act to add a new Chapter 91 entitled "Childs Right To Live Act" to title 9 of the GCA relative to the protection of infants born alive as a result of an abortion.

BILL NO. 312(COR) An act to add a new article 4 to Chapter 70 of 9 GCA Relative to penalties for those convicted of furnishing alcohol to minors.

6PM

BILL NO. 266-30 (COR)An act to provide capital improvement funds for the Guam Veterans Cemetery by adding a new Subsection (i) to §51821 of Article 8, Chapter 51, Division 2, Title 10 GCA, relative to the reallocation of excess funding proceeds from the 2009 Solid Waste Management System Bond Funds.

Should you have any question, please feel free to contact my office at 9691495/96.

Un Dangkolo Si Yu'os Si Ma'ase!



SENATOR FRANK B. AGUON, JR.

**Chairman, Committee on Economic Development,
Health & Human Services, and Judiciary**
I Mina' Trenta Na Liheslaturan Guåhan
(Thirtieth Guam Legislature)



PRESS RELEASE

FOR IMMEDIATE RELEASE

February 03, 2010

NOTICE OF PUBLIC HEARING

In accordance with the Open Government Law 24-109, relative to notice for public meetings, please let this serve as 5 days notice for a Public Hearing by the Committee on Economic Development, Health & Human Services, and Judiciary, scheduled for

DATE: THURSDAY, February 11, 2010
TIME: 1:30 PM
PLACE: Guam Legislature Public Hearing Room

Please see attached Agenda for listing of Bills that will be heard on this day. Persons with disabilities needing special accommodations/services, or for more information, please contact Gina Tabonares, Committee Special Assistant at 969-1495/6.

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Palau's Toribiong meets RP Foreign Secretary

By Bernadette H. Carson
For Variety

KOROR (Palau Horizon) - Philippine Secretary of Foreign Affairs Alberto Romulo welcomed President Johnson Toribiong at the Ninoy Aquino International Airport during the Palau leader's four-hour layover in Manila, Sunday.

Toribiong and his entourage briefly made a stop in the Philippines on their way back to Palau from a Taiwan trip.

The president said Romulo, in behalf of President Gloria Macapagal Arroyo, apologized for the Philippine head of state's cancelled trip to Palau.

"He said that President Arroyo cannot visit Palau due to other commitments," Toribiong said.

In the short meeting, Romulo



Palau Horizon Photo

and Toribiong discussed issues involving Philippine workers in Palau.

Workers from the Philippines are the biggest foreign worker labor force in Palau.

There are over 5,000 Philippine nationals employed in Palau.

"I assured Romulo that foreign workers in Palau are

well taken cared of according to the contracts and laws of Palau," he said.

In the brief meeting, he also

Philippine Secretary of Foreign Affairs Alberto Romulo, right, welcomed Palau President Johnson Toribiong at the Ninoy Aquino International Airport during the Palau leader's four-hour layover in Manila.

told Romulo about the contribution of Filipino workers to Palau's development.

Prior to his stop in Manila,

Toribiong was in Taiwan as one of the guests at the 2010 World

Freedom Day Celebrations in Taipei.

The World Freedom Day celebration featured a number of special activities, including an exhibition of photographs and an international academic symposium.

"I assured Romulo that foreign workers in Palau are well taken cared of according to the contracts and laws of Palau."

More than 60 representatives including prominent political leaders and scholars from around the world participated in the event.

Toribiong said he also met officials of Taiwan's legislature.



SENATOR FRANK B. AGUON, JR., Chairman
COMMITTEE ON ECONOMIC DEVELOPMENT,
HEALTH & HUMAN SERVICES, AND JUDICIARY
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NOTICE OF PUBLIC HEARING
THURSDAY, FEBRUARY 11, 2010 1:30 PM
GUAM LEGISLATURE PUBLIC HEARING ROOM

AGENDA

- BILL NO. 252-30 (COR)-AN ACT TO AMEND SECTION 4301 (a), ARTICLE 3, TITLE 4 GCA RELATIVE TO CREATING GOVGUAM EMPLOYEE HEALTH BENEFITS TRUST FUND
- BILL NO. 268-30(COR)-AN ACT TO ADD NEW ARTICLE 23 TO CHAPTER 12 OF TITLE 10 GCA RELATIVE TO THE LICENSING OF MASSAGE PRACTITIONERS TO PRACTICE IN GUAM
- BILL NO. 272-30 (COR) AN ACT RELATIVE TO THE DIVISION OF ENVIRONMENTAL HEALTH OF DPHSS; TO AMEND §6229 OF, AND A NEW §6233 6233.12 §6234 TO ARTICLE 2, CHAPTER 6 OF TITLE 4 OF GCA; TO AMEND §20121 OF, AND ADD A NEW §20122 AND §20123 TO, CHAPTER 20 OF TITLE 10 GCA
- BILL NO. 275-30(LS)AN ACT RELATIVE TO PROVIDING CLARIFICATION TO DPHSS IN THE MANAGEMENT OF ITS FINANCIAL RESOURCES FOR THE DIRECT OPERATION OF THE COMMUNITY HEALTH CENTERS BY AMENDING SUBSECTION (a) of §3811, CHAPTER 3, TITLE 10 GCA
- BILL NO.280-30(LS)-AN ACT TO AMEND SUBSECTIONS (a) (b) (c) (d) (e) AND ADD SUBSECTIONS (f) (g) (h) of SECTION 3811 OF ARTICLE 8 OF TITLE 10 GCA
- BILL NO. 309-30 (COR) -AN ACT TO ADD A NEW CHAPTER 91 ENTITLED "CHILD'S RIGHT TO LIVE ACT" TO TITLE 9 OF THE GCA RELATIVE TO THE PROTECTION OF INFANTS BORN ALIVE AS A RESULT OF AN ABORTION.
- BILL NO. 312 (COR) -AN ACT TO ADD A NEW ARTICLE 4 TO CHAPTER 70 OF 9 GCA RELATIVE TO PENALTIES FOR THOSE CONVICTED OF FURNISHING ALCOHOL TO MINORS.
- BILL 266-30 (COR)-AN ACT TO PROVIDE CAPITAL IMPROVEMENT FUNDS FOR THE GUAM VETERANS CEMETARY BY ADDING A NEW SUBSECTION (i) TO §31221.

Testimonies may be submitted in advance to the
Office of Senator Frank B. Aguon Jr.

