


7 MAY 2010

**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 3<sup>rd</sup> day of May, 2010, duly and regularly passed.**



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**Judith T. Won Pat, Ed. D.**  
**Speaker**

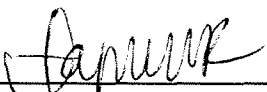
Attested:



\_\_\_\_\_  
**Tina Rose Muña Barnes**  
**Legislative Secretary**

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



\_\_\_\_\_  
Assistant Staff Officer  
*Maga'lahaen's Office*

APPROVED:

\_\_\_\_\_  
**FELIX P. CAMACHO**  
*I Maga'lahaen Guåhan*

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

***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 Guâhan*, via *I Maga'lahen Guâhan*, the positions, class  
14 specifications, hierarchal structure, etc., mandated to be developed pursuant to this  
15 Act, for Legislative concurrence. *I Liheslaturan Guâhan 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.