



SENATOR DENNIS G. RODRIGUEZ, JR.

APR 27 2015

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'Trentai Tres Na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

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

RE: Committee Report – Bill No. 53-33(COR), as Substituted.

Dear Speaker Won Pat:

Transmitted herewith, for your consideration, is the **Committee Report on Bill 53-33 (COR)- An act to adopt Rules and Regulations governing the sanitary operations and inspections of temporary workforce housing pursuant to §21102 of Chapter 21 and §26305 of Chapter 26A, Title 10 Guam Code Annotated**, Sponsored by Senator Dennis G. Rodriguez, Jr., and referred to the Committee on Health, Economic Development, Homeland Security and Senior Citizens. Bill No. 53-33(COR) was publicly heard on May 18, 2015 and April 8, 2015.

Committee votes are as follows:

- 6 TO PASS
- 1 NOT TO PASS
- 1 ABSTAIN
- 3 TO REPORT OUT ONLY
- 1 TO PLACE IN INACTIVE FILE

Senseramente,

Senator Dennis G. Rodriguez, Jr.
Chairman

Attachments

2015 APR 27 AM 10:04



**COMMITTEE REPORT
ON**

BILL NO. 53-33 (COR)

As Substituted

Sponsored by Senator Dennis G. Rodriguez, Jr.

An act to adopt Rules and Regulations governing the sanitary operations and inspections of temporary workforce housing pursuant to §21102 of Chapter 21 and §26305 of Chapter 26A, Title 10 Guam Code Annotated.



SENATOR DENNIS G. RODRIGUEZ, JR.

April 22, 2015

MEMORANDUM

To: ALL MEMBERS
Committee on Health, Economic Development, Homeland Security and Senior Citizens

From: Senator Dennis G. Rodriguez, Jr. *DR*
Committee Chairperson

Subject: Committee Report on Bill no. 53-33(COR), as Substituted.

Transmitted herewith, for your consideration, is the **Committee Report on Bill 53-33 (COR)- An act to adopt Rules and Regulations governing the sanitary operations and inspections of temporary workforce housing pursuant to §21102 of Chapter 21 and §26305 of Chapter 26A, Title 10 Guam Code Annotated, Sponsored by Senator Dennis G. Rodriguez, Jr.**

This report includes the following:

- Committee Voting Sheet
- Committee Report Narrative/Digest
- Copy of Bill No. 53-33(COR)
- Substitute Bill No. 53-33 (COR)
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony and Supporting Documents
- Copy of COR Referral of Bill No. 53-33(COR)
- 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'ãse'!

Attachments



SENATOR DENNIS G. RODRIGUEZ, JR.

COMMITTEE VOTING SHEET

Substitute Bill 53-33 (COR)- An act to adopt Rules and Regulations governing the sanitary operations and inspections of temporary workforce housing pursuant to §21102 of Chapter 21 and §26305 of Chapter 26A, Title 10 Guam Code Annotated, Sponsored by Senator Dennis G. Rodriguez, Jr.

	SIGNATURE	TO PASS	NOT TO PASS	ABSTAIN	REPORT OUT ONLY	PLACE IN INACTIVE FILE
DENNIS G. RODRIGUEZ, Jr. Chairman		✓ 4/27				
V. ANTHONY ADA Vice Chairman		✓ 4/27				
BENJAMIN J.F. CRUZ					✓	
RORY J. RESPICIO		✓ 4/27/15				
TINA ROSE MUNA-BARNES						
THOMAS C. ADA					✓	
FRANK B. AGUON, Jr. 4/27/15					✓	
NERISSA B. UNDERWOOD		✓ 4/27/2015				
THOMAS A. MORRISON		✓ 4/27				
BRANT T. MCCREADIE						



SENATOR DENNIS G. RODRIGUEZ, JR.

COMMITTEE REPORT DIGEST

Bill No. 53-33 (COR)

- I. OVERVIEW:** The Committee on Health, Economic Development, Homeland Security and Senior Citizens conducted a public hearing on March 18, 2015 and April 8, 2015. Both hearings convened at 5:30pm in I Liheslatura's Public Hearing Room. Among the items on the agenda was the consideration of **Bill 53-33 (COR)- An act to adopt Rules and Regulations governing the sanitary operations and inspections of temporary workforce housing pursuant to §21102 of Chapter 21 and §26305 of Chapter 26A, Title 10 Guam Code Annotated, Sponsored by Senator Dennis G. Rodriguez, Jr.**

Public Notice Requirements

Notices were disseminated via hand-delivery/fax and/or email to all senators and all main media broadcasting outlets on March 11, 2015 and March 31, 2015 (5-day notice), and again on March 16, 2015 and April 6, 2015 (48-hour notice).

Senators Present

Senator Dennis G. Rodriguez, Jr. Chairman
Senator Rory J. Respicio Committee Member
Senator Nerissa Underwood, Ph.D. Committee Member
Senator James V. Espaldon

The public hearing on agenda item Bill No. 53-33(COR) was called to order at 5:38pm and 5:40pm.

II. SUMMARY OF TESTIMONY & DISCUSSION.

TESTIMONY of MARCH 18, 2015 HEARING (Bills 45-33(COR) and Bill 53-33(COR) were both heard simultaneously)

Chairman Senator Dennis Rodriguez, Jr.: Committee has resumed this Public Hearing. The time is 6:26.

Chairman Senator Dennis Rodriguez, Jr.: Both of these Bills are relative to adopting Rules and Regulations that were submitted to the Legislature via the Triple A Process.

BILL TITLES READ

Chairman Senator Dennis Rodriguez, Jr.: The process is when these things come down we 90 days to either lapse into law or introduce a Bill just like what we did with this to provide that extra layer of public scrutiny and that's the practice of this committee and doing so with these Rules and Regs come before the committee and so we've sent out invitations to all those we believe would be



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effected by this, it's a great number. We talk about Health Certificates right? So it's only you guys here so and I share the same thing in the packet you submitted. No one attended the public hearings, it was very minimal in attendance. So we will continue to seek the public's input in this we want to make sure that it's done so that they know what is happening and any amendments being made to these two programs. So now we have Tom Nadeau, Administrator at Environmental Health And Director Gillan who is here. If you can please provide your testimonies.

Mr. James Gillan, Director, Department of Public Health and Social Services: Thank you Senator. So we're going to simultaneously say that we agree. We've held the Public Hearings and then looking at your Bill and acting all of this which also I notice because I was concerned about what happens if we make subsequent amendments, do we need to go legislation but you've allowed us again go through hearings to make those amendments but still would be promulgated here through the Triple A. We've had the hearings, we know that just with the Health Certificates alone we issued like 30,000 last year. We're looking at enhancing our IT capability so a lot of this will be handled at least more efficiently and quickly. I think the highlights will be when the new facility, the new Environmental Public Health Lab opens in Dededo we'll have a 50 seat classroom. We will be doing the instructions. We are actually going to take that back from GCC and do it ourselves. That enhances our income, makes us a little bit more flush if you want, but we'll be able to purchase more things, hire more people and have a system where the certificates can be issued fairly quickly and we're really talking about trying to match up actually having faces to match up the health certificates because I think sometimes we visit a place, there's a place but the person who is not. We want to try to catch all of that as much as we can and I think having people who really are good in knowing what they're doing here because we just had that recent incident with a food vendor, a major food vendor that appeared those folks had health certificates but didn't seem to know much about food safety. We want to bring it all back in house, so we'll do that. We have some cosmetic things again and they're really minor things like putting an "O" instead of an "M" and Italicize Latin words and do these kind of things. Tom and his folks are very on the ball with looking at everything here. There are some changes you're asking for a managers certificate where before we never had anything like that. So we get a little bit more involved and again making people a little more responsible for the people they oversee which obviously a great idea. Tom did you want to add anything to Bill 45-33?

Mr. Tom Nadeau, Chief Environmental Health Officer Administrator, Division of Environmental Health, DPHSS: No just to comment on what you said sir. There's a plan, that the Director mentioned, is basically take over the workshop that GCC has been doing and we've been very grateful they've been able to do it but now that we have the capability I think it's time for us to take that responsibility back and also assist in our lab because to run a lab is quite expensive and we do need additional revenue to make that happen and this is another source we can rely on to ensure we're able to maintain the lab and also expand the workshop training to not just from food handlers but those who require to possess health certificates and I believe that education is important if not more than the regulatory enforcement that we do. So I think it's very relevant that we focus on education as well and the workshop is part of that component.

Chairman Senator Dennis Rodriguez, Jr.: Thank you Tom. Tom you know on the health certificate Rules and Regs. I notice there was some sections that were strike-through, one of them is



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the "Temporary Health Certificate," are you discontinuing that practice of issuing temporary health certificates?

Mr. Tom Nadeau: Yes, that is what we are proposing. How that works Senator is that, if an entity was to have a temporary (unaudible) permit that operator in turn can have temporary employees and thus temporary health certificate. The problem we face with that Senator, these individuals can be literally someone off the street, would you like to work for me. I just need your name, your SS number, and submit your name and that information to Public Health and we simply get that list, acknowledge it, and they pay the necessary fee and that's it. The person may have zero information on food safety, may not even have, well obviously the person would not have to get any kind of health clearance. So we think, I don't want to say some kind of loophole, but definitely a challenge for us in ensuring the person is first of all has the knowledge to understand food safety, and also does not have the potential to transmit any kind of disease to those around him or her. It's one of those areas that need to be addressed and just taken off the books if you will and just ensure that they meet the full qualifications to possess a health certificate.

Chairman Senator Dennis Rodriguez, Jr.: What is the requirement now to attain a temporary health certificate?

Mr. Tom Nadeau: Just as I said earlier.

Chairman Senator Dennis Rodriguez, Jr.: So just that, you don't have to. Is there a time frame? What's the time frame of that temporary card?

Mr. Tom Nadeau: It's only valid for the temporary event.

Chairman Senator Dennis Rodriguez, Jr.: Just for that temporary event. So you only issue temporary permits for you know how they have those Fiesta?

Mr. Tom Nadeau: That's correct Senator.

(inaudible)

Mr. James Gillan: And I think I'm going to have to be more responsive to those concerns because they do involve the village fiestas and those kinds of things, which are great events for the villages. Usually, we deal with the Mayors with those kinds of things and they usually have permitted cooking, kitchen, that we feel as long as are done there we're fairly comfortable. We've always been a little uncomfortable with the temporary health certificates because it really is, basically give us a list of names, we try to give them information in a pamphlet form about food safety but we don't know what's going on with that, whether they're doing it. So we try to make accommodations to get them through that and I know we've gotten some resistance from some Mayors just to refuse to comply at all and we really don't know how to get around that and still comply with the laws that we're required to comply with because I've asked Tom several times, why don't we tell the Mayors that you'll take the responsibility, you sign waivers that you'll take the liabilities for all of these and Tom makes the right argument, we cannot give up our legal responsibilities unless the legislature



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tells us we can. We're really concerned about that, a lot of people especially tourist are going through some of these events and some of these other things. It's kind of like the school thing that just came up, you know you just have to be careful we want to be sensitive to traditions okay. But some of the traditions, the times past, they kind of got it you know making sure they didn't eat certain things that were out for too long. They just learn by experience. So when they say you know I've eaten all this food all my life and I've never been but it's really not like that especially when we see what's on now the typical Fiesta table. It's just not the same and it changes from year to year and so we really want to try to keep people in compliance to that but it's very difficult and we recognize that and at least if we have it a little bit stronger in the regulations that we don't allow for it, although again with the fiestas they all generally come at the last minute, I don't know how we're going to put on a workshop and again I'm thinking about operationalizing all of this. It's going to be a challenge but this division has be always able to rise to almost impossible situation and they've done a great job. It'll be up to you, I know you have to respond to some constituents' that may not agree with this and that's your prerogative under these.

Chairman Senator Dennis Rodriguez, Jr.: Okay, I'm just concerned. Yeah but we always refer to you the professionals when it comes down to that.

Mr. James Gillan: I appreciate it.

Chairman Senator Dennis Rodriguez, Jr.: I'm still just concerned on how we would address it because we do have these special events and so what will the consequence be now, these events still happen. Because you'll still have a temporary food establishment permit.

Mr. Tom Nadeau: That's correct.

Chairman Senator Dennis Rodriguez, Jr.: But now the people that would be serving now are we not going to have their contact information?

Mr. Tom Nadeau: We're basically familiar with all that large temporary even that's going to happen, maybe those that first time operators or those unexpected events, those are the one's that we usually tend to miss because we're not aware that they're coming through but we keep records of all the major events that occur and we're very proactively reach out to the coordinator whether it be the Mayor or particular event manager and we notify them and basically remind them that they have to go through us, so we've been proactive. Nothing prohibits them from hiring existing health certificates or work with them to ensure that we provide a training in advance but I think that's the beauty of taking over the workshop training Senator. I know GCC has their own set schedule and during a certain time of the year they do not have the training because of classes out or the instructor is not available. For us, we're as I shared with my staff that we're willing to have these workshop when it's best for the public, whether it be on the weekend in the evening, just so we can best accommodate them and it doesn't have to have a full set of class to have these workshops, you can do it outside, we can have just 1 to 10 if necessary as you know we've been really proactive responding to the communities need and I think that we can ride to the occasion as the directors mentioned. so sure there can be a potential problem since they might not get the person right away but I believe that most of these coordinators, event coordinators they do plan ahead and we have



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worked with them in the past so I'm anticipating that with this as the past and existing language they'll just need to adjust to ensure they come earlier or to simply ensure that the individual they hire or get the assistance from either has a permanent one or ensure that they get one before the event starts.