238 Archbishop FC Flores St. DNA Bldg., Ste. 701A Hagatna, GU 96910 or
e-mailed to aguon4guam@gmail.com

Individuals requesting special accommodations/services, or for more
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**COMMITTEE ON ECONOMIC DEVELOPMENT,
HEALTH AND HUMAN SERVICES, AND JUDICIARY**
I Mina'Trenta Na Liheslaturan Guåhan • 30th Guam Legislature
238 Archbishop F.C. Flores St., DNA Bldg., Suite 701A, Hagatña, Guam 96910
Tel: (671) 969-1495/6 • Fax: (671) 969-1497 • Email: aguon4guam@gmail.com

February 8, 2010

MEMORANDUM

TO: Honorable Senators/ Committee Members
Committee on Economic Development, Health & Human Services and Judiciary

FROM: SENATOR FRANK B. AGUON, JR.
Chairman

SUBJECT: Notice Public Hearing – Second Notice
Thursday, February 11, 2010- 1:30PM

The Committee on Economic Development, Health & Human Services and Judiciary will be conducting a Public Hearing on **Thursday, February 11, 2010, 1:30pm** in the Guam Legislature's Public Hearing Room.

On the agenda will be the following:

BILL NO. 252-30 (COR) An act to amend Section 4301(a), add a new Section 4301.1(d) and to add a new Section 4302.1 of Chapter 4, Article 3, Title 4 GCA relative to creating the Government of Guam Employee Health Benefits Trust Fund by the Division of Accounts of the Department of Administration.,

BILL NO. 266-(COR) An act to provide capital improvement funds for the Guam Veterans Cemetery by adding a new Subsection (i) to §51821 of Article 8, Chapter 51, Division 2, Title 10 of GCA relative to reallocation of excess funding proceeds from the 2009 Solid Waste Management System Bond Funds

BILL NO. 268-30 (COR) An act to add a new Article 23 to Chapter 12 of Division 1 of Title 10 GCA, relative to the licensing of massage practitioners to practice in Guam.

BILL NO. 272-30 (LS) An act relative to the Division of Environmental Health of DPHSS; to amend §6229 of Article 2, Chapter 6 of Title 4 GCA; to add new §6233 to §6233.12 and §6234 to Article 2, Chapter 6 of Title 4 GCA; to amend §20121 of Chapter 20 of Title 10 GCA; add new §20122 and §20123 to Chapter 20 of Title 10 GCA; and to amend §7119 of Chapter 7, Title 22 GCA.

BILL NO. 275-30 (LS) An act relative to providing clarification and flexibility to DPHSS in the management of its financial resources for the direct operation of the Community Health Centers

BILL NO. 280-30 (LS) An act to amend Subsections (a) (b) (c) (d) (e) and to add Subsections (f) (g) and (h) of Section 3811 and to add Subsections (6) and (7) to Section 3814 of Chapter 3 of Article 8 of Title 10 GCA relative to the establishment and use of the Community Health Center Revolving Fund.

BILL NO. 309-30 (COR) An act to add a new Chapter 91 entitled "Childs Right to Live Act" to title 9 of the GCA relative to the protection of infants born alive as a result of an abortion.

BILL NO. 312 (COR) An act to add a new Art 4 to Chapter 70 of 9GCA Relative to penalties for those convicted of furnishing alcohol to minors.

Please call my office if you have any questions. *Un Dangkulo' na Si Yu'use Ma'ase.*

Cc: Sergeant-at-Arms/Protocol/AV

FRANK B. AGUON, JR.
SENATOR, CHAIRMAN

ADOLPHO B. PALACIOS, SR.
SENATOR, VICE CHAIRMAN

JUDITH T. WON PAT
SPEAKER
EX-OFFICIO MEMBER

BENJAMIN J.F. CRUZ
VICE SPEAKER

TINA ROSE MUÑA BARNES
LEGISLATIVE SECRETARY

THOMAS C. ADA
SENATOR

JUDITH P. GUTHERTZ
SENATOR

RORY J. RESPICIO
SENATOR

FRANK F. BLAS, JR.
SENATOR

TELO TAITAGUE
SENATOR

RAY TENORIO
SENATOR



Gina Tabonares <aguonmedia@gmail.com>

2nd Notice on Public Hearing on THURSDAY, FEB. 11, 2010

1 message

Gina Tabonares <aguonmedia@gmail.com>

Mon, Feb 8, 2010 at 4:21 PM

To: judiguthertz@pticom.com, senadotbjacruz@aol.com, senjim@ite.net, "Adolpho B. Palacios" <senabpalacios@gmail.com>, Ben Pangelinan <senbenp@guam.net>, Benjamin JF Cruz <senadotbjacruz@gmail.com>, "Edward J.B. Calvo" <sencalvo@gmail.com>, "Frank B. Aguon, Jr." <aguon4guam@gmail.com>, "Frank F. Blas, Jr." <frank.blasjr@gmail.com>, Jimmy Espaldon <senator@espaldon.com>, Judi Won Pat <info@judiwonpat.com>, Ray Tenorio <ray@raytenorio.com>, "Rory J. Respicio" <roryforguam@gmail.com>, Telo Taitague <senatortelo@gmail.com>, Tina Muna Barnes <tinamunabarnes@gmail.com>, Tom Ada <tom@senatorada.org>