Chairman Senator Dennis Rodriguez, Jr.: Is your permanent health certificate, are they portable?

Mr. Tom Nadeau: Portable in a sense that, if you have for one category it's good for all the places for example, if you work for restaurant A, it's good for restaurant B, provided you don't go outside your category. Obviously, if I have a restaurant health certificate I'm not going to be working as a masseuse with that health certificate, different requirements.

Chairman Senator Dennis Rodriguez, Jr.: Okay. I see so it's different category, restaurant and just for like a drink server, bartender, you need to.

Mr. Tom Nadeau: That's all food handlers are the same category Senator but it'll be for example, there being a massage different from a restaurant different from a child care facility, cosmetologist correct.

Chairman Senator Dennis Rodriguez, Jr.: Okay.

Mr. Tom Nadeau: By the way that's another area that we plan on having the workshop for, cosmetologist, and basically everyone that's required to have a health certificate. Because currently, it's just the food handler that needs to go through the workshop, but we'd like to expand that to ensure that everyone who possess a health certificate that's working at a regular facility have the minimum training and understanding and prevent disease transmittal.

Chairman Senator Dennis Rodriguez, Jr.: So what would you classify a fiesta or a special even, what type of classification?

Mr. Tom Nadeau: Well to comment village nightly events, whether it be the Friday or whatever, that's an example of one. But also you know some of the major events that occur and the UOG field house, that's example of a temporary event.

Chairman Senator Dennis Rodriguez, Jr.: Okay, but what would you classify the health certificate, would it be eating?

(inaudible)

Mr. Tom Nadeau: Pardon me.

Chairman Senator Dennis Rodriguez, Jr.: So I guess another option would be for these event organizers to get people that already have these certificates in that category.



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Mr. Tom Nadeau: Correct. And also some of them actually cater the event so they have an existing facility, existing staff, who has a permit, have health certificate. So there's no challenge for us they just simply have the necessary requirements, meet the requirements, have the permits certificates, and do what they need to do. It's those maybe first time, good example is we just had the Charter Day, right? And maybe year you have different groups or different students participating, so they will seek a temporary health certificate, like recently. But these are the things that we prepare for, our division, so we know when they're coming so we reach out to the community, the organizers, in fact we've gone out of the way to provide training or face to face encounters to ensure that they get the basic minimum information but we'd like to formalize it if you will through a workshop course and a permanent health certificate which they can carry by the way Senator to all other temporary events that they wish to attend with the same category. So they benefit as well because a temporary health certificate is only good for that particular event but when that's over, then they have to get another one for another temporary event, or just get a permanent one which is good for an entire year for the entire category. So I think there's a benefit to everyone in this, not just Public Health.

Senator Rory J. Respicio: And how long does that take for that application process for a food handler permit?

Mr. Tom Nadeau: Okay, well the minimum requirement just to get what's called an interim which means a temporary while you get the permanent one is as soon as you get the test for tuberculosis, now granted that TB is not a Foodborne disease but because of the number of cases we have on the island we included that as a Public Health concern so once they pass the TB test, they pay the necessary fee and they can get it then and there and then we schedule them for a workshop but they can still work while they wait for that workshop and once they pass the workshop they get a permanent one which is good for a year.

Senator Rory J. Respicio: But you still give the interim health certificate before they get the workshops?

Mr. Tom Nadeau: Correct.

Senator Rory J. Respicio: So your argument to do away with the temporary health certificate is because those employees or those individuals are not going through the training and the workshops.

Mr. Tom Nadeau: It's the waiting time Senator. Sometimes they wait a couple of weeks from the time they get it.

Senator Rory J. Respicio: No because I know as the Director pointed out, I granted the very little people, very few people came to the Public Hearing for throughout your Triple A process and tonight we're here, two senators and two of us here and several of you and your staff. The community will not aware of this until there's a need for temporary health certificates is no longer there and so in trying to be proactive as a chairman was bringing up, what's the remedy? What's the solution, if you have a special event, you mentioned the Mayors, Director, you have events at the University of Guam field house or you just have these community events from time to time that no one can really anticipate but there's opportunity to have a concert for a public benefit. Even that



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would require those individuals to have a health certificate and if they didn't know about this process and they're no longer aware that there's no longer a temporary health certificate process. Then what if there's no servers or no individuals they can find with health certificates so that they can serve the food and if you're saying that you don't want to have temporary health certificates because these individuals receive these temporary health certificates without going through any workshop, your still issuing interim health certificates without those kinds of workshops.

Mr. Tom Nadeau: Well, that's correct Senator. But also we still require before we give out the interim at least a test for tuberculosis or TB. So that's one component of it and you're right Senator.

Senator Rory J. Respicio: I mean if you're looking at the fee structure that you've implemented, you can have a different fee structure. One for temporary health certificate and the other one for a more permanent one.

Mr. Tom Nadeau: Well there is a different fee structure for the sanitary permit for that, temporary events than your permanent one. So there is one for the actual businesses themselves for the operation, the health certificate is specific for an individual.

Senator Rory J. Respicio: Is there any provision in these Rules and Regs that gives the Director or yourself some administrative flexibility to handle these things in a case by case basis.

(inaudible)

Chairman Senator Dennis Rodriguez, Jr.: but you have a section here in variance where the Director is authorized.

Mr. Tom Nadeau: Yes, there is a variance provision but with the understanding that the language clear if I recall that there's no public health safety, so yes senator as I recall there is a variance provision and I think it was the health regulation. I know we're dealing with two proposals, I know one of them has variance but it's clear that provided that there is no threat to health and safety to the community and so that does exist. I do recall that it was health, I would have to double check senator but we do have a provision in one of the two.

Mr. James Gillan: I think you raised a good point, Senator Respicio that there seems to be a little inconsistency, if we're saying we're not going to issue any temporary but we give an interim until somebody can take the class it's basically the same thing except they at least have a PPD that we can look at. So I don't know, you may want to fix that in any language. Which I know Tom was intending to do but you're right, it is a little inconsistent.

Senator Rory J. Respicio: Oh and I'm not advocating that these certificates not be given out because there is also a community that you pointed out that we have to respond to. But I'm saying, how long, I forget for the PPD test, how long does? (three days)

Chairman Senator Dennis Rodriguez, Jr.: I mean we can do an interim now as you give it and then they take a test and they're still working within the three days right.



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Mr. James Gillan: After they PPD is clear then they get the interim.

Chairman Senator Dennis Rodriguez, Jr.: After the three days, okay.

Senator Rory J. Respicio: How often can you have these workshops? How long does it take from the time someone applies until someone gets.

(inaudible)

Mr. Tom Nadeau: If we were to take over the workshop we believe we can shorten that waiting time since we will have the facility and we would be able to control the time to date for these workshop and I think part of that is going to accommodate the request. The way it works now is simply a list at the opening of the day for the workshop and we'll just fill them and move to the next list and the next list and when the four sheets is backlog we'll have to just push back but like I said I'm just being optimistic but I'm confident that if we take over the workshop and since we will have our own venue we can have it twice a day if necessary, we don't have to have to fill up the entire seat to have a workshop. If it means that we have to do 10 for 10 individuals then we'll do 10.

Mr. James Gillan: And I think what's happening with the current contractors is that it depends on when school's in session, when there are instructors available those kind of things. It's kind of like the idea, now they have GED on demand, but don't have to wait for the beginning of the semester so it'll pretty much be with us once the facility is finished up there in Dededo, it can almost basically be that those kind of workshops on demand.

Senator Rory J. Respicio: On an average, how often are you finding yourselves having to issue a temporary health certificate for special events?

Mr. Tom Nadeau: The questions is how often special events occur Senator, is that?

Senator Rory J. Respicio: No the question is how often are you asked to issue a temporary health certificates to accommodate a special event.

(inaudible)

Senator Rory J. Respicio: No, I guess I'll try again. My question is, how often do you find yourselves having to issue a temporary health certificate because of a special event? Meaning that you've talked about outreach and trying to figure out what these events are going to be, you try to be proactive in your current experience, not how many events, how many health certificates were you asked to issue to.

Ms. Cynthia Naval: 574 in fiscal year 2014.

Senator Rory J. Respicio: Okay, so that's a high number and you're going to have average 500 people next fiscal year asking for variances and.



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Mr. Tom Nadeau: But Senator, keep in mind, if we make this a permanent thing once they get one they wouldn't have to keep applying for it, now we're not just saying that those 500 are different people each time.

Senator Rory J. Respicio: I don't think they're the same people each time.

Because it's only for that particular event some of them will work multiple events. So the 574 can actually be maybe 300, still a sizable number.

Senator Rory J. Respicio: And in some cases they're for charitable events, right. So there's an event and a non-profit organization has an opportunity to sell something at the field house, they're going to need temporary workers who they maybe volunteer workers but they'll still need a temporary health certificate. So I think you're cutting off a most critical component of this entire process through this Rules and Regs to not provide for this temporary health certificate. I understand your reason for it but, do you think we're going to be creating a bigger problem by, if you didn't have this temporary health certificate situation right now, where would those 500 people go, they'll be going to the Director saying, I need a variance because I don't have enough time to follow this process of getting a permanent health certificate.

Mr. Tom Nadeau: I don't have a perfect answer solution to that Senator, except that things we can do in our division as I mentioned, be proactive and a lot of these events are repeat events. Sure, so often there's a new event, a onetime event and those we try to be proactive as well once we find out through the media and what not. But I like to emphasis that the and I do understand what you're saying Senator, I really do, because we come across situations where they want to for good causes want to have these events but majority of Foodborne illnesses that occur that we can also document it, is through food handlers not doing what they're supposed to do, something as basics as washing their hands. Now that's something we all like to think we all do but I like to think that once they go through our basic training that the information emphasis and that health certificates good for one year, so they're not limited to that one temporary event and have it for an entire year. I think, I could be wrong, I believe the industrial just to that, I think because we're accommodating that we're allowing it, that happens that we have 500. It's possible the number be reduce as they adjust to our requirements.

Senator Rory J. Respicio: But are you still finding people to apply at the last minute.

Mr. Tom Nadeau: That doesn't matter for this temporary permit Senator.

Senator Rory J. Respicio: No but it underscores my comments and my point that I'm raising is that, no matter how proactive we are, people just wait until the last minute to get their temporary health certificate, so I guess I'm trying to provide some ultimate flexibility without endangering the community right, with the requirements that you're putting forward but I just foresee a situation where, Page 36, Section 4421, regarding variances, the Directors going to be busier. And this can be a loophole, because as you said Tom, no matter how much you let these people what the



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requirements are their coming in at the eleventh hour saying I need a temporary health certificate, they're not doing weeks in advance or if they learn of the special event they're doing it the week of.

Mr. Tom Nadeau: That's correct Senator. But once again the section that commented on. Provide there's no threat to.

Senator Rory J. Respicio: Yeah that's what I mean they'll be going to the Director to get these waivers.

Mr. Tom Nadeau: What we've been doing Senator is, there's been situations just like that and what we've done in response is we've actually went down on site and held if you will, like an impromptu training on site, which we did to one of the village events. So we do our best to accommodate as best as we can, now it's perfect but once again, I believe that the industry will adjust to our requirements, but once again it's a variance request and then the Director gives that. We're more than happy to be on site and provide that necessary oversight for that brief moment.

Senator Rory J. Respicio: But that's not currently.

Mr. Tom Nadeau: It's not currently in the rules but that's something we've been practicing regularly Senator.

Senator Rory J. Respicio: I don't know if I'm out of line but can we put that in the Rules and Regs so that this Rules and Regs can live beyond you or professional courtesy and your generosity about going above and beyond to make these accommodations because if there's no provision in the rules. Whoever is going to succeed, so there will be consistency right so that these businesses know, don't panic and don't run to the Director, we can accommodate you by providing for a special class.

Mr. Tom Nadeau: Sure that's something.

Mr. James Gillan: I think in the allowance for the variance and you can put the language in, but the allowance for the variance will be conditioned.

Senator Rory J. Respicio: I don't want to that. No I don't want to provide conditions for you granting variance.

Mr. James Gillan: No and I don't want any. I'm not going to be there forever, okay and I don't know who, I mean I want these variances to really have some real need. Otherwise the Director will just give a variance to everybody.

Senator Rory J. Respicio: But my position isn't to make it more difficult so that these special events can go forward I'm trying to make it more flexible here to I think ultimately you're there as a Director to make those determinations and you don't want to say you have the authority to provide a variance but it's subject to the following commissions that will be micromanaging you I think if we provide some provision in here that the administrator of Environmental Health can provide from time to time provide for these special workshops or is it there? I didn't. You know I say this because



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when this Rules and Regs is adopted. It's who's the chairman on the Committee on Health and which senator was present at the oversight hearing and now we can't have a special event because 8 people and 2 staffers.

Mr. Tom Nadeau: Only response I can give to that Senator is, everything is a balance Senator, of course we have to consider the health and safety of the entire community at the same time we do recognize that the reality is, yes there will be temporary events at the last minute, people will be requesting a health certificate. The provision we put in, the proposal that we submitted is based on what Public Health, Environmental Health specifically, feels it's the best interest to the community. I mean it's also a balance Senator and we've tried to be proactive as much as possible so hopefully, like once again I hate to repeat myself but I like to think that the community will adjust to our new requirements. Like I said we've always been proactive, plus we do have the Guam Food co. which addresses a lot about what's called a, demonstration knowledge, and also individual responsibility to simply say it's not just on Public Health to ensure food safety but it's a community and specifically the business and employees responsibility as well.

Senator Rory J. Respicio: Just to wrap up can I just suggest Mr. Chairman that you have an opportunity to that kind of language that would provide for that kind of situation to accommodate special events.

Mr. Tom Nadeau: We can propose some language to.

Chairman Senator Dennis Rodriguez, Jr.: Thank you very much and I think those are very good. Tom just to be clear, so now what we're saying is we're requiring health certificates for swimming pool attendant, Operators, Tattoo Shops, Laundry and Dry cleaning. So this is not being required today?

Mr. Tom Nadeau: At the moment no Senator. Let me rephrase that. The health certificate yes except for the pool operators, not the workshop training. So in other words, if I was to be a cosmetologist or tattooist I don't need any kind of training essentially as long as I have sanitary permit, business license, and essentially that you couldn't operate as well unless you're required by a particular specific licensing office to get that particular license but in terms of hygiene, safety, that's not part of their requirements for majority of those that we get regularly.

Chairman Senator Dennis Rodriguez, Jr.: So now you're making it a requirement?

Mr. Tom Nadeau: Yes Senator.

Chairman Senator Dennis Rodriguez, Jr.: So you're making the tattoo artist himself, is required now to apply for a health certificate?

Mr. Tom Nadeau: They already have health certificate now they have to get the necessary training as well.



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Chairman Senator Dennis Rodriguez, Jr.: So how do they get a health certificate without going through any training?

Mr. Tom Nadeau: (inaudible)

Chairman Senator Dennis Rodriguez, Jr.: So what kind of category are they now?

Mr. Tom Nadeau: They have their own separate category, tattoo.

Chairman Senator Dennis Rodriguez, Jr.: And so you don't have a requirement for that now?

Mr. Tom Nadeau: That's correct. Nothing. I'm sorry this is Cynthia Naval she oversees the process center section. It is her section that issues out the health certificates.

Chairman Senator Dennis Rodriguez, Jr.: Okay so they're still are required to get a health certificate like they are today? The only new requirement of them is to take a new course?

Ms. Cynthia Naval: Correct. They may already taking courses for their own safety on Blood borne pathogens and things like that but we don't require them to take a sanitation course at present. We'd like to remedy that and have a course for them.

Chairman Senator Dennis Rodriguez, Jr.: And so what does the course intel?

A lot of it would still be Blood Borne Pathogens but also in the cleaning of their equipment and their personal hygiene, the proper equipment they need to be using. We want them to wear (inaudible), gloves, hair coverings many don't do that at present, but we're looking at avoiding cross contamination of tattoo equipment and the tattooing space.

Chairman Senator Dennis Rodriguez, Jr.: So how about for the swimming pool, who is required to get a health certificate?

Mr. Tom Nadeau: Currently the only thing required of public swimming pool is that they have a sanitary permit but the operator of the pool is not required to possess a health certificate. Since they would like to remedy that by requiring it but not just simply getting it but getting a training to get that health certificate.

Chairman Senator Dennis Rodriguez, Jr.: Can you define, Operator? Is it here?

Mr. Tom Nadeau: I think it's simply the individual responsible for the swimming pool. That could be the actual owner or assign a manager, whoever they identify the person responsible, point of contact or person in charge, I'm sorry, I believe that was the word. I can't really recall the word "Operator" is defined Senator.

Chairman Senator Dennis Rodriguez, Jr.: Yeah I didn't find it.



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Mr. Tom Nadeau: But I think we worded such that it's a person who's actually representing that swimming pool, whether the owner or the manager, whoever is taking responsibility if you will for its operation.

Chairman Senator Dennis Rodriguez, Jr.: So let's say for a hotel, it'll be the general manager?

Mr. Tom Nadeau: If he still wishes to be the one or it can be assigned to a lifeguard or it can be manager, I guess it's up to the individual.

Chairman Senator Dennis Rodriguez, Jr.: So what category of health certificate would they be required to obtain.

Mr. Tom Nadeau: New category Senator.

Chairman Senator Dennis Rodriguez, Jr.: New category and then you're having a new curriculum for "Pool Operators"?

Mr. Tom Nadeau: Yes.

Chairman Senator Dennis Rodriguez, Jr.: And so for the Laundry and Dry Cleaning. So what is required there now?

Ms. Cynthia Naval: Physical examination, PPD results, and their photo ID and health certificate, no workshop.

Chairman Senator Dennis Rodriguez, Jr.: Okay, can you just help us, because we want to know who's going to be effected. Like these 24-hour laundry mats?

Ms. Cynthia Naval: A lot of these are public laundry and it'll just be the operator for that one, anybody who, we're looking at the dry cleaning part. People who have direct contact with your materials, your sheets, your clothing, that they're working on. Some of the public laundry do offer washing, drying and folding services for the public.

Chairman Senator Dennis Rodriguez, Jr.: So they'll be required?

Ms. Cynthia Naval: The physical examination we look at for any kind of illnesses, infections, parasites that could be passed onto a different person that they'll be helping with the laundry materials, the sheets and the clothing.

Chairman Senator Dennis Rodriguez, Jr.: So what about House Keepers like in hotels?

Mr. Tom Nadeau: Yes.

Ms. Cynthia Naval: Yes.



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Chairman Senator Dennis Rodriguez, Jr.: So right now they're not required to.

Ms. Cynthia Naval: They're not.

Chairman Senator Dennis Rodriguez, Jr.: But we're requiring them to now. And so no one came in from that group and testified and provided any comments.

Senator Rory J. Respicio: I just want to ask did the Guam hotel and Restaurant, did they participate at all?

Mr. Tom Nadeau: Not in the official hearing but as you know we have the food safety task force now it's not fair for them to be represented by the food and beverages so I'm sure there's a different group for the house keeper if you will. I don't know if the information trickled down to them but I know it was mentioned during our task force meeting but like I said maybe it wasn't a proper venue for them to disseminate that information. But I do know that it's been discussed in the past but I'm not sure to what extent did they pass on to their members so. **(inaudible)**.

Chairman Senator Dennis Rodriguez, Jr.: Because it's going to be a big implication for them for these hotels for having housekeepers now requiring them to have health certificates and so we know when we had issued these notices to them, The Guam Hotel and Restaurant Association but you know how these things are you know probably they come in and no opens up their email.

Mr. Tom Nadeau: I was reminded in the past, we used to issue health certificates to the housekeepers for some reason I can't recall it was before my time.

Ms. Cynthia Naval: It's probably the same reason **(inaudible)** for laundry and dry cleaning services.

Senator Rory J. Respicio: Any idea why that stopped?

Ms. Cynthia Naval: **(inaudible)**

Senator Rory J. Respicio: There must be an issue on why they don't issue health certificates anymore and I don't know if we want to.

Mr. Tom Nadeau: I can't speak on behalf of previous, those who sat on my position in the past. I don't know the reason.

Chairman Senator Dennis Rodriguez, Jr.: Not that it matters, just for curiosity. Is this an industry standard for other places where house keepers, people that operate laundry mats, public laundry's are required health certificates?

Ms. Cynthia Naval: Honestly Senator, I don't know. I know that many places they don't even require food burger stand certificates except I'm not sure if other states and other locals within states are **(inaudible)**.



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Chairman Senator Dennis Rodriguez, Jr.: Okay.

Mr. Tom Nadeau: One last Senator. One of the reason why we're requiring and I emphasis on education as you know we're by law we're required to do 4 inspections a year, for every facility. We're not. We're simply not, so we acknowledge that we're not meeting all our regulatory responsibilities in terms of inspections but the education component that we're we think we can do definitely improve upon and to kind of offset our inspection responsibility like the education will kind of help in that regards. As I mentioned education I believe goes hand in hand with regulatory enforcement if not more. Thank you Senator.

Chairman Senator Dennis Rodriguez, Jr.: Thank you. So we'll obviously have a mark up on this one but if you can just, at least for the record just on the other Bill. The Rules and Regs governing the workforce housing just give us the highlights of those as well.

Mr. Tom Nadeau: Is that we have a phased in inspection process and the initial phase is all of the workforce dormitories facilities are going to be considered at risk or high risk and will be inspecting them four times a year and if any of you guys are not old enough to remember what the old workers camps were like. They were just terrible and following a lot of the Department of Labor requirements for these facilities has gone a long way in making. Kind of ensure our workers are in a clean and safe environment and again having this phased in capability to review and make sure that they're complying and to just reinforces that and I think it's way over due. We expect a fairly large influx within the next few years probably anywhere from 4-5 thousand, we're hoping that most of them will be in facilities that are fairly easy to get to because right now we're doing permits to accommodate 5 or 6 people at a time so that they're spread all over the place, at least we know where they are but to the best of our ability of nature that there in facilities that have proper sanitation, water and those kinds of things. This just helps us make sure that those things, those guest workers are living in a good environment.

Chairman Senator Dennis Rodriguez, Jr.: Okay great. Thank you very much and so we'll let you know when we have those mark up. I think we need it.

Mr. Tom Nadeau: Just the last part of this is where you would refer the Dos when but it should be the Tres and I think also you refer to an attached exhibit that needs to be. It's just on the second to the last page.

Chairman Senator Dennis Rodriguez, Jr.: Got it, Thank you very much again. So time now is 7:07pm. This hearing is adjourned.

TESTIMONY OF MAY 17, 2015 HEARING:

Chairman Rodriguez: We now move on to the second item on our agenda Bill 53-33 an act to adopt rules and regulations governing the sanitary operations and inspections of temporary workforce housing pursuant to 21102 of chapter 21 and 26305 of the chapter 26A, title 10 Guam Code Annotated.



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And like the first proposal this was also submitted by the Department of Public Health Services through triple a process. We also had our first hearing several weeks ago & addition to the hearing of the department head on this proposal. I wanted to ensure we get the stakeholder aware of this to get there input.

So now we do have Mr. Greg Massey, Mr. Thomas Anderson, if I call you, you can please come up please. Mr. Koo Sin, is he here? If you wish to testify, you can come up. Mr. James Martinez then Mr. Gillan. Cynthia you can also, please pull a chair for her. Thank you very much Mr. Macey.

Mr. Greg Massey: Thank you Senator, I just had some & I did not prefer anything in writing. I just had some verbal testimony that I like to present. I testifying in behalf of the Department of Labor my name is Greg Macey and I'm the Administrator of the Alien Labor Processing & Certification. 99% of the Regs were totally in favor of they pretty much mirror existing OSHA Labor Camp Regulation.

The Department doesn't really have problem with that just a couple of issues just more dimension issue than just a regulation we wanted to suggest and it's up to you guys to decide, what policy dimension you want to go on. But I did notice that on page 6 of the proposal rules & regulation on the definition of temporary worker. Really if you look at there's 3 subsections there that defines what a temporary worker is that all boils down & basically means anybody that's come to Guam for a project or for certain duration. That includes US worker and includes a lot of workers that I don't know that regulation that mean to capture.

Typically temporary worker camp regulation were design that we don't have have any of this shanty town barracks out there or we don't have foreign temporary worker victimize by estipulate employer that are trying to cut cost on housing. On this definition if you really look at it is a worker from a point of origin outside of Guam, who is sponsored by an employer, or has come to Guam on his own to seek employment so if you really look at it that could be say ABC construction has their main engineer come in from California.

They bring them here put them in a house that's now temporary housing typically it wouldn't be. A military service men that is here for a certain duration of time that's come here to work on Guam & leave when his done, that could be consider temporary worker housing under this definition. Consultant that come here maybe you get a tech firm that guy will do market research for 3 weeks, you put him on apartment in few months say maybe at Oka Tower or something that now becomes temporary housing under this definition. So at least the definition of temporary worker we might need to tweet a little bit.

Now, also on definition on temporary workforce housing, this is the definition on another local law Public Law 31-72 several years ago the definition of workforce housing was change to say if 51 % of people living in a housing unit are temporary worker that now becomes workforce housing. Before I think Public Health is using a 5 or more rule. If you have 5 or more un related people in a dwelling then it's workforce housing & if less than 5 it's just an apartment, it's un regulated. So this 51% is kind a problematic now coz if you put 1 guy in a 10 bedroom house regardless of the space it's workforce housing. So the reason I bring it up is even with foreign workers if we were to say



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again the definition doesn't say foreign worker we are talking about citizen, foreign people it doesn't differentiate. But even with foreign worker, H2 worker under Federal Regs workforce housing is optional.

You can't force them to stay anywhere even if they come to Guam, even if an H2 worker if he comes to Guam and he wants to stay with his Auntie who lives here, he has a right to stay with his Auntie we can't force him to stay in workforce housing.

That's in Federal Regs or if the guy comes here in gets married or if he just want to live out in Tumon and he wants to pay for his own, workers have that right to be in their own private housing. So the other thing is & it may not seem like a big deal but it's call workforce housing but once you called something workforce housing, workforce law kicks in. Now, so if you put that 1 guy in that house now that house has to be an MI zone or you got to go TLUC to get conditional use. It's got to be reconnected to the sewer system, it's got to have chain link fence and all the OSHA labor camp regulation, so we got to be careful what we call workforce housing.