Cc: alfredduenas@guamlegislature.org, andrasgrandma@yahoo.com, aokada@guamlegislature.org, bfartero@guamlegislature.org, bruce.lloyd.media@gmail.com, chris.budasi@guamlegislature.org, coy@senatorada.org, cyrus@senatorada.org, dcchaco@guamlegislature.org, doc.wyittenbachsantos@gmail.com, ed@raytenorio.com, edpocaigne@judiwonpat.com, edpocaigne@yahoo.com, epogue@guamlegislature.org, epogue@hotmail.com, fba_irenem@yahoo.com, fbtorres@yahoo.com, gtmarcos612@yahoo.com, herbie@judiwonpat.com, hmcruz55@guam.net, jameleng_91@yahoo.com, jamespcastro@gmail.com, jcamacho@senatorada.org, jenniferdulla@gmail.com, jessica@raytenorio.com, joe_kamudo@yahoo.com, jonbdiaz@gmail.com, josie.mendiola@gmail.com, joyunpingco@guamlegislature.org, juliette@senatorada.org, legislativesecretary1@gmail.com, lizama.frances@gmail.com, mark@judiwonpat.com, markaflogue@gmail.com, maryfejeran@gmail.com, mcarlson@ite.net, mermae@raytenorio.com, mjperez48@yahoo.com, mona.duenas@gmail.com, natashaguon@hotmail.com, nenamillondaga@yahoo.com, patrickcepeda@hotmail.com, paul@raytenorio.com, peterlg@gmail.com, pjtcruz@yahoo.com, remytaieron@yahoo.com, rlikeke05@gmail.com, rob.tupaz@gmail.com, roberto.phil@gmail.com, roeann@raytenorio.com, roland@judiwonpat.com, rsmuna45@gmail.com, rsmuna@yahoo.com, sahara@judiwonpat.com, santos222@gmail.com, sayama01@yahoo.com, smendiola@guamlegislature.org, stefcepeda@yahoo.com, tcamacho@senatorada.org, teddytaz_222@yahoo.com, tpmatane@yahoo.com, trespicio@gmail.com, typhoonjvr@yahoo.com, vel.komiyama@yahoo.com, victoria.phillips@live.com, vquenga@judiwonpat.com, wndycruz@gmail.com, zunior0831@hotmail.com, anaaleah <anaaleah@yahoo.com>, bill phillips <phillipsguam@gmail.com>, Chelsa Muna-Brecht <cmunabrecht@guamlegislature.org>, Derick Hills <derickhills@live.com>, Ed LeonGuerrero <edleonguerrero@gmail.com>, Elaine Tajalle <elainevtll@gmail.com>, Frank Torres <fbtorres@judiwonpat.com>, Fred Burgos <feaburgos@gmail.com>, Gina Tabonares <aguonmedia@gmail.com>, Jay Sunga <ajsunga@senatorada.org>, Jose Cruz <josecruzjr17@yahoo.com>, Joy Unpingco <joyunpingco@gmail.com>, Lisa Cipollone <cipo@guamlegislature.org>, Mary Lou Wheeler <mlwheeler2000@yahoo.com>, Maya Alonso <maya@guamlegislature.org>, Mike Lidia <mike.lidia9@gmail.com>, Nicole Santos <nsantos@senatorada.org>, Phillip Leon Guerrero <phill@raytenorio.com>, Ron Taitague <ez2plez57@yahoo.com>, ron teehan <rteehan@yahoo.com>, Selina Onedera-Salas <sonedera-salas@guamlegislature.org>, "teddytaz@ite.net" <teddytaz@ite.net>, tinaokada <tinaokada@gmail.com>, Toby Castro <tcastro@guam.net>, Tony Quitugua <tq@guamlegislature.org>, Daniel Perez <dperez@guamlegislature.org>, Dorothy Cruz <dot@guamlegislature.org>, Elvy Mew <emew@guamlegislature.org>, Flo Terlaje <fterlaje@guamlegislature.org>, Maria Nieves Materne <nieves@guamlegislature.org>, Martha Cruz <mrcruz@guamlegislature.org>, Pat Santos <psantos@guamlegislature.org>, Rennae Perez <rennae@guamlegislature.org>, vbermudes@guamlegislature.org, Yong Pak <yong@guamlegislature.org>, tunsio@guamlegislature.org, Joe Leon Guerrero <sgtarms@guamlegislature.org>, Stephanie Mendiola <sem@guamlegislature.org>

Buenas All!

Please see attached memo from Senator Frank B. Aguon Jr regarding the public hearing scheduled for Thursday, February 11, 2010, at 1:30 PM.

Si Yu'os Ma'ase!

--

GINA TABONARES
Office of Sen. Frank B. Aguon Jr.
Committee on Economic Development, Health and Human Services, and Judiciary
969-1495/6



2ndNoticeSENATORS.pdf

578K



**COMMITTEE ON ECONOMIC DEVELOPMENT,
HEALTH AND HUMAN SERVICES, AND JUDICIARY**
I Mina'Trenta Na Liheslaturan Guåhan • 30th Guam Legislature
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February 8, 2010

MEMORANDUM

TO: Media

· Pacific Daily News – 477-3079 KUAM- 637-9870 Glimpses 649-8883
· Pacific News Center – 477-0793 K-57/Power98-477-3982 KPRG-734-2958
· Hit Radio 100 – 472-7663 K-Stereo/KISH – 477-6411 I-94- 637-9865
· Marianas Variety – 648-2007 Glimpses-649-8883 Adventist Radio-565-2983
JOY 92FM- 4774678 Guam Broadcast Services -648-0104

FROM: SENATOR FRANK B. AGUON, JR.

I Mina' Trenta na Liheslaturan Guåhan

SUBJECT: Second Notice –Public Hearing

Thursday, February 11, 2010- 1:30PM

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BILL NO. 312-30(COR) An act to provide Article 4 to Chapter 70 of 9GCA Relative to penalties for those convicted of furnishing alcohol to minors.

Please call my office if you have any questions. *Un Dangkulo' na Si Yu'use Ma'ase!*

Cc: Sergeant-at-Arms/Protocol/AV

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SENATOR

TELO TAITAGUE
SENATOR

RAY TENORIO
SENATOR



SENATOR FRANK B. AGUON, JR.

Chairman, Committee on Economic Development,
Health & Human Services, and Judiciary
I Mina' Trenta Na Liheslaturan Guåhan
(Thirtieth Guam Legislature)



PRESS RELEASE

FOR IMMEDIATE RELEASE

February 08, 2010

SECOND NOTICE OF PUBLIC HEARING

In accordance with the Open Government Law 24-109, relative to notice for public meetings, please let this serve as 5 days notice for a Public Hearing by the Committee on Economic Development, Health & Human Services, and Judiciary, scheduled for

DATE: THURSDAY, February 11, 2010
TIME: 1:30 PM
PLACE: Guam Legislature Public Hearing Room

Please see attached Agenda for listing of Bills that will be heard on this day. Persons with disabilities needing special accommodations/services, or for more information, please contact Gina Tabonares or Ron Teehan at 969-1495/6.

#####

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KPRG News	734-2958
KGTF	734-3476
Adventist Radio	565-2983
Harvest Radio	477-7136
Joy 92FM	477-4678

AGENDA
Public Hearing
THURSDAY, Feb.11, 2010

1:30PM -6PM

BILL NO. 252-30 (COR)

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6:00PM

BILL NO. 266-30 (COR)

An act to provide capital improvement funds for the Guam Veterans Cemetery by adding a new Subsection (i) to §51821 of Article 8, Chapter 51, Division 2, Title 10 GCA, relative to the reallocation of excess funding proceeds from the 2009 Solid Waste Management System Bond Funds

NOTE: Blocked calls are not displayed on this report.
For more information, see Junk Fax Report and the Caller ID History report.

Last 30 Transactions

Date	Time	Type	Station ID Caller ID	Duration	Pages	Result
Feb 3	4:12PM	Fax Sent	6379870	1:02	2	OK
Feb 3	4:14PM	Fax Sent	4773982	0:52	2	OK
Feb 3	4:16PM	Fax Sent	4776411	1:13	2	OK
Feb 3	4:19PM	Fax Sent	6379865	0:58	2	OK
Feb 3	4:21PM	Fax Sent	5652983	0:54	2	OK
Feb 3	4:23PM	Fax Sent	7342958	1:01	2	OK
Feb 3	8:20PM	Received	4723510	0:18	1	OK
			6714723589			
Feb 4	11:39AM	Received	671 472 5022	0:34	1	OK
			6714725022			
Feb 4	3:03PM	Received	671 734 2066	0:20	1	OK
			6717342066			
Feb 4	5:20PM	Received	+6716472000	0:33	1	OK
			6716472000			
Feb 8	9:35AM	Received	671 472 5022	1:21	3	OK
			6714725022			
Feb 8	10:13AM	Received	4773736	0:22	1	OK
			6714773736			
Feb 8	11:53AM	Fax Sent	6482007	0:47	1	OK
Feb 8	12:16PM	Received	6351444	0:29	2	OK
			6716351444			
Feb 8	12:59PM	Fax Sent	6482007	0:50	1	OK
Feb 8	1:45PM	Fax Sent	6379870 - KUAM	0:55	2	OK
Feb 8	1:46PM	Fax Sent	4773982 - K57 / Power 98	0:51	2	OK
Feb 8	1:48PM	Fax Sent	4773079 - PDN	1:16	2	OK
Feb 8	1:50PM	Fax Sent	4770793 - PNC	0:50	2	OK
Feb 8	1:51PM	Fax Sent	6482007 - Marianas Variety	1:19	2	OK
Feb 8	1:53PM	Fax Sent	6482007	0:47	1	OK
Feb 8	1:55PM	Fax Sent	4772240	1:17	2	OK
Feb 8	1:57PM	Fax Sent	4727663 - Hit Radio 100	0:51	2	OK
Feb 8	1:58PM	Fax Sent	4776411 - Kstereo / KISH	1:21	2	OK
Feb 8	2:00PM	Fax Sent	7342958	1:34	2	OK
Feb 8	2:03PM	Fax Sent	7343476	1:10	2	OK
Feb 8	2:05PM	Fax Sent	5652983 - Adventist Radio	1:06	2	OK
Feb 8	2:07PM	Fax Sent	4777136	0:58	2	OK
Feb 8	2:08PM	Fax Sent	4774678 - Joy 92FM	1:02	2	OK
Feb 8	2:10PM	Fax Sent	4774678	0:51	2	OK

Won Pat. "It's a matter of choice; Speaker. Furthermore, Guam Department of Education teachers whose salary will be converted to a charter school will receive their service credit and their salary will be adversely affected. One issue that F.O. Sanchez's auditing firm Evergreen Solutions. One issue that will be discussed is the school was recommended for closure by a bill to keep the Umatac school open. The school was recommended for closure by When he was senator, Rector introduced a bill to keep the Umatac school open. The school will be created and run. said the presentation should answer and clarify many misconceptions and misunderstandings of how the charter school will be created and run.

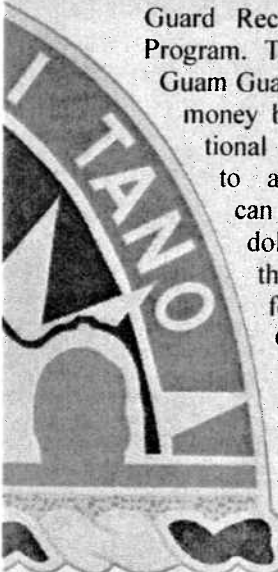
SPEAKER Judi Won Pat and Guam Federation of Teachers president Matt Rector will go head-to-head at 7 p.m. tonight at F.O. Sanchez Elementary School in Umatac to discuss the idea of the auditing firm Evergreen Solutions. One issue that will be discussed is the school was recommended for closure by a bill to keep the Umatac school open. The school will be created and run. said the presentation should answer and clarify many misconceptions and misunderstandings of how the charter school will be created and run.

By Therese Hart
therese@myguam.com
Variety News Staff

CONVERSION OF CHARTER SCHOOLS

Friday nights at Chamorro
Filamore Alcon, owner of owner said this was achieved the coming year.

CNMI recruits



Guard Recruiting Assistance Program. The program allows Guam Guard Soldiers to earn money by providing additional leads (prospects) to a recruiter. They can earn up to \$3,000 dollars per recruit that they are responsible for bringing into the Guard."

"The new recruits from Saipan will be training on island after their initial enlistment in March. Planning for

but more the enlistment of these new recruits in March is ongoing and the initial interest by the general public is high. Much of the success of this recruiting effort is a result of intense collaboration from all levels of both governments of Guam and the CNMI, to include local and federal entities," Crisostomo said.

There are currently no Guard units in the CNMI.



SENATOR FRANK B. AGUON, JR., *Chairman*
COMMITTEE ON ECONOMIC DEVELOPMENT,
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I Mina' Trenta Na Liheslaturan Guåhan
30th Guam Legislature
238 Archbishop F.C. Flores St., DNA Bldg., Ste. 701A, Hagatña,
Guam 96910 • Tel: (671) 969-1495/6 • Fax: (671) 969-1497
Email: aguon4guam@gmail.com

NOTICE OF PUBLIC HEARING THURSDAY, FEBRUARY 11, 2010 1:30 PM GUAM LEGISLATURE PUBLIC HEARING ROOM

AGENDA

- BILL NO. 252-30 (COR)-TO AMEND SECTION 4301 (a). OF CH. 4 ART. 3, 4 GCA RELATIVE TO CREATING A GOVGUAM EMPLOYEE HEALTH BENEFITS TRUST FUND
 - BILL NO. 268-30(COR)-TO ADD NEW ART 23 TO CH.12 OF 10 GCA RELATIVE TO THE LICENSING OF MASSAGE PRACTITIONERS TO PRACTICE IN GUAM
 - BILL NO. 272-30 (COR)-RELATIVE TO THE DIVISION OF ENVIRONMENTAL HEALTH OF DPHSS: TO AMEND §6229 OF ART 2, CH. 6 OF 4 GCA: TO AMEND §20121 OF CH 20 OF 10 GCA
 - BILL NO. 275-30(LS) RELATIVE TO PROVIDING CLARIFICATION TO DPHSS IN THE MANAGEMENT OF ITS FINANCIAL RESOURCES FOR THE DIRECT OPERATION OF THE COMMUNITY HEALTH CENTERS
 - BILL NO.280-30(LS)-AN ACT TO AMEND SECTION 3811 OF ART 8 OF 10 GCA. RELATIVE TO ESTABLISHMENT AND USE OF COMMUNITY HEALTH CENTER REVOLVING FUND.
 - BILL NO. 309(COR)-TO ADD NEW CH 91 ENTITLED "CHILDS RIGHT TO LIVE ACT TO 9 GCA RELATIVE TO THE PROTECTION OF INFANTS BORN ALIVE AS A RESULT OF AN ABORTION
 - BILL NO.312(COR)-TO ADD NEW ART 4 TO CH 70 OF 9GCA RELATIVE TO PENALTIES FOR THOSE CONVICTED OF FURNISHING ALCOHOL TO MINORS.
- 6:00 PM**
- BILL 266-30 (COR)-AN ACT TO PROVIDE CAPITAL IMPROVEMENT FUNDS FOR THE GUAM VETERANS CEMETARY BY ADDING A NEW SUBSECTION (i) TO §51821.