So how do we fix? I kind a recommend and the Department recommends it and again this is not if you guys intended, it's a policy decision as intend to regulate US worker or all workers in general just call them all the same. If you're a temporary worker regardless of foreign or US, well that's a policy decision if you want to make that. We don't recommend it thought coz anytime you try to tell a US worker where he can stay probably gonna get into a slippery slope.

We recommend limiting it to foreign workers so I got some suggested maybe to say that a definition of a temporary worker would be, a foreign worker from a point of origin outside of Guam who is sponsor by employer to work on specific project or for specific period of time who resides on a employer provided housing. So it's kind the same as what you have here except what we are saying now that it's a foreign worker and that there in a employer provided house. That limits it to that population and that I think we are trying to protect in the beginning & it leave it out for the consultant, US worker come here who looks for a job or people maybe brought in by construction that they bring in there engineer coz typically they have a house. You don't want to call that or do you really want to called that it's up to you. I would suggest also 2 & 3 on page 6 we would just delete that, if you guys just wanted to do one definition.

And then the temporary workforce housing definition again totally up top you folks. If it was me I would suggest to maybe changing it & say temporary workforce housing also known as dormitory shall mean any dwelling established, operated or rented or use by sponsoring employee as living quarter in which 5 or more temporary worker shall reside. Again so I suggest reverting back to the 5 or more rule it's a lot easier because say that the 51% rules say you got 20 unit apartment & you moved a couple of workers in, how do you determine per unit in that 20 unit apartment and decide what 51% is.

Even a landlord will know every person in every apartment what their employment situation is. I think it might be problematic to try to issue a dorm permit if un least we now requires that landlord know every single thing about every person living in their unit, it might be something problematic. The other thing that we suggest that if your gonna change that definition, I what they did is they



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mirror in Public Law 31-72 so that's in statue. So I would also suggest that maybe sticking in and maybe changing section 5 of the severability clause to 6 and adding a new section 5 saying your gonna amend title 21 of article 3 chapter section 61309T1 to be in the same definition that's in the rules.

Cause otherwise right now we have 2 or 3 definition of what workforce housing is , what's great about this rules is there coming together it's just I don't know if we want to have that definition . There's been some clash in the past that the zoning law say 51% and public health say 5 or more and I think DPW or have another or another one that say 4 or more .

So when employers come in typically were the first point of contact and they say what do I need to do to set up a labor camp coz I want to bring in 100 guys . And we have to be able to pass this information and we don't want to just say well I don't know go check Public Health, we need to be able to understand it. I think the 5 or more rule is really easy to understand for someone to say if I'm gonna bring 10 guys , I know im gonna get traditional barracks or gonna get 3 or 4 apartment . That's our suggestion, I cant give you my notes if it helps , I'm sorry, but with this changes what it will accomplish is we can regulate only those workers which the Governor of Guam has authority over which pretty much are the H2's , you know your are not trying to regulate US workers or people that we did not intend to regulate.

Will be synchronizing the various definitions and we preserve the right of US workers to live where they want without Government , hey dude you got to get a dorm permit for your 1 bedroom apartment in Tumon, we don't necessarily want to do that. That's pretty much , I can give you copy of this but it's not formalized. Oh I more thing that they should be in violation if doors are locked in the dormitory, we kind feel that maybe that will be lift up too because all the workers belonging are at the dorm & they kind need to lock it coz they all go to work and if you leave it open that just leave it susceptible and we don't want the Public Health to come & say you guys are in violation coz doors are locked, hey my passport & money is in here so they need to lock up.

Chairman Senator Dennis Rodriguez, Jr.: Great , Thank you very much for that input , Mr. Martinez okay Mr. Anderson, can we just turn on & please make sure the red light is on please.

Mr. Thomas Anderson: Good afternoon, I'm Tom Anderson Vice President at Black Construction and I also seat in the Board of Directors for the GCA Greg has pretty much cover the issue we or one of the issues that we have that is the definition of the workers from the origin outside of Guam . We do bring in people from the United States from our parent company perhaps an engineer, supervisor we put them on apartment and right now the definition is if you put him on the apartment he will now occupy 100% of the apartment is now consider temporary workforce housing.

I think that has to be change , Greg has address it's a cumbersome situation because its an ongoing thing we do bring people from United States so . Again point of origin outside of Guam , I don't know how to address at all coz ours in the United States but outside Guam. I know that James has brought some issues about people who may be coming from outer island , I don't know so how you a piece that needs to be seen . I don't have a recommendation to that, it's just a complaint.



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Another issue that is brought to my attention is was again locking the doors , I know our man are really hesitant that doors open & someone going rummaging through there stuff , there passport and other personal belongings. I believed that was in there for a reason so that Public Health wanted to make inspection but it seems to me that they can make appointment to come in and not prevent locking of the doors to safe guard the belongings, that's another one . The other one is on page 10 you have facility sites shall have recreation space for the occupants based on the maximum facility capacity, that's not really clearly define . What do we have to have a football field a basketball court, a pole room somehow that's got to be define.

The way it is it's just base on maximum capacity whether that's define on any other Regs I don't know. James , excuse me , do you know? Okay he may or he may address that. On shelter, page 11 says , each room used for sleeping purposes shall contain at least 50 square feet of superficial floor area each occupant. At least a 7foot ceiling but then on g part , all living quarters shall be provided with windows in the total area shall not be less than one tenth of the total floor area. We have situation that were provided air condition unit in our units for instant you have 500 square feet you gonna put in 5x5 window for what reason, I down know. It says for ventilation, I believed there should be something added to this if a mechanical devise is added of some sort to the ventilation and the area size of the window should be adequate or adjusted in such manner that if nothing else living across will be able to get out in case of a fire but no reason to put a huge window taking up a lot space when in fact putting in air conditioning system . That's all I have in this point in time .

Chairman Senator Dennis Rodriguez, Jr.: Thank you very much sir.

Mr. Martinez .: Thank you Senator Rodriguez & Ada, for allowing us to testify , we share the same sentiment as Mr. Macey had mention with the definition of temporary so we don't want to be a dead horse but on the other side coin a lot of the rules & regulation were formulated by Public Health Services was actually taking mostly in part 29 CFR which they called Labor camp standard and so some of the issues that Mr. Anderson was bringing up with specification on the facility those are actually OSHA federal regulation for those type of housing , however OSHA hasn't been Guam for a long time specifically for workforce housing.

I think last time a lot of companies when they bring in their H2 workers they had a labor camp or a compound was back in the early 80 maybe early 90 up to that point inspection specifically for the work force housing. The new housing that was built for Okkudo workforce housing built 5 to 6 years ago, I don't know if it was ever inspected by OSHA. But what I suggest is that because we got that rules & regulation we can either follow that in site that we are using 29 CFR regulation on the labor camp for Guam otherwise go with the Department of Public Health Social Services has put together then tweak so that ties to Guam and address it to concerns of Mr. Anderson and probably other folks out there who are going to be managing this type of dormitory if for lack of a better word I think that's the definition that we are doing it.

So that's one thing we can do with that but otherwise its pretty much federal regulation already in place , the Department of Defense for all there DOD contract site this also 29CFR as specification for work force housing for contractor who's working on federal contract since we gonna be bringing in non immigrant from wherever .



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Another thing I'm looking at subsection 41723 under the title of fees, the inspection security deposit, the inspection security deposit for all temporary workforce housing facilities on the 22 GCA chapter 7 section 7119 companies that bring in non immigrant temporary worker H2 B worker already pay \$1991 per person per year , \$1000 for registration fee and its deposited to manpower development fund and which some of that money is used by Guam Department of Labor & the other 70% is for partnership training over at Guam Community College then the \$91 which was done now law which was introduced by Senator Ada also applied a \$91 fee for health inspection that is supposed to be deposited into the Department of Public Health Social services sanitary inspection revolving fund . So why does the company need to put a security deposit and pay for the inspection fee when we already pre paying it by paying this fee at front when they bring in this H2 B workers. And then we you look at the fees schedule for what is being proposed here , if you got a facility that over \$6000 your just looking a little over \$200 for this renewal of this sanitary permit which include the inspection so 6000 sq foot can house maybe 10 maybe more multiply that to \$91 per worker you are looking at \$910 just way above in beyond the \$300 fee for which is 5 cents a sq. foot let assume 6000 sq. foot at \$300 so there's conflicting things going on there with what the company pays to bring in H2 workers registration fee on top of that now the sanitary inspection fee. Sanitary permit and dormitory permit are applied to different that just cost of doing business that you got to pay for permit that's just the cost of doing business.

But the inspection fees are already taken out or already actually paid into this revolving fund by the contractor who brings in these workers should be seating on the camp somewhere making money. I don't know of recent inspection if any on work force housing in the last 5 years that allows the department to draw from that special fund. And were anticipating I dunk know about 5000 the next couple of years over ½ a million dollars over this alone to do this inspection far more than was in being propose has the permit fee which includes the inspection so somewhere along the line a math was not done right or somebody just want to make money off the back of this contractor that are bringing this worker. Maybe I just have a 2 time read on this but those are things that are stock. I think that before the legislature adopt the rules & regulation as article 17 in GAR maybe again be discuss with some of the stakeholder involve the potential operator of workforce housing contractors and businesses that are in the business providing workforce housing facility so we can go ahead and go to all this.

As far as the specification of the facility itself that probably gonna take an act of congress to change because it is already in place on code of federal regulation and I don't if we can do anything to change that except to probably get the Congress involve but those are already Federal Regulation and I guarantee you, I had conversation with OSHA that is on their radar and they are asking me about workforce housing and they haven't done an inspection like I said in the early 80's up to the early 90's . And so now with the buildup goin back on tract we are seeing a lot on this work force housing being built in constructed and they still have to meet this OSHA requirement . Contractors & operators facilities is under scrutiny of OSHA enforcement arm and their gonna subject to fines if something is not done properly or out of whack . But I understand that the sanitary part you have to make sure its kitchen is clean & sanitary is one thing but the facility itself already there is rules & regulation for that is being adopted by the Department of Defense & should be cited by in this GAR using 29CFR or OSHA standard 1940-142 something like that. Anyway that all I got – I want to be



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provide with some written testimony to memorialized everything I said in writing so at least you can have a better understanding of what I kind mention today.

Chairman Senator Dennis Rodriguez, Jr.: Thank you very much Mr. Martinez

Mr. Martinez: Thank you

Chairman Senator Dennis Rodriguez, Jr.: You know when this was transmitted to the legislature we have 90 days to either let it seat there or introduced a bill or have it heard and then pass it or reject it so we don't do anything by May 6 this automatically becomes adopted and so what I hear from you Is you want more time to discuss what's in this proposal, is that what I'm hearing?

Mr. Martinez: Oh yah , I don't know what the attendance was for the last hearing on the triple A process if there was any , I don't know if it's I notice but nobody responded coz we did not see it on paper , I don't know but I think something like this which affect a lot of contractor I think organization should have been noticed or notified and that nobody shows up then I guess will accept it but then I don't think I recall ever getting a notice or some kind of the public hearing on this particular bill or this particular rules & regs.

Chairman Senator Dennis Rodriguez, Jr.: So what the committee will do is ensure that we will find a median of compromise here right. I want to make sure we understand that this was submitted we want to protect the welfare of the community and those worker's that come in but also we want to ensure that we listen to you folks that bringing this workers here especially for this built up so will figure something up before May 6 to make this work & to make sure your concern are address but is something that will have a mark up after this public hearing this and this is the second public hearing coz the first time we don't have anyone else come around & will make that extra effort to get you guys here. I understand that, do you have something . Okay she is from DH so will have Mr. Gillan & Ms. Naval

Mr. Jim Gillan: Okay Mr. Chairman again, probably nobody showed up because it was St. Patrick's Day and I'm the only Irishmen in the place but I think, anyways & I'm here. You have our testimony & it's not gonna change but were not adverse to going around this time again, we have our first public hearing August 2, 2012 and that meeting there were people & James I don't even know if you were there GCA whatever.

There is some valid points as far as making money in the backs contractor well we have a lot of unfunded mandates we can use the money. But I think there some reasonable and discussion that we can engage in about trying to make this thing work . There's probably 2 of us here enough to remember what are those construction workers come look like and the reason why we are trying to do this is to avoid that again . And I think using the OSHA guideline & the CFR weather OSHA here or not is relevant because they make sense okay. Were concern about safety and health of the employees: things like lock doors, unlocked doors, I think we get around that kind of stuff. As far as our ability to go and expect a facility, I don't think we'll make an appointment, but we'll call somebody and tell them we're coming in. In an hour and a half, we'll have somebody come by; if



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you give to much notice, there's a tendency you do more housekeeping. When you're expecting a guest, you really get your house clean.

So, again, we could work around a lot of this. We don't want to make this not workable for everybody, but we do want to make sure that those employees who are here temporarily are safe and taken care of. As far as where they come from, I don't know. I could remember when Texas was in really bad times. We had guys coming over here looking for any kind of job and maybe they would of lived in any kind of condition, just because they needed a job. So I'm not sure that just because you're coming from the U.S., maybe you should be exempt maybe looking at these special things like: engineers, architects, those kind of contractors in an apartment or in a condo, or something like that. Maybe we make some accommodations. Not to tweak the language but, we have been working on this since 2012! And it's nobody's fault, other than you know: we sent it to the AG. It sat there for two years, for whatever reason, finally got a note. So this will be the third iteration. It's okay because we do want to get it right.

Ms. Cynthia Naval: I know that some of your objections are to the definitions, but they are taken from tide A 10, Guam co annotated chapter 26 A. Which is the authority in which we profligate the rules. So we needed to use the definitions that were used and statured for these regulations. 26 A is from public law 3064 from 2009. And I believe Greg, you may have been involved; you may have disagreed with the definitions used in that public law, but this is the statue of which were basing our regulations so we do need to use the definitions there.

Senator Rodriguez: Okay. So I think it's clear what we'll do: We'll schedule a meeting next week. And maybe everyone who has concerns could put all their concerns in writing and we'll have public health there. So from there we can determine how to move forward. Because I tell you clearly, if this comes before the body, because I tend to report it out before the time it just automatically relapse but I don't think it will get support because of the concerns raise but we want to make sure it's done right so the best thing will do is have a meeting between all the parties here maybe sometime mid next week so we can iron out any concern we have, is that fair enough? Okay. So we another Mr.Koo Sin did u wish to testify if not and there's no one else wishes to testify public hearing is adjourn the time now is 6:25pm, Thank you very much.

There being no other testimony, or comments by Senators, Chairman Rodriguez declared the bill as having been heard, and concluded the public hearing on Bill No.53-33(COR).

Fiscal Note: Fiscal note request, dated March 10, 2015 (attached).

III. FINDINGS AND RECOMMENDATIONS

To ensure industry stakeholders and the general public had ample opportunity to testify on Bill No. 53-33 (COR), the Committee on Health conducted a public hearing on March 18, 2015 and again on April 8, 2015. Amendments to Bill No. 53-33 (COR), as reflected in Substitute Bill No. 53-33 (COR), are shown in Bill form in the attached digest.

The Committee on Health, Economic Development, Homeland Security and Senior Citizens, hereby **reports out Substitute Bill No. 53-33(COR)**, with the recommendation to Report out only

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2015 (FIRST) Regular Session

Bill No. 53 -33 (COR)

Introduced by:

D.G. RODRIGUEZ, Jr. *DR*

**AN ACT TO ADOPT RULES AND REGULATIONS
GOVERNING THE SANITARY OPERATIONS AND
INSPECTIONS OF TEMPORARY WORKFORCE HOUSING
PURSUANT TO §21102 OF CHAPTER 21 AND §26305 OF
CHAPTER 26A, TITLE 10 GUAM CODE ANNOTATED.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Finding and Intent. Subject to public hearing and legislative review, it is the intent of *I Liheslaturan Guåhan* to provide additional public scrutiny of the proposal governing the sanitary operations and inspections of temporary workforce housing and for the eventual adoption of these rules and regulations.

Section 2. A new Article 17 – Temporary Workforce Housing, is *added* to Chapter 4 of Title 26, Guam Administrative Rules and Regulations.

Section 3. Adoption of Rules and Regulations.

Notwithstanding any other provision of law, rule, regulation and Executive Order, the RULES AND REGULATIONS GOVERNING THE SANITARY OPERATIONS AND INSPECTIONS OF TEMPORARY WORKFORCE HOUSING, pursuant to this Act, are adopted by *I Mina'Trentai Dos Na Liheslaturan Guåhan*, and shall be codified under Article 17 of Chapter 4 of Division 1, Title 26, Guam Administrative Rules and Regulations.

Section 4. Amendment of Rules. The Director, Department of Public Health and Social Services, Division of Environmental Health *shall* pursuant to Article 3-

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1 rule making procedures, of Chapter 9, Title 5, Guam Code Annotated, review and
2 amend, as may be necessary, the Rules and Regulations adopted pursuant to this Act.

3 **Section 5. Severability.** If any provision of this Act or its application to any
4 person or circumstance is found to be invalid or contrary to law, such invalidity shall
5 not affect other provisions or applications of this Act which can be given effect
6 without the invalid provisions or application, and to this end the provisions of this
7 Act are severable.

1 Title 26

2 Chapter 4

3 Article 17

4 RULES AND REGULATIONS GOVERNING
5 SANITATION AND INSPECTIONS OF
6 TEMPORARY WORKFORCE HOUSING

7 §41701. **Short Title.** These rules and regulations may also be known and
8 cited as the "Temporary Workforce Housing Regulations."

9
10 §41702. **Authority.** Title 10 Guam Code Annotated, Chapter 26A, Section
11 26A108 authorizes the Director to establish rules and regulations to conduct
12 inspections of temporary workforce housing and carry out other provisions of
13 Chapter 26.

14
15 §41703. **Purpose.** The purpose of these rules and regulations is to
16 protect and promote the health and safety of occupants in a temporary workforce
17 housing and those who may reside in the immediate vicinity of such premises.

18
19 §41704. **Definitions.**
20

1 (a) *Change of Temporary Workforce Housing Status* shall mean any
2 significant variances to temporary workforce housing in relation to the most recent
3 prior inspection.

4
5 (b) *Division of Environmental Health or DEH* shall mean the division of
6 the DPHSS established through Title 10 GCA, Chapter 20, §20103.

7
8 (c) *Department* shall mean the Guam Department of Public Health and
9 Social Services (DPHSS).

10
11 (d) *Dining Hall* shall mean a cafeteria-type eating place with food
12 furnished by and prepared under the direction of the operator for consumption,
13 with or without charge.

14
15 (e) *Director* shall mean the Director of Public Health and Social Services
16 or his/her designated representative.

17
18 (f) *Failed Inspection (also known as "Unsatisfactory Inspection")* shall
19 mean an inspection resulting in a demerit score of 11 or more.

20
21 (g) *Habitable Room* shall mean a room or space in a structure with a
22 minimum seven foot ceiling used for living, eating, or cooking. Bathrooms, toilet
23 compartments, closets, halls, storage or utility space, and similar areas are not
24 considered habitable space.

1 (h) *Occupant* shall mean any person who uses a temporary workforce
2 housing for lodging purposes.

3
4 (i) *Operator or Temporary Workforce Housing Operator* shall mean a
5 person, or business entity, who owns, leases or manages, or proposes to own, lease
6 or manage, a temporary workforce housing, and includes any person designated in
7 the application for a Sanitary Permit to operate a temporary workforce housing or
8 having an authority to administer day-to-day operation of the facility and to
9 respond to complaints, orders, and other matters as set forth in these rules and
10 regulations.

11
12 (j) *Person* shall mean any owner, firm, corporation or governmental
13 agency operating a dormitory.

14
15 (k) *Sanitary Permit* shall mean the official document issued by the DPHSS
16 authorizing the establishment to operate its business.

17
18 (l) *Satisfactory* shall mean achieving a letter grade “A” at the conclusion of
19 a compliance inspection of temporary workforce housing.

20
21 (m) *Superficial Floor Area* shall mean the net area within the enclosing
22 walls of the room in which the ceiling heights is not less than seven feet (7'),
23 excluding built-in equipment such as wardrobes, cabinets, kitchen units,
24 bathrooms, toilet rooms, or fixtures.

25
26 (n) *Temporary Worker* shall mean

1 (1) A worker from a point of origin outside of Guam, who is
2 sponsored by an employer, or has come to Guam on his own to seek
3 employment for a specific work project; and

4 (2) Is on Guam for the purpose of being employed for a specific
5 project expected to be completed in a specific period of time; and

6 (3) Will exit Guam upon completion of their work contract on this
7 specific project.

8
9 (o) *Temporary Workforce Housing*, also known as *Dormitory*, shall mean
10 any enclosures of living spaces, reasonably contiguous, together with the land
11 appertaining thereto, established, operated or used as living quarters and, at a
12 minimum, fifty one-percent (51%) of the residents are temporary workers,
13 including but not limited to, facilities known by varying nomenclatures or
14 designations as dormitories, hotels, motels, travel lodges, or tourist homes.

15
16 (p) *Variance* as used in the reference to *Change of Temporary Workforce*
17 *Housing* of these rules and regulations shall include changes to the number of
18 occupants, structure, ownership, and any other changes or deficiencies that impact
19 the operation of the facility, safety or welfare of the occupants, or otherwise
20 contradicts the purpose of these rules and regulations and other Department
21 regulations that govern temporary workforce housing.

22
23 (q) *Workers' Dormitory Permit* shall mean the official document issued by
24 the Department of Public Health and Social Services authorizing a person or
25 business entity to operate a temporary workers' dormitory.

1 **§41705. Requirements to Obtain and Apply for a Workers' Dormitory**
2 **Permit.**

3
4 (a) No person shall directly or indirectly in any manner conduct, control,
5 manage, maintain, or operate a dormitory unless a valid Workers' Dormitory
6 Permit issued by the Department to operate such a facility has been obtained and
7 properly posted.

8
9 (b) An application for a Workers' Dormitory Permit to operate any new or
10 existing dormitory shall be made in writing on a form prescribed by the Director,
11 signed by the applicant or his/her authorized agent, and shall contain such
12 information that will determine that the facility and its operation are in compliance
13 with the applicable provisions of these rules and regulations.

14
15 (c) Before the application for a Workers' Dormitory Permit shall be
16 approved, the Director shall verify that the establishment meets the minimum
17 requirements and standards of these rules and regulations. This shall include the
18 right of entry, inspection, and investigation.

19
20 (d) Before a pre-operation inspection is conducted, plans and specifications
21 shall be submitted to the Director in accordance with the requirements established
22 in these regulations which shall include the following:

23
24 (1) The location of the proposed temporary workforce housing
25 (vicinity map) on a sheet of paper measuring 8 ½ inches by 11 inches.

1 including the streets names, building numbers, and easily identifiable
2 landmarks; and

3
4 (2) A floor plan on a sheet of paper measuring, at a minimum, 8 ½
5 inches x 11 inches, showing:

6
7 i. The dimensions of the proposed establishment;

8
9 ii. The location, number and type of plumbing fixtures
10 including all water supply fixtures and toilet fixtures, and other fixtures
11 and equipment, and;

12
13 iii. If a newly-constructed building, the general layout of water
14 supply lines, wastewater lines or methods of wastewater disposal.

15
16 (e) If pre-operation inspection indicates that the establishment does not
17 meet the minimum requirements, the Workers' Dormitory Permit shall not be
18 issued until such time as the requirements are met.

19
20 (f) All Workers' Dormitory Permits shall be issued for a maximum period
21 of no more than 12 months and renewed on June 30 of each year. An application
22 for new or renewal of a Workers' Dormitory Permit shall be filed at least 15 days
23 before a new establishment intends to open, or before current Workers' Dormitory
24 Permit expires.

1 (g) Any person or establishment denied a Workers' Dormitory Permit, or
2 whose Workers' Dormitory Permit has been suspended or revoked, may appeal
3 the Director's action in accordance with the provisions of the Administrative
4 Adjudication Law.

5
6 **§41706. Requirements to Obtain and Maintain a Sanitary Permit.**

7
8 (a) If upon inspection the Director is satisfied that the establishment meets
9 the minimum requirements of these rules and regulations as the Director may
10 prescribe and a Workers' Dormitory Permit is issued, a non-transferable Sanitary
11 Permit designating the type and location by physical address and lot number of
12 establishment shall also be issued.

13
14 (b) Failure to comply with any of the requirement listed below shall be a
15 reason to deny the issuance of a Sanitary Permit:

16
17 (1) Locking of doors;

18
19 (2) Unapproved or inadequate water supply or plumbing;

20
21 (3) Denying access to inspectors;

22
23 (4) Receiving a demerit of more than 40; or

24
25 (5) Repeating a violation assigned 2, 4 or 6 demerit points.
26

1 **§41707. Maximum Occupancy.** The maximum capacity for
2 Temporary Workforce Housing shall be based on:

3
4 (a) The square footage of the housing facility; and

5
6 (b) The number of bathing, handwashing, laundry, and toilet facilities
7

8 **§41708. Location and Premises.**

9
10 (a) Facility sites used for dormitory shall be adequately drained. They
11 shall not be subject for periodic flooding, nor located within 200 feet of swamps,
12 pools, sink-holes or other surface collections of water unless such quiescent water
13 surfaces can be subjected to mosquito control measures. The facility shall be
14 located so the drainage from and through the facility will not endanger any
15 domestic or public water supply.
16

17 (b) Grounds within the facility site shall be maintained so as to be free from
18 debris, noxious plants, uncontrolled weeds, or brush.
19

20 (c) Facility sites shall have recreation space for the occupants based on the
21 maximum facility capacity.
22

23 (d) Facility sites shall be graded, ditched and rendered free from
24 depressions in which water may become a nuisance.
25

1 (e) Facility sites shall be adequate in size to prevent overcrowding of
2 necessary structures. The facility in which food is prepared and served and where
3 sleeping quarters are located must be at least 500 feet from any area in which
4 livestock is kept.

5
6 (f) Grounds within the facility shall be maintained in a clean and sanitary
7 condition free from rubbish, debris, waste paper, garbage, or other refuse.

8
9 **§41709. Shelter.**

10
11 (a) Every shelter in the dormitory shall be constructed in a manner which
12 will provide protection against the elements.

13
14 (b) Each room used for sleeping purposes shall contain at least 50 square
15 feet of superficial floor area for each occupant. At least a 7-foot ceiling shall be
16 provided.

17
18 (c) Sleeping arrangements (beds, metal frame cots, or bunks complete with
19 springs, mattresses, and mattress covers) in good repair shall be provided for
20 facility occupants. Sleeping arrangements shall be cleaned and maintained in a
21 sanitary condition. No bed shall be used by more than two occupants.

22
23 (d) Beds, cots, or bunks, and suitable storage facilities such as wall lockers
24 for clothing and personal articles shall be provided in every room used for sleeping
25 purposes. Such beds or similar facilities shall be spaced not closer than 36 inches
26 both laterally and end to end, and shall be elevated at least 12 inches from the

1 floor. If double-deck bunks are used, they shall be spaced not less than 48 inches
2 laterally and end to end. The minimum clear space between the lower and upper
3 bunk shall not be less than 27 inches. Triple-deck bunks are prohibited.

4
5 (e) The floors of each shelter shall be constructed of wood, concrete or
6 other materials approved by the Department. Wooden floor shall be smooth and of
7 tight construction. The floor shall be of such construction as to be easily cleanable,
8 and shall be kept clean and in good repair.

9
10 (f) All wooden floors shall be elevated not less than 1 foot above the
11 ground level at all points to prevent dampness and to permit free circulation of air
12 beneath.

13
14 (g) All living quarters shall be provided with windows in which the total
15 area shall not be less than one-tenth of the total floor area. At least one-half of
16 each window shall be so constructed that it can be opened for purposes of
17 ventilation.

18
19 (h) All exterior openings shall be effectively screened with 16-mesh to the
20 inch material. All screen doors shall be equipped with self-closing devices.

21
22 (i) In a room where occupants cook, live, and sleep a minimum of 100
23 square feet of superficial floor area per person shall be provided. Adequate
24 facilities and proper methods for the preparation, refrigeration, and storage of food
25 shall be provided.

1 (j) In dormitory where cooking facilities are used in common, stoves (in
2 ratio of one stove to 10 persons) shall be provided in an enclosed and screened
3 shelter and shall be equipped with an electric exhaust fan connected to the outside
4 air. Adequate facilities and proper methods for the preparation, refrigeration, and
5 storage of food shall be provided.

6
7 (k) All communal kitchens shall have a floor area of at least 100 square feet
8 (10 ft. x 10 ft. rooms).

9
10 (l) All heating, cooking, and water heating equipment shall be installed in
11 accordance to applicable laws of Guam and rules and regulations governing such
12 installations.

13
14 (m) All rooms shall have sufficient ventilation to keep them free of
15 excessive heat, carbon dioxide, steam, condensation, vapors, obnoxious odors,
16 smoke, and fumes. Ventilation system shall be installed and operated according to
17 applicable laws of Guam, and when vented to the outside, shall not create an
18 unsightly, harmful, or unlawful discharge.

19
20 **§41710. Water Supply.**

21
22 (a) An adequate supply of potable water from an approved source and
23 under pressure shall be provided at all times in each dormitory for drinking,
24 cooking, bathing and laundry purposes.

25 (b) Drinking water dispensed by means of drinking fountains, cups, and
26 water coolers shall conform to the following:

1
2 (1) Drinking Fountain shall be kept clean and in good repair and
3 conform to the latest editions of the International Plumbing Code and the
4 International Building Code adopted on Guam.

5
6 (2) Single service cups shall be used for water dispensed from bottled
7 water or water coolers. Single service cups shall be stored, handled, and
8 dispensed in a sanitary manner.

9
10 (3) Water coolers used for dispensing drinking water shall be
11 provided with a cover, and shall be kept clean. Dipping the cups into the
12 water cooler is prohibited. Water coolers shall be adequately protected to
13 prevent any contamination.

14
15 (4) Other cups such as individually owned cups shall be used only by
16 one owner.

17
18 (c) All water outlets shall be protected from backflow either by air gap or
19 backflow prevention devices. There shall be no existing or potential cross-
20 connection or back-siphonage problems anywhere in the building or its premises.

21
22 (d) Any water outlet with a threaded, serrated, or quick coupling nozzle
23 shall be provided with a vacuum breaker.

24
25 **§41711. Toilet Facilities.**

1 (a) Toilet facilities shall be of adequate capacity based on latest applicable
2 codes.

3
4 (b) Each toilet shall be located so as to be accessible without any
5 individual passing through any sleeping room. Toilet rooms shall have window
6 not less than 6 square feet in area opening directly to the outside area or otherwise
7 be satisfactorily ventilated. All outside openings shall be screened with 16-mesh to
8 the inch material. No toilet fixtures shall be located in a room used for other than
9 toilet purposes.

10
11 (c) A toilet room shall be located not more than 200 feet of travel distance
12 from the door of each sleeping room.

13
14 (d) Where the toilet rooms are shared, such as in barrack types facilities,
15 separate toilet rooms shall be provided for each sex. These rooms shall be
16 distinctly marked for "Men" and "Women" by signs printed in English and in the
17 language of the persons occupying the camp, or marked with easily understood
18 pictures or symbols. If the facilities for each sex are in the same building, they
19 shall be separated by solid walls or partitions extending from the floor to the roof
20 or ceiling.

21
22 (e) Where toilets facilities are shared, the number of water closets provided
23 for each sex shall be based on the maximum number of persons of that sex which
24 camp is designed to house at any one time, in the ratio of one such unit to each 10
25 persons, with a minimum of two units for any shared facility.

1 (f) Each toilet facility shall be completely enclosed and shall have a tight
2 fitting, self-closing door. Toilet partitions shall begin not more than one (1) foot
3 from the floor and extend to a height of not less than five (5) feet.

4
5 (g) Urinals shall be provided on the basis of one unit to each 10 men. The
6 floor from the wall and for a distance not less than 15 inches measured from the
7 outward edge of the urinals shall be constructed of impervious materials to
8 moisture. Where water under pressure is available, urinals shall be provided with
9 adequate water flush.

10
11 (h) Each toilet room shall be lighted naturally or artificially by a safe
12 lighting at all hours of the day and night.

13
14 (i) Floors shall be of impervious material, and floor drains shall be
15 provided.

16
17 (j) Walls, ceilings, and floors shall be impervious to moisture and have
18 smooth surfaces.

19
20 (k) Walls and ceilings shall be light colored as determined by the
21 Department to aid in the distribution of light to facilitate thorough cleaning, and
22 the observation of general sanitary procedures.

23
24 (l) Each toilet facility shall be completely enclosed and shall have a tight-
25 fitting, self-closing door.

1 (m) An adequate supply of toilet paper in a dispenser shall be provided in
2 each water closet.

3
4 (n) All toilet rooms shall be provided with an approved trash container.

5
6 (o) Toilet rooms shall be kept in a sanitary condition. They shall be
7 cleaned at least daily.

8
9 **§41712. Sewage Disposal.** An approved sewage disposal system which is
10 located, constructed, and operated in conformance with the standards established
11 for such systems by the Guam Environmental Protection Agency and the Guam
12 Waterworks Authority.

13
14 **§41713. Laundry, Hand-washing, Bathing and Cleaning Facilities.**

15
16 (a) Laundry, hand-washing, bathing, and cleaning facilities shall be
17 provided in the following ratio:

18
19 (1) One lavatory to each ten persons in shared facilities;

20
21 (2) One shower head to each eight persons;

22
23 (3) Laundry tray or tub for every 30 persons if a centralized laundry
24 facility is not provided; and

1 (4) Utility sink (also known as mop sink) in each building used; the
2 number and placement of utility sink shall be determined by DPHSS.

3
4 (b) Floors shall be of smooth finish but not slippery materials; they shall be
5 impervious to moisture. Floor drain shall be provided in all shower baths, shower
6 rooms, or laundry rooms to remove waste water and facilitate cleaning. All
7 junctions of the curbing and the floor shall be coved.

8
9 (c) The walls and partitions of shower rooms shall be smooth and
10 impervious to the height of the splash.

11
12 (d) An adequate supply of hot and cold running water shall be provided for
13 bathing and laundry purposes.

14
15 **§41714. Lighting.**

16
17 (a) Each habitable room in a dormitory shall be provided with at least one
18 ceiling-type light fixture and at least one separate floor- or wall-type convenience
19 outlet.

20
21 (b) Laundry and toilet rooms and rooms where people congregate shall
22 contain at least one ceiling- or wall-type fixture.

23
24 (c) Light levels in toilet and storage rooms shall be at least 20 foot-candles
25 at 30 inches from the floor.

1 (d) Other rooms, including kitchens and living quarters, shall be at least 30
2 foot-candles at 30 inches from the floor.

3
4 **§41715. Refuse Disposal.**

5
6 (a) All refuse shall be disposed of as often as necessary and in such a
7 manner as to prevent a public health nuisance.

8
9 (b) Fly-tight, rodent-tight, impervious and easily cleanable containers shall
10 be provided for the storage of garbage and rubbish.

11
12 (c) Refuse containers shall be elevated to at least 12 inches from the
13 ground surface and around the containers shall be kept clean so as not serve as
14 harborage for vermin. Bulk refuse containers shall be located on impervious
15 asphalt or concrete. At least one such refuse container shall be provided for each
16 shelter and shall be located within 100 feet of each shelter on a metal or concrete
17 surface.

18
19 (d) Refuse containers shall be emptied when full but not less than twice a
20 week.

21
22 **§41716. Construction and Operation of Kitchen, Dining Halls, and**
23 **Feeding Facilities**

24
25 (a) In a dormitory where central dining or feeding operations are permitted
26 and provided, adequate facilities and proper methods for the preparation, serving,

1 refrigeration, and storage of food shall be provided in conformance with applicable
2 Department rules and regulations governing food facilities.

3
4 (b) A properly constructed kitchen and dining hall adequate in size,
5 separate from the sleeping quarters shall be provided in connection with all food
6 handling facilities. There shall be no direct opening from living or sleeping
7 quarters into kitchen or dining hall.

8
9 (c) No person with any communicable disease may be employed or
10 permitted to work in the preparation, cooking, serving or other handling of food,
11 foodstuffs or materials used in any kitchen or dining room operated in connection
12 with a camp or regularly used by persons living in a camp.

13
14 **§41717. Insect and Rodent Control.**

15
16 (a) Effective measures shall be taken to prevent infestation by and
17 harborage of animal or insect vectors or pests.

18
19 (b) Every door opening directly to outdoor space shall be equipped with a
20 self-closing device for protection against mosquitoes, flies, and other insects. If a
21 screen door is provided it must have a self-closing device, and screening shall not
22 be less than 16-mesh to the inch material.

23
24 (c) Every window or other device with openings to outdoor space, used or
25 intended to be used for ventilation shall likewise be equipped with screening not
26 less than 16-mesh to the inch material.

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§41718. Safety and First Aid.

(a) Approved first aid supplies shall be provided and be accessible at all times. The supplies shall be equivalent to the 16 unit first aid kit recommended by the American Red Cross, and shall be provided in the ratio of one to each 50 persons. First aid kits shall be distributed and placed conspicuously throughout the temporary workforce housing.

(b) Flammable or volatile liquids or materials, except those needed for household use other than use as fuel, shall not be stored in or adjacent to rooms used for living purposes.

(c) Pesticides and toxic chemicals other than those commonly regarded as being used for household use, such as cleaning agents, shall not be stored within the temporary workforce housing site. Any pesticide or other toxic materials, and any potentially hazardous materials or equipments kept within 500 feet of the facility site shall be stored in a secure, locked enclosure.

§41719. Animals and Poultry. No cats, dogs, livestock, or poultry shall be permitted in the dormitory, kitchen, dining or other buildings used for housing purposes.

§41720. Reporting of Communicable Disease.

1 (a) It is the duty of the owner or operator to report immediately to the
2 Department the name and address of any individual in the facility known to have
3 or suspected of having a communicable disease.

4
5 (b) Whenever there occurs in any temporary workforce housing a case of
6 suspected food poisoning or an unusual prevalence of any illness in which fever,
7 diarrhea, sore throat, vomiting, or jaundice is a prominent symptom, it will be the
8 duty of the operator to report immediately the existence of the outbreak to the
9 Department by telephone, electronic mail or any method that is equally fast.

10
11 **§41721. Compliance.**

12
13 (a) All new temporary workforce housing shall be in compliance with these
14 rules and regulations. The owner shall designate a responsible employee to
15 manage the daily operation of establishment.

16
17 (b) All temporary workforce housing shall comply with these rules and
18 regulations upon renovation, extension or remodeling of an existing building.
19 Temporary workforce housing in existence at the time these rules and regulations
20 take effect shall be deemed acceptable if it is determined by the Director that no
21 serious health hazard or discomfort will occur that would affect the occupants of
22 such facility.

23
24 **§41722. Inspections.**

1 (a) Sanitary Inspections, Phases: For the purposes of sanitary
2 regulation, permitting of temporary workforce housing shall be required during
3 each of the following phases:

4
5 (1) Primary Inspection Phase

6
7 i. During the Primary Inspection Phase, sanitary inspection
8 shall be conducted quarterly following the issuance of the initial
9 Sanitary Permit.

10
11 ii. The Primary Inspection shall apply to all temporary
12 workforce housing, new or currently existing, and shall endure and
13 achieve four (4) consecutive quarters of satisfactory inspections.

14
15 iii. Inspection during the Primary Inspection Phase shall be
16 performed no sooner than forty-five (45) days of the previous
17 inspection conducted. If an inspection occurs sooner than forty-five
18 (45) days of the previous inspection conducted, the inspection shall not
19 qualify as one of the quarterly inspection required.

20
21 (2) Secondary Inspection Phase

22
23 i. Secondary Inspection Phase shall be applied following
24 successful completion of the Primary Inspection Phase.

25

1 ii. During the Secondary Inspection Phase, inspections shall be
2 conducted on a semiannual basis.

3
4 iii. Inspection during the Secondary Inspection Phase shall be
5 performed no sooner than ninety (90) days from the previous inspection
6 conducted. If an inspection occurs sooner than ninety (90) days of the
7 previous inspection conducted, the inspection shall not qualify as one
8 of the semiannual inspections required.

9
10 iv. Successful completion of the Secondary Inspection Phase
11 shall consist of two (2) consecutive semiannual inspections that were
12 rated satisfactory.

13
14 v. Following a failed inspection or Change of Temporary
15 Workforce Housing Status, the temporary workforce housing in
16 question shall return to the Primary Inspection Phase.

17
18 (3) Tertiary Inspection Phase

19
20 i. During the Tertiary Inspection Phase, inspections will be
21 conducted on an annual basis.

22
23 ii. Inspection during the Tertiary Phase shall be performed no
24 sooner than one hundred eighty (180) days of the previous inspection
25 conducted. If an inspection occurs sooner than one hundred eighty

1 (180) days from the previous inspection conducted, the inspection will
2 not qualify as one of the annual inspections required.

3
4 iii. Following a failed inspection or Change of Temporary
5 Workforce Housing Status, the temporary workforce housing in
6 question shall return to the Primary Inspection Phase.

7
8 (b) Access

9
10 An employee or representative of the Department shall, after proper
11 presentation of credentials, have access to any temporary workforce housing at any
12 reasonable time for the purpose of making inspections to determine compliance
13 with these rules and regulations. Denial of access shall be cause for suspension of
14 the Sanitary Permit.

15
16 (c) Report of Inspections

17
18 Whenever an inspection of a temporary workforce housing is conducted, the
19 findings shall be recorded on a form authorized by the Director, and shall
20 summarize the requirements of these rules and regulations, and shall set forth a
21 demerit value for each requirement. Inspection remarks shall be written to
22 reference, by section number, the section violated and shall state the correction to
23 be made. The rating score of the establishment shall be the total of the demerit
24 values for all violations. A copy of the completed inspection report form shall be
25 issued to the operator of the establishment at the conclusion of the inspection. The

1 completed form is a public document that shall be made available for public
2 disclosure to any person who requests it according to law.

3
4 (d) Appeal

5
6 The report of inspection of a temporary workforce housing shall state that an
7 opportunity for appeal from any notice or inspection findings will be provided if a
8 written request for a hearing is filed with the Director within the period of time
9 established in the notice for correction.

10
11 (e) Grading

12
13 (1) Grades of temporary workforce housing shall be as follows:

14
15 i. Grade A: An establishment having a demerit score of not
16 more than ten (10);

17
18 ii. Grade B: An establishment having a demerit score of more
19 than ten (10) but not more than twenty (20);

20
21 iii. Grade C: An establishment having a demerit score of more
22 than twenty (20) but not more than forty (40); and

23
24 iv. Grade D: An establishment having a demerit score of more
25 than forty (40).
26

1 (2) Notwithstanding the grade criteria established above, whenever a
2 second consecutive (“repeat”) violation of the same item is discovered, the
3 Workers’ Dormitory Permit may be suspended or the establishment shall be
4 downgraded to the next lower grade.
5

6 (3) DPHSS shall issue a placard reflecting the letter grade of the most
7 recent inspection.
8

9 (f) The temporary workforce housing operator shall ensure that he/she, or a
10 designee, be present during inspections of temporary workforce housing by the
11 Department.
12

13 **§41723. Fees.**
14

15 (a) Pursuant to §26A105 of Title 10 GCA, Chapter 26A, an operator shall
16 pay a fee for new and renewal Workers’ Dormitory Permits, which are separate
17 and apart from the fees for the issuance of a Sanitary Permit.
18

19 (1) New Workers’ Dormitory Permit shall be Twenty Five Dollars
20 (\$25.00) for each; and
21

22 (2) Renewal Workers’ Dormitory Permit shall be Twenty Five Dollars
23 (\$25.00) for.
24

25 (b) Pursuant to §26A105 of Title 10 GCA, Chapter 26A, an operator shall
26 pay a fee for new and renewal Sanitary Permits.

1
2 (1) The cost for the issuance of a new Sanitary Permit shall be the
3 current fee established in the “Sanitary Permit Rules and Regulations” (Title
4 26 GARR, Chapter 4, Article 5) at the time of application.
5

6 (2) Renewal of Sanitary Permit for temporary workforce housing
7 shall be based on sanitary inspection phases pursuant to §26A104 of Title 10
8 GCA Chapter 26A, which shall also be the cost of the inspection.
9

10 (3) The cost of the renewal fee, which includes the required
11 inspection, shall be determined by the floor space of the temporary
12 workforce housing, and shall be assessed accordingly:
13

14 i. 600 square feet or less: \$30.00
15

16 ii. 601 – 1,200 square feet: \$60.00
17

18 iii. 1,201 – 1,800 square feet: \$90.00
19

20 iv. 1,801 – 2,400 square feet: \$120.00
21

22 v. 2,401 – 3,000 square feet: \$150.00
23

24 vi. 3,001 – 3,600 square feet: \$180.00
25

26 vii. 3,601 – 4,200 square feet: \$210.00

1
2 viii. 4,201 – 4,800 square feet: \$240.00

3
4 ix. 4,800 – 5,400 square feet: \$270.00

5
6 x. 5,401 – 6,000 square feet: \$300.00

7
8 xi. More than 6,000 square feet: \$0.05 per square foot.

9
10 (4) Upon the completion of an inspection, the Department shall
11 provide an invoice to the temporary workforce housing operator or his/her
12 representative.

13
14 (5) Within 7 calendar days of receipt of the invoice from the
15 Department, the operator or his/her representative shall make the appropriate
16 payment to the Department so to be issued its renewal Sanitary Permit.
17 Failure to make such payment within the required allotted time shall cause
18 the Sanitary Permit to become suspended, at which time the operator must
19 cease the operation of the temporary workforce housing immediately.

20
21 (6) In addition to all other required fees, and before the initial
22 Sanitary Permit is issued, the operator shall provide to DPHSS an
23 “inspection security deposit” which shall equal to that of the facility’s
24 applicable Sanitary Permit renewal fee cited in §41723(b)(3) of these rules
25 and regulations. This non-refundable inspection security deposit shall be
26 used as payment to DPHSS in the event the temporary workforce housing

1 operator fails to timely make payment for an inspection conducted by the
2 Department. The use of the inspection security deposit for payment to
3 DPHSS shall not relieve the same operator from resubmitting another
4 inspection security deposit before the suspension of its Sanitary Permit is
5 withdrawn.

6
7 (7) The inspection security deposit may be used by the temporary
8 workforce housing operator as payment for the last inspection required of
9 the operator prior to close of its business, provided the operator submits a
10 written notification to the Department. Such written notification shall
11 include the name and signature of the operator; the official date of the
12 temporary workforce housing's close of business, which shall be no later
13 than the next required inspection date had the operator remained in
14 operation; and a request for the use of the inspection safety deposit to make
15 such payment. The written notification shall be submitted concurrently with
16 the applicable invoice to the Department.

17
18 (c) There will be no charges for the following types of inspections,
19 provided a current permit has been issued:

20
21 (1) Validation inspections; and

22
23 (2) Complaint verification inspections.

24
25 **§41724. Posting of Documents.** The Sanitary Permit, Workers' Dormitory
26 Permit, grade placard, and a copy of the most recent inspection report shall be

1 posted in a conspicuous location designated by the Director. No person other than
2 the Director shall remove, deface, conceal, or destroy such permit or report.

3
4 **§41725. Miscellaneous.**

5
6 (a) Effective Date. These rules and regulations are effective immediately
7 upon their adoption pursuant to the Administrative Adjudication Law.

8
9 (b) Severability. If any provision or application of any provision of these
10 rules and regulations is held invalid, that invalidity shall not affect the other
11 provision or applications of these rules and regulations.

12
13 **§41726. Exemptions.** In the event that an establishment or person is unable
14 to comply with certain requirements of these regulations, the Director may
15 authorize and exempt that particular section, but shall be augmented by increased
16 requirements in other sections in order to provide adequate protection for the
17 workers. These requirements will be determined by the representatives of the
18 DEH, and the establishment on a case by case basis.

1 I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2 2015 (FIRST) Regular Session

3
4 **Bill No. 53-33 (COR), as Substituted**
5 **Committee on Health, Economic Development,**
6 **Homeland Security, and Senior Citizens**

7
8 Introduced by: D.G. RODRIGUEZ, Jr.

9
10 **AN ACT TO ADOPT RULES AND REGULATIONS**
11 **GOVERNING THE SANITARY OPERATIONS AND**
12 **INSPECTIONS OF TEMPORARY WORKFORCE HOUSING**
13 **PURSUANT TO §21102 OF CHAPTER 21 AND §26305 OF**
14 **CHAPTER 26A, TITLE 10 GUAM CODE ANNOTATED.**
15

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

17 **Section 1. Legislative Finding and Intent.** Subject to public hearing and
18 legislative review, it is the intent of I Liheslaturan Guåhan to provide additional
19 public scrutiny of the proposal governing the sanitary operations and inspections of
20 temporary workforce housing and for the eventual adoption of these rules and
21 regulations.

22 **Section 2.** A new Article 17 – Temporary Workforce Housing, is added to Chapter 4
23 of Title 26, Guam Administrative Rules and Regulations.

24 **Section 3. Adoption of Rules and Regulations.** Notwithstanding any other
25 provision of law, rule, regulation and Executive Order, the RULES AND
26 REGULATIONS GOVERNING THE SANITARY OPERATIONS AND
27 INSPECTIONS OF TEMPORARY WORKFORCE HOUSING, pursuant to this
28 Act, are adopted by I Mina'Trentai Dos Na Liheslaturan Guåhan, and shall be
29 codified under Article 17 of Chapter 4 of Division 1, Title 26, Guam Administrative
30 Rules and Regulations.

1 **Section 4. Amendment of Rules.** The Director, Department of Public Health
2 and Social Services, Division of Environmental Health shall pursuant to Article 3-
3 rule making procedures, of Chapter 9, Title 5, Guam Code Annotated, review and
4 amend, as may be necessary, the Rules and Regulations adopted pursuant to this Act.

5 **Section 5. Severability.** If any provision of this Act or its application to any
6 person or circumstance is found to be invalid or contrary to law, such invalidity shall
7 not affect other provisions or applications of this Act which can be given effect
8 without the invalid provisions or application, and to this end the provisions of this
9 Act are severable.

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Title 26

Chapter 4

Article 17

**RULES AND REGULATIONS GOVERNING
SANITATION AND INSPECTIONS OF
TEMPORARY WORKFORCE HOUSING**

§41701. Short Title. These rules and regulations may also be known and cited as the “Temporary Workforce Housing Regulations.”

§41702. Authority. Title 10 Guam Code Annotated, Chapter 26A, Section 26A108 authorizes the Director to establish rules and regulations to conduct inspections of temporary workforce housing and carry out other provisions of Chapter 26.

§41703. Purpose. The purpose of these rules and regulations is to protect and promote the health and safety of occupants in a temporary workforce housing and those who may reside in the immediate vicinity of such premises.

§41704. Definitions.

(a) *Change of Temporary Workforce Housing Status* shall mean any significant variances to temporary workforce housing in relation to the most recent prior inspection.

(b) *Division of Environmental Health or DEH* shall mean the division of the DPHSS established through Title 10 GCA, Chapter 20, §20103.

1 (c) *Department* shall mean the Guam Department of Public Health and
2 Social Services (DPHSS).

3 (d) *Dining Hall* shall mean a cafeteria-type eating place with food
4 furnished by and prepared under the direction of the operator for consumption,
5 with or without charge.

6 (e) *Director* shall mean the Director of Public Health and Social Services
7 or his/her designated representative.

8 (f) *Failed Inspection (also known as "Unsatisfactory Inspection")* shall
9 mean an inspection resulting in a demerit score of 11 or more.

10 (g) *Habitable Room* shall mean a room or space in a structure with a
11 minimum seven foot ceiling used for living, eating, or cooking. Bathrooms, toilet
12 compartments, closets, halls, storage or utility space, and similar areas are not
13 considered habitable space.

14 (h) *Occupant* shall mean any person who uses a temporary workforce
15 housing for lodging purposes.

16 (i) *Operator or Temporary Workforce Housing Operator* shall mean a
17 person, or business entity, who owns, leases or manages, or proposes to own, lease
18 or manage, a temporary workforce housing, and includes any person designated in
19 the application for a Sanitary Permit to operate a temporary workforce housing or
20 having an authority to administer day-to-day operation of the facility and to
21 respond to complaints, orders, and other matters as set forth in these rules and
22 regulations.

23 (j) *Person* shall mean any owner, firm, corporation or governmental
24 agency operating a dormitory.

25 (k) *Sanitary Permit* shall mean the official document issued by the DPHSS
26 authorizing the establishment to operate its business.

1 (l) *Satisfactory* shall mean achieving a letter grade “A” at the conclusion of
2 a compliance inspection of temporary workforce housing.

3 (m) *Superficial Floor Area* shall mean the net area within the enclosing
4 walls of the room in which the ceiling heights is not less than seven feet (7’),
5 excluding built-in equipment such as wardrobes, cabinets, kitchen units,
6 bathrooms, toilet rooms, or fixtures.

7 (n) *Temporary Worker* shall mean:

8 (1) A worker from a point of origin outside of Guam, who is
9 sponsored by an employer, or has come to Guam on his own to seek
10 employment for a specific work project; and

11 (2) Is on Guam for the purpose of being employed for a specific
12 project expected to be completed in a specific period of time; and

13 (3) Will exit Guam upon completion of their work contract on this
14 specific project.

15 (o) *Temporary Workforce Housing*, also known as *Dormitory*, shall mean
16 any enclosures of living spaces, reasonably contiguous, together with the land
17 appertaining thereto, established, operated or used as living quarters and, at a
18 minimum, fifty one-percent (51%) of the residents are temporary workers,
19 including but not limited to, facilities known by varying nomenclatures or
20 designations as dormitories, hotels, motels, travel lodges, or tourist homes.

21 (p) *Variance* as used in the reference to *Change of Temporary Workforce*
22 *Housing* of these rules and regulations shall include changes to the number of
23 occupants, structure, ownership, and any other changes or deficiencies that impact
24 the operation of the facility, safety or welfare of the occupants, or otherwise
25 contradicts the purpose of these rules and regulations and other Department
26 regulations that govern temporary workforce housing.

1 (q) *Workers' Dormitory Permit* shall mean the official document issued by
2 the Department of Public Health and Social Services authorizing a person or
3 business entity to operate a temporary workers' dormitory.

4 **§41705. Requirements to Obtain and Apply for a Workers' Dormitory**
5 **Permit.**

6 (a) No person shall directly or indirectly in any manner conduct, control,
7 manage, maintain, or operate a dormitory unless a valid Workers' Dormitory
8 Permit issued by the Department to operate such a facility has been obtained and
9 properly posted.

10 (b) An application for a Workers' Dormitory Permit to operate any new or
11 existing dormitory shall be made in writing on a form prescribed by the Director,
12 signed by the applicant or his/her authorized agent, and shall contain such
13 information that will determine that the facility and its operation are in compliance
14 with the applicable provisions of these rules and regulations.

15 (c) Before the application for a Workers' Dormitory Permit shall be
16 approved, the Director shall verify that the establishment meets the minimum
17 requirements and standards of these rules and regulations. This shall include the
18 right of entry, inspection, and investigation.

19 (d) Before a pre-operation inspection is conducted, plans and specifications
20 shall be submitted to the Director in accordance with the requirements established
21 in these regulations which shall include the following:

22 (1) The location of the proposed temporary workforce housing
23 (vicinity map) on a sheet of paper measuring 8 ½ inches by 11 inches,
24 including the street names, building numbers, and easily identifiable
25 landmarks; and

1 (2) A floor plan on a sheet of paper measuring, at a minimum, 8 ½
2 inches x 11 inches, showing:

3 i. The dimensions of the proposed establishment;

4 ii. The location, number and type of plumbing fixtures
5 including all water supply fixtures and toilet fixtures, and other fixtures
6 and equipment, and;

7 iii. If a newly-constructed building, the general layout of water
8 supply lines, wastewater lines or methods of wastewater disposal.

9 (e) If pre-operation inspection indicates that the establishment does not
10 meet the minimum requirements, the Workers' Dormitory Permit shall not be
11 issued until such time as the requirements are met.

12 (f) All Workers' Dormitory Permits shall be issued for a maximum period
13 of no more than 12 months and renewed on June 30 of each year. An application
14 for new or renewal of a Workers' Dormitory Permit shall be filed at least 15 days
15 before a new establishment intends to open, or before current Workers' Dormitory
16 Permit expires.

17 (g) Any person or establishment denied a Workers' Dormitory Permit, or
18 whose Workers' Dormitory Permit has been suspended or revoked, may appeal
19 the Director's action in accordance with the provisions of the Administrative
20 Adjudication Law.

21 **§41706. Requirements to Obtain and Maintain a Sanitary Permit.**

22 (a) If upon inspection the Director is satisfied that the establishment meets
23 the minimum requirements of these rules and regulations as the Director may
24 prescribe and a Workers' Dormitory Permit is issued, a non-transferable Sanitary

1 Permit designating the type and location by physical address and lot number of
2 establishment shall also be issued.

3 (b) Failure to comply with any of the requirement listed below shall be a
4 reason to deny the issuance of a Sanitary Permit:

5 (1) Locking of doors during the presence of the Department when
6 conducting compliance inspections;

7 (2) Unapproved or inadequate water supply or plumbing;

8 (3) Denying access to inspectors;

9 (4) Receiving a demerit of more than 40; or

10 (5) Repeating a violation assigned 2, 4 or 6 demerit points.

11 **§41707. Maximum Occupancy.** The maximum capacity for
12 Temporary Workforce Housing shall be based on:

13 (a) The square footage of the housing facility; and

14 (b) The number of bathing, hand washing, laundry, and toilet facilities

15 **§41708. Location and Premises.**

16 (a) Facility sites used for dormitory shall be adequately drained. They
17 shall not be subject for periodic flooding, nor located within 200 feet of swamps,
18 pools, sink-holes or other surface collections of water unless such quiescent water
19 surfaces can be subjected to mosquito control measures. The facility shall be
20 located so the drainage from and through the facility will not endanger any
21 domestic or public water supply.

22 (b) Grounds within the facility site shall be maintained so as to be free from
23 debris, noxious plants, uncontrolled weeds, or brush.

24

1 (c) Facility sites shall be graded, ditched and rendered free from
2 depressions in which water may become a nuisance.

3 (d) Facility sites shall be adequate in size to prevent overcrowding of
4 necessary structures. The facility in which food is prepared and served and where
5 sleeping quarters are located must be at least 500 feet from any area in which
6 livestock is kept.

7 (e) Grounds within the facility shall be maintained in a clean and sanitary
8 condition free from rubbish, debris, waste paper, garbage, or other refuse.

9 **§41709. Shelter.**

10 (a) Every shelter in the dormitory shall be constructed in a manner which
11 will provide protection against the elements.

12 (b) Each room used for sleeping purposes shall contain at least 50 square
13 feet of superficial floor area for each occupant. At least a 7-foot ceiling shall be
14 provided.

15 (c) Sleeping arrangements (beds, metal frame cots, or bunks complete with
16 springs, mattresses, and mattress covers) in good repair shall be provided for
17 facility occupants. Sleeping arrangements shall be cleaned and maintained in a
18 sanitary condition. No bed shall be used by more than two occupants.

19 (d) Beds, cots, or bunks, and suitable storage facilities such as wall lockers
20 for clothing and personal articles shall be provided in every room used for sleeping
21 purposes. Such beds or similar facilities shall be spaced not closer than 36 inches
22 both laterally and end to end, and shall be elevated at least 12 inches from the
23 floor. If double-deck bunks are used, they shall be spaced not less than 48 inches
24 laterally and end to end. The minimum clear space between the lower and upper
25 bunk shall not be less than 27 inches. Triple-deck bunks are prohibited.

1 (e) The floors of each shelter shall be constructed of wood, concrete or
2 other materials approved by the Department. Wooden floor shall be smooth and of
3 tight construction. The floor shall be of such construction as to be easily cleanable,
4 and shall be kept clean and in good repair.

5 (f) All wooden floors shall be elevated not less than 1 foot above the
6 ground level at all points to prevent dampness and to permit free circulation of air
7 beneath.

8 (g) All living quarters shall be provided with windows in which the total
9 area shall not be less than one-tenth of the total floor area. At least one-half of
10 each window shall be so constructed that it can be opened for purposes of
11 ventilation.

12 (h) All exterior openings shall be effectively screened with 16-mesh to the
13 inch material. All screen doors shall be equipped with self-closing devices.

14 (i) In a room where occupants cook, live, and sleep a minimum of 100
15 square feet of superficial floor area per person shall be provided. Adequate
16 facilities and proper methods for the preparation, refrigeration, and storage of food
17 shall be provided.

18 (j) In dormitory where cooking facilities are used in common, stoves (in
19 ratio of one stove to 10 persons) shall be provided in an enclosed and screened
20 shelter and shall be equipped with an electric exhaust fan connected to the outside
21 air. Adequate facilities and proper methods for the preparation, refrigeration, and
22 storage of food shall be provided.

23 (k) All communal kitchens shall have a floor area of at least 100 square feet
24 (10 ft. x 10 ft. rooms).

1 (l) All heating, cooking, and water heating equipment shall be installed in
2 accordance to applicable laws of Guam and rules and regulations governing such
3 installations.

4 (m) All rooms shall have sufficient ventilation to keep them free of
5 excessive heat, carbon dioxide, steam, condensation, vapors, obnoxious odors,
6 smoke, and fumes. Ventilation system shall be installed and operated according to
7 applicable laws of Guam, and when vented to the outside, shall not create an
8 unsightly, harmful, or unlawful discharge.

9 **§41710. Water Supply.**

10 (a) An adequate supply of potable water from an approved source and
11 under pressure shall be provided at all times in each dormitory for drinking,
12 cooking, bathing and laundry purposes.

13 (b) Drinking water dispensed by means of drinking fountains, cups, and
14 water coolers shall conform to the following:

15 (1) Drinking Fountain shall be kept clean and in good repair and
16 conform to the latest editions of the International Plumbing Code and the
17 International Building Code adopted on Guam.

18 (2) Single service cups shall be used for water dispensed from bottled
19 water or water coolers. Single service cups shall be stored, handled, and
20 dispensed in a sanitary manner.

21 (3) Water coolers used for dispensing drinking water shall be
22 provided with a cover, and shall be kept clean. Dipping the cups into the
23 water cooler is prohibited. Water coolers shall be adequately protected to
24 prevent any contamination.

1 (4) Other cups such as individually owned cups shall be used only by
2 one owner.

3 (c) All water outlets shall be protected from backflow either by air gap or
4 backflow prevention devices. There shall be no existing or potential cross-
5 connection or back-siphonage problems anywhere in the building or its premises.

6 (d) Any water outlet with a threaded, serrated, or quick coupling nozzle
7 shall be provided with a vacuum breaker.

8 **§41711. Toilet Facilities.**

9 (a) Toilet facilities shall be of adequate capacity based on latest applicable
10 codes.

11 (b) Each toilet shall be located so as to be accessible without any
12 individual passing through any sleeping room. Toilet rooms shall have window
13 not less than 6 square feet in area opening directly to the outside area or otherwise
14 be satisfactorily ventilated. All outside openings shall be screened with 16-mesh to
15 the inch material. No toilet fixtures shall be located in a room used for other than
16 toilet purposes.

17 (c) A toilet room shall be located not more than 200 feet of travel distance
18 from the door of each sleeping room.

19 (d) Where the toilet rooms are shared, such as in barrack types facilities,
20 separate toilet rooms shall be provided for each sex. These rooms shall be
21 distinctly marked for "Men" and "Women" by signs printed in English and in the
22 language of the persons occupying the camp, or marked with easily understood
23 pictures or symbols. If the facilities for each sex are in the same building, they
24 shall be separated by solid walls or partitions extending from the floor to the roof
25 or ceiling.

1 (e) Where toilets facilities are shared, the number of water closets provided
2 for each sex shall be based on the maximum number of persons of that sex which
3 camp is designed to house at any one time, in the ratio of one such unit to each 10
4 persons, with a minimum of two units for any shared facility.

5 (f) Each toilet facility shall be completely enclosed and shall have a tight
6 fitting, self-closing door. Toilet partitions shall begin not more than one (1) foot
7 from the floor and extend to a height of not less than five (5) feet.

8 (g) Urinals shall be provided on the basis of one unit to each 10 men. The
9 floor from the wall and for a distance not less than 15 inches measured from the
10 outward edge of the urinals shall be constructed of impervious materials to
11 moisture. Where water under pressure is available, urinals shall be provided with
12 adequate water flush.

13 (h) Each toilet room shall be lighted naturally or artificially by a safe
14 lighting at all hours of the day and night.

15 (i) Floors shall be of impervious material, and floor drains shall be
16 provided.

17 (j) Walls, ceilings, and floors shall be impervious to moisture and have
18 smooth surfaces.

19 (k) Walls and ceilings shall be light colored as determined by the
20 Department to aid in the distribution of light to facilitate thorough cleaning, and
21 the observation of general sanitary procedures.

22 (l) Each toilet facility shall be completely enclosed and shall have a tight-
23 fitting, self-closing door.

24 (m) An adequate supply of toilet paper in a dispenser shall be provided in
25 each water closet.

26 (n) All toilet rooms shall be provided with an approved trash container.

1
2 (o) Toilet rooms shall be kept in