To view full text of the Bills, visit the Guam Legislature website at www.guamlegislature.com. If written testimonies are to be presented, the Committee requests copies be submitted 1 day prior to hearing date via mail to Office of Senator Frank B. Aguon Jr. 238 Archbishop FC Flores St. DNA Bldg. Ste. 701A Hagatna. GU 96910 . e-mail aguon4guam@gmail.com or fax to 9691497. Individuals requiring special accommodations/services, or for more information, please contact Gina Tabonares or Ron Teehan at 9691495/6



SENATOR FRANK B. AGUON, JR., *Chairman*
**COMMITTEE ON ECONOMIC DEVELOPMENT,
HEALTH & HUMAN SERVICES, AND JUDICIARY**
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FRIDAY, FEBRUARY 11, 2010, 1:30PM
GUAM LEGISLATURE PUBLIC HEARING ROOM

1:30PM – 6:00PM

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I MINA' TRENTA NA LIHESLATURAN GUÅHAN

2010 (SECOND) Regular Session

Date: 5/3/2010

VOTING SHEET

SBill No. 272-30(LS)

Resolution No. _____

Question: _____

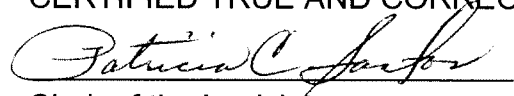
<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
ADA, V. Anthony	✓				
AGUON, Frank B., Jr.	✓				
BLAS, Frank F., Jr.	✓				
CALVO, Edward J.B.	✓				
CRUZ, Benjamin J. F.					EA
ESPALDON, James V.	✓				
GUTHERTZ, Judith Paulette	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera	✓				
RESPICIO, Rory J.	✓				
TAITAGUE, Telo	✓				
TENORIO, Ray					EA
WON PAT, Judith T.	✓				

TOTAL

13

2

CERTIFIED TRUE AND CORRECT:



Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence

MINA' TRENTA NA LIHESLATURAN GUAHAN
THIRTIETH GUAM LEGISLATURE
2009 (FIRST) Regular

MINA
2009 NOV - 4
M 2:25

Bill No. 27239 (LS)

Introduced by:

FRANK B. AGUON JR.



AN ACT RELATIVE TO THE DIVISION OF ENVIRONMENTAL HEALTH OF THE DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES; TO AMEND §6229 OF, AND ADD A NEW §6233 - §6233.12 AND §6234 TO, ARTICLE 2, CHAPTER 6 OF TITLE 4 GUAM CODE ANNOTATED; TO AMEND §20121 OF, AND ADD A NEW §20122 AND §20123 TO, CHAPTER 20 OF TITLE 10 GUAM CODE ANNOTATED; AND TO AMEND §7119 OF CHAPTER 7 OF TITLE 22 GUAM CODE ANNOTATED.

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Intent.** The functions of the environmental public
3 health practitioners of the Department of Public Health and Social Services,
4 Division of Environmental Health (DEH) are vital in protecting the health and
5 safety of the public, therefore, the *I Liheslaturan Guahan* finds it necessary to
6 modernize the division's professional-technical personnel and revitalize their
7 functions by addressing their qualifications, shortages, recruitment, and retention.

8 The environmental public health practitioners of DEH implement programs
9 that prevent injuries, diseases, disabilities, and death. As a result, the division's
10 prevention programs promote a healthy community which in turn lessens the
11 burden placed on our island's healthcare system. However, in order to deliver
12 effective environmental public health programs to the community, DEH must be
13 appropriately organized and equipped with adequate number of qualified

1 personnel. Unfortunately, because the DEH is currently hindered by outdated job
2 classifications, recruitment and retention difficulties, and funding constraints,
3 much of its services are not adequately provided to the public.

4 Currently, there are three different professional-technical positions in the
5 DEH. They are the Environmental Health Specialists (EHS), Public Health
6 Inspectors (PHI), and the Engineers. Each position plays an integral part in
7 implementing the mission of the division. Although all three positions perform
8 environmental health tasks, each has a specific role and qualification standards,
9 which adversely impacts the overall operation of the division. The duties and
10 responsibilities of these three positions need to be consolidated so to enable the
11 division to effectively assign personnel where needed without hindrance or
12 restrictions posed by differing positions titles and specifications. Furthermore, the
13 qualification standards of the DEH staff need to be increased to reflect the demand
14 and expectation of the job and to better enable the division to recruit individuals
15 who will be sufficiently prepared to perform their duties and responsibilities in the
16 field of environmental health.

17 In addition to higher qualification standards, competitive salaries must be
18 implemented to promote the recruitment and retention of the DEH personnel.
19 Existing salaries are far below the wages offered in the private sector and similar
20 government positions of other jurisdictions. The 2008 Hay Evaluation of the
21 division's Environmental Health Specialist position alone recommended a pay
22 increase of over 30%.

23 The challenges facing DEH are issues that are similarly impacting federal,
24 state, and other local governments. Attracting, recruiting, and retaining qualified
25 individuals in the field of environmental public health have become increasingly
26 difficult due to non-competitive wages, and a shrinking and aging workforce, while
27 the need for such services have grown and expanded over the years. According to
28 a 2003 report issued by U.S. Centers for Disease Control and Prevention, a

1 revitalization of the environmental public health services is necessary because its
2 functions affect millions of people at significant costs, emerging health problems
3 require innovative interventions, environmental public health is important in
4 responding to terrorism and other emergencies, and the field is becoming more and
5 more complex.

6 For the DEH, the recruitment of environmental public health practitioners
7 has been few and far in between, and retaining them has been a struggle. The
8 many responsibilities and demands placed on the staff of DEH, along with non-
9 competitive pay, have resulted in the departure of several employees over the years
10 for better opportunities, less demanding tasks, and improved working conditions.
11 The absence of adequate number of qualified environmental public health
12 practitioners in the division has caused: a decline in the number of sanitation
13 inspections, the absence of an effective vector surveillance and control programs,
14 continued importation and sale of adulterated and misbranded consumer
15 commodities, diversion of pharmaceutical controlled substances into illicit
16 channels, inability to adequately respond to vector- and food-borne disease
17 outbreaks or any deliberate attack of our food system, and the non-existence of the
18 radiological health program to protect the community from the hazards of ionizing
19 radiation-emitting devices such as x-ray machines.

20 The need to modernize and revitalize the Division of Environmental Health
21 is even greater now in light of the pending military build-up. The anticipated
22 growth of the island in population and regulated facilities, such as barracks,
23 restaurants, bars, massage facilities, and hotels will only further place additional
24 demands on DEH. According to the latest data from the Military-Civilian Task
25 Force, Guam can expect nearly 40,000 active military personnel and their
26 dependents, and civilian growth of additional 20,000 people, in the next five years.
27 As a result, the division foresees a need for growth in personnel number. In
28 attempt to meet current mandates and the anticipated military build-up, the division

1 must be given the resources it needs to serve the people of Guam and its visitors
2 and the military.

3 Therefore, it is the intent of *I Liheslaturan Guahan* to modernize and
4 revitalize the Division of Environmental Health. A new position series within the
5 Division of Environmental Health will be created to replace the existing three
6 professional-technical positions with increased qualification standards. The DEH
7 staff impacted will be reclassified into one of the positions of this new series. An
8 updated pay structure shall be implemented for the new position series to provide
9 competitive salaries and compensation to the employees. To encourage the
10 retention of these personnel, and promote their continuing education, incentive pay
11 for professional certification shall be made available to them.

12 The funding will derive from the Environmental Health Fund, which will be
13 more readily accessible to the division, and from the creation of the Environmental
14 Health Military Build-Up Fund.

15 **Section 2.** This Act shall be known as the “*Environmental Public Health*
16 *Modernization and Revitalization Act of 2009.*”

17 **Section 3.** Section 6229 of Article 2, Chapter 6 of Title 4, Guam Code
18 Annotated, is amended to read:

19 “§6229. **Definition.** As used in this and any other applicable Act the
20 following words and phrases are defined to mean:

21 (a) ‘Basic science’ means those college courses in the
22 sciences, such as environmental health, environmental science,
23 biology, chemistry, physics, engineering, and other courses
24 acknowledged by the National Environmental Health Association as
25 part of the association’s qualification requirements for the Registered
26 Environmental Health Specialist or Registered Sanitarian
27 examination.

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~~(a)~~(b) ‘*Board*’ means the Guam Boards under the Healing Arts.

~~(b)~~(c) ‘*Class Specifications*’ means official document which describes the general characteristics of a class, including the title; nature of work; summary statement of examples of duties performed; a statement of minimum qualifications; and the minimum knowledge, abilities and skills needed to perform the work which provides the criteria for placing each position in its proper class.

(d) ‘*Division of Environmental Health*’ (“DEH”) means the Division of Environmental Health of the Department of Public Health and Social Services, or its successor, as provided in §20103 of Chapter 20, Title 10 Guam Code Annotated.

(e) ‘*Environmental Public Health Officer*’ (“EPHO”) means an environmental health practitioner within the Division of Environmental Health of the Department of Public Health and Social Services who conducts inspections, investigations, surveillance, plan review, warnings, permitting, grading, risk management, sampling, analyses, education, supervision, and other activities of environmental health programs of DEH.

~~(e)~~(f) ‘*HealthCare professional(s)*’ means any employee in the government agencies who is essential to the delivery of patient/client care services, and as defined in §10101 of Title 10 of the Guam Code Annotated and §5 of Public Law Number 22-87.

~~(d)~~(g) ‘*Known-Promotion-Potential*’ (“KPP”) means an upward career mobility in a series of positions within an organization without competition, and where at an earlier date an employee was selected under a competitive examination.

1 (h) 'National Environmental Health Association' ("NEHA")
2 means the national professional society for environmental health
3 practitioners, or its successor, that issues the professional
4 credentialing of Registered Environmental Health Specialist or
5 Registered Sanitarian.

6 (e)(i) 'Nurse(s)' means a professional nurse who is licensed by
7 the Guam Board of Nurse Examiners to practice as a registered nurse,
8 or as an advanced practice registered nurse on Guam.

9 (j) 'Registered Environmental Health Specialist ("REHS")
10 or Registered Sanitarian ("RS")' means the highest professional
11 credentialing offered by the National Environmental Health
12 Association."

13 **Section 4.** A new §6233 is added to Article 2 of Chapter 6, Title 4, Guam
14 Code Annotated, to read:

15 **"§6233. Environmental Public Health Officer.** There shall be within the
16 Division of Environmental Health of the Department of Public Health and
17 Social Services an Environmental Public Health Officer position series to
18 replace the division's Environmental Health Specialists, Engineers, and
19 Public Health Inspectors."

20 **Section 5.** A new §6233.01 is added to Article 2 of Chapter 6, Title 4,
21 Guam Code Annotated, to read:

22 **"§6233.01. Duties and Responsibilities of Environmental Public Health**
23 **Officer.** The Director of Administration, in close collaboration with the
24 Department of Public Health and Social Services, shall establish class
25 specifications and updated pay schedule for the Environmental Public
26 Health Officer position series based on the following criteria:

1 (a) The nature of work; summary statement of examples of
2 duties performed; a statement of minimum qualifications; and the
3 minimum knowledge, abilities, and skills needed to perform the work
4 of the Environmental Public Health Officer positions, which shall be
5 the various combination of the class specifications of Public Health
6 Inspectors, Environmental Health Specialists, and Engineers that are
7 specific to the mission and mandates of the Division of Environmental
8 Health of the Department of Public Health and Social Services;

9 (b) Hierarchical position levels of the Environmental Public
10 Health Officer series shall begin with the Environmental Public
11 Health Officer I, followed by Environmental Public Health Officer II,
12 Environmental Public Health Officer III, Environmental Public Health
13 Officer Supervisor, Environmental Public Health Officer
14 Administrator, and concluding with the Chief Environmental Public
15 Health Officer;

16 (c) The minimum education requirements of all positions
17 within the Environmental Public Health Officer series shall be (1) a
18 bachelor's degree in any field of study from any accredited college or
19 university; (2) a college algebra course or higher level math; and (3)
20 30 semester or 45 quarter hours in basic sciences; and

21 (d) The Chief Environmental Public Health Officer of the
22 Environmental Public Health Officer series must possess a master's
23 degree in the field of environmental health, environmental science,
24 environmental engineering, biology, chemistry, public health, physical
25 science, or natural sciences.”

26 **Section 6.** A new §6233.02 is added to Article 2 of Chapter 6, Title 4,
27 Guam Code Annotated, to read:

1 **“§6233.02. Reclassification of Environmental Health Specialists,**
2 **Engineers, and Public Health Inspectors of the Division of**
3 **Environmental Health into the Environmental Public Health Officer**
4 **positions.** (a) The Director of Administration, in close collaboration with
5 the Department of Public Health and Social Services, shall reclassify
6 existing Environmental Health Specialists, Engineers, and Public Health
7 Inspectors of the Division of Environmental Health, provided the employee
8 meets the new qualification standards established in Section 6233.01, into
9 one of the Environmental Public Health Officer position series based on the
10 following:

11 (1) Employees holding the position titles of Environmental
12 Health Specialist I and any levels of Public Health Inspector shall be
13 reclassified as Environmental Public Health Officer I;

14 (2) Employees holding the position titles of Environmental
15 Health Specialist II and Engineer I shall be reclassified as an
16 Environmental Public Health Officer II;

17 (3) Employees holding the position title of Environmental
18 Health Specialist III shall be reclassified as an Environmental Public
19 Health Officer III;

20 (4) Employees holding the position title of Environmental
21 Health Specialist Supervisor shall be reclassified as either an
22 Environmental Public Health Officer Supervisor or an Environmental
23 Public Health Officer Administrator depending on the employees
24 existing duties and responsibilities that best match the duties and
25 responsibilities of the EPHO Supervisor or EPHO Administrator; and

26 (5) An employee holding the position title of Environmental
27 Health Specialist Administrator shall be reclassified as the Chief
28 Environmental Public Health Officer.

1 (b) An existing employee of the Division of Environmental Health
2 who is holding a position title within the Environmental Health Specialist,
3 Engineer, or Public Health Inspector series who does not meet the minimum
4 education standards of Section 6233.01(c) shall instead meet the following
5 requirements to be reclassified into his/her respective Environmental Public
6 Health Officer positions within 4 years of the enactment of this act:

7 (1) A course in college algebra;

8 (2) 8 semester credits in biology; and

9 (3) 6 semester credits in English from an accredited
10 university or college.

11 (c) If the existing Environmental Health Specialist Administrator
12 of the Division of Environmental Health does not meet the education
13 requirement of Section 6233.01(d), the employee shall instead be
14 reclassified into the next highest EPHO position that employee is qualified
15 to hold.

16 (d) Existing employees who does not meet the requirements for
17 reclassification into their respective EPHO position shall remain in his/her
18 current position and continue to perform the duties and responsibilities of
19 that position until such time the employee meets the minimum
20 qualifications outlined in Section 6233.01(c) or Section 6233.02(b), and
21 shall be eligible and receive the updated salary for their existing positions as
22 provided in Section 6233.04; and

23 (e) The Director of Administration shall provide within 4 years of
24 enactment of this act, on a one-time basis, priority placement for any
25 employee who is impacted by this act and who wishes to transfer out of the
26 Division of Environmental Health to any vacant, funded classified position
27 within government of Guam for which the employee applies and qualifies.”

1 **Section 7.** A new §6233.03 is added to Article 2 of Chapter 6, Title 4,
2 Guam Code Annotated, to read:

3 “**§6233.03. Deletion of Public Health Inspector Position Series and the**
4 **Class Specifications amendments of Environmental Health Specialist**
5 **Position Series.** The Director of Administration shall:

6 (a) immediately delete the Public Health Inspector position
7 series within the government of Guam upon the reclassification or
8 departure of all existing applicable DEH employees, and its place
9 there shall be a creation of a new position called, Environmental
10 Health Technician, which shall possess the classification
11 specifications for performing the lower level duties and
12 responsibilities of the DEH that are left vacant in the establishment of
13 the Environmental Public Health Officer series;

14 (b) within 60 days of the implementation of this Act make any
15 necessary revisions to the class specifications of the Environmental
16 Health Specialist series to remove reference of the job specifications
17 relevant to the mandates of the DEH; and

18 (c) permit existing DEH employees not reclassified into his/her
19 respective EPHO position to continue to utilize their existing class
20 specifications until such time the employee is reclassified to EPHO or
21 separates from DEH.”

22 **Section 8.** A new §6233.04 is added to Article 2 of Chapter 6, Title 4,
23 Guam Code Annotated, to read:

24 “**§6233.04. Competitive Salary and Incentives for Environmental Public**
25 **Health Officer.** The Director of Administration shall establish updated
26 competitive salaries, using the Hay methodology or any other classification
27 methods and salary administration deemed appropriate, and provide

1 incentives for the recruitment and retention of Environmental Public Health
2 Officers in the Division of Environmental Health of the Department of
3 Public Health and Social Services. The review and implementation of
4 salaries shall also include existing Public Health Inspector, Environmental
5 Health Specialist, and Engineer positions of DEH that will remain in
6 existence until such time the holder of these positions are reclassified to the
7 EPHO position series or separates from the division within 4 years of
8 enactment of this act.”

9 **Section 9.** A new §6233.05 is added to Article 2 of Chapter 6, Title 4,
10 Guam Code Annotated, to read:

11 **“§6233.05. Salary and Incentive Review.** The salary schedules of the
12 Environmental Public Health Officers are to be reviewed by the Director of
13 Administration every three (3) years, and upgraded as needed. The salary
14 for each of the Environmental Public Health Officer classifications in the
15 Division of Environmental Health shall be established so to be competitive
16 in their recruitment and retention. The Director of Administration is to
17 annually meet with the Director of the Department of Public Health and
18 Social Services and the Chief Environmental Public Health Officer of the
19 Division of Environmental Health to address recruitment and retention
20 incentives for Environmental Public Health Officers.”

21 **Section 10.** A new §6233.06 is added to Article 2 of Chapter 6, Title 4,
22 Guam Code Annotated, to read:

23 **“§6233.06. Class Specifications Review.** The Director of Administration,
24 in close collaboration with the Director of the Department of Public Health
25 and Social Services and the Chief Environmental Public Health Officer is to
26 evaluate and update, if necessary, the class specifications pertaining to the

1 duties, requirements, and experience of all Environmental Public Health
2 Officer classifications when deemed necessary by both departments.”

3 **Section 11.** A new §6233.07 is added to Article 2 of Chapter 6, Title 4,
4 Guam Code Annotated, to read:

5 “**§6233.07. Compensation for Professional Certification.** Environmental
6 Public Health Officers in the Division of Environmental Health who possess
7 professional certification of REHS or RS shall be entitled to professional
8 certification pay differential which shall be the rate of their base salary plus
9 ten percent (10%) to promote competency in the knowledge and application
10 of environmental health principles and for the continuation of their
11 education. The loss of such certification, for example by failing to maintain
12 the required continuing education credits, shall result in the loss of the ten
13 percent incentive pay differential until such time the certification is
14 regained.”

15
16 **Section 12.** A new §6233.08 is added to Article 2 of Chapter 6, Title 4,
17 Guam Code Annotated, to read:

18 “**§6233.08. Promoting Training and Professional Certification.** The
19 Department of Public Health and Social Services shall make every
20 reasonable efforts to provide opportunities for Environmental Public Health
21 Officers to pursue continuing education credits and college credits by
22 allowing them to attend environmental health related training, conferences,
23 seminars, certification and recertification courses, etc. to broaden their
24 knowledge of environmental health and to keep abreast of new and
25 improving technology of the field and to pursue and retain professional
26 certification. The department shall also provide, as funding permits, the cost

1 for the training, education, examination, certification, and renewal of REHS
2 or RS for the Environmental Health Officers.”

3 **Section 13.** A new §6233.09 is added to Article 2 of Chapter 6, Title 4,
4 Guam Code Annotated, to read:

5 “**§6233.09. Promoting and Enhancing Environmental Public Health.**
6 The Division of Environmental Health shall pursue for possible adoption and
7 implementation, activities that will promote and enhance the field and
8 services of environmental public health. Such activities may include, but not
9 limited to, updating existing rules and regulations; awareness and education
10 campaigns; public outreach programs; development of partnerships with
11 stakeholders; and review of innovative practices, projects, or technologies to
12 improve the delivery of environmental public health services to the people of
13 Guam.”

14 **Section 14.** A new §6233.10 is added to Article 2 of Chapter 6, Title 4,
15 Guam Code Annotated, to read:

16 “**§6233.10. Implementation.** (a) Unless otherwise indicated, the
17 Director of Administration shall closely coordinate with the
18 Department of Public Health and Social Services to implement the
19 provisions of this Act within ninety (90) days of enactment.”

20 **Section 15.** A new §6233.11 is added to Article 2 of Chapter 6, Title 4,
21 Guam Code Annotated, to read:

22 “**§6233.11. Salary Structure for Division Heads of the Department of**
23 **Public Health and Social.** The Department of Administration shall review,
24 and adjust as necessary, the pay structure of classified employees serving as
25 the head of the division within the Department of Public Health Social
26 Services to ensure their pay grades reflect the department’s organizational

1 structure whereby division heads are hierarchically above supervisors of
2 bureaus, sections, units, and other organizational levels of the department
3 regardless of the division. Pursuant to Title 10 GCA, Part 1, the divisions of
4 the Department of Public Health and Social Services shall be the Division of
5 Public Health, Division of Public Welfare, Division of Environmental
6 Health, and the Division of Senior Citizens.”

7 **Section 16.** A new §6233.12 is added to Article 2 of Chapter 6, Title 4,
8 Guam Code Annotated, to read:

9 **“§6237.12. Acknowledging the Functions of the Division of**
10 **Environmental as Vital Component in Protecting Public Health.** It shall
11 be acknowledged by the government of Guam that the services provided by
12 the Division of Environmental of the Department of Public Health and
13 Social Services are vital in protecting the health of the people of Guam and
14 the duties and responsibilities of the Environmental Public Health Officers
15 and other supporting personnel of DEH are critical to the mission of the
16 division.”

17 **Section 17.** Section 20121 of Chapter 20, Division 2, Title 10, Guam Code
18 Annotated, is amended to read:

19 **“§20121. Environmental Health Fund.** There is hereby created, separate
20 and apart from other funds of the government of Guam, a fund known as the
21 “Environmental Health Fund.” The Fund shall *not* be commingled with any
22 other fund and shall be deposited into a separate bank account. Any and all
23 fees collected pursuant to this Part, unless otherwise specifically provided,
24 shall be deposited into the Fund and it shall be expended upon Legislative
25 appropriation solely in support of the functions of the Division of
26 Environmental Health of the Department of Public Health & Social Services.
27 *I Liheslaturan Guåhan shall every fiscal year appropriate and authorize the*

1 Department of Public Health & Social Services to expend up to the level of
2 revenues collected in the Fund for the operation of the Division of
3 Environmental Health. Any unexpended balance of the Fund shall be
4 carried over into the next fiscal year. These funds are not subject to the
5 transfer authority of the Director of the Department of Public Health &
6 Social Services or *I Maga'lahaen Guahån* unless specifically cited by name
7 and authorized in any appropriation law."

8
9 **Section 18.** A new Section 20122 is added to Chapter 20 of Division 2,
10 Title 10, Guam Code Annotated, to read:

11 **"§20122. Fee Schedule Review.**

12 (a) The Division of Environmental Health shall annually review, and
13 revise if necessary, all fee schedule(s) of the division to determine if there is
14 a need to adjust such fees for recouping costs incurred, or will be incurring,
15 by the division for issuing permits, certificates, and registrations; conducting
16 inspections; and any other services provided by the division as required by
17 law.

18 (b) The economic impact statement exemption provided in §9301(i)
19 of Article 3, Chapter 9 of Title 5 Guam Code Annotated for the purpose of
20 fee adoption shall be applied to any proposed fee increase of the division
21 only *if* the difference of such increase is Five Hundred Thousand Dollars
22 (\$500,000.00) or less as determined by the Department of Public Health and
23 Social Services."

24 **Section 19.** A new §20123 is added to Chapter 20 of Division 2, Title 10,
25 Guam Code Annotated, to read:

26 **"Section 20123. Environmental Health Military Build-Up Fund.** (a)
27 There is hereby created the Environmental Health Military Build-Up Fund,

1 which shall be separate and apart from the General Fund in its own bank
2 account. Monies in this fund shall not lapse at the end of a fiscal year but
3 shall roll-over until used by the DPHSS for the overall cost in the operation
4 of the Division of Environmental Health of the Department of Public Health
5 and Social Services. The fund may also be used for personnel expenses.”

6 **Section 20.** Section 7119 of Chapter 7 of Division 1, Title 22, Guam Code
7 Annotated is amended to read:

8 **“§7119. Registration Fee.**

9 (a) The Guam Department of Labor is authorized to collect a
10 registration fee of One Thousand Dollars (\$1,000) annually per non-
11 immigrant temporary worker for each calendar year or a fraction thereof
12 from the employer of each non-immigrant temporary worker, payable at the
13 time of registration by the non-immigrant worker.

14 (b) Fund collected pursuant thereto shall be subject to legislative
15 appropriation, and shall be used solely to support §7120, Chapter 7, Title 22
16 GCA (Manpower Development Fund), ~~and the Skills Training Programs and~~
17 the activities of the Department of Public Health and Social Service,
18 Environmental Health Division. Eighty point Forty-five percent (80.45%) of
19 funds collected shall go to the MDF and appropriated pursuant to §7120,
20 Chapter 7 of Title 22 GCA; the remaining Nineteen point Forty-five percent
21 (19.55%) shall be deposited into the Environmental Health Military Build-
22 Up Fund. Funds allocated for the Manpower Development and Skills
23 Training Programs are used for Guam residents in order to eliminate the
24 needs to bring non-immigrant temporary workers on Guam. Environmental
25 Health Military Build-Up Fund is used to ensure that worker’s dormitories
26 and other facilities regulated by the Division of Environmental Health of the
27 Department of Public Health and Social Services comply with sanitary

1 requirements of governing rules and regulations, and for the implementation
2 of other environmental public health programs of the division, to protect the
3 health of the non-immigrant temporary workers, island visitors, and the
4 people of Guam from environmental hazards. In preparation for the large
5 number of workers' dormitories and other regulated facilities that will open
6 as a result of the military expansion on Guam, the Division of
7 Environmental Health may recruit temporary, limited term employees until
8 September 30, 2015."

9 **Section 21. Interpretation.** The provisions of this Act shall be liberally
10 construed to ensure the spirit and intent of the act are applied and implemented for
11 the modernization and revitalization of the Division of Environmental Health in the
12 protection of public health.

13 **Section 22. Severability.** If any provision of this Act or its application to
14 any person or circumstance is held invalid, the invalidity does not affect other
15 provisions or applications of this Act which can be given effect without the invalid
16 provision or application, and to this end the provisions of this Act are severable.

17 **Section 20. Effective Date.** This Act shall take effect immediately upon
18 enactment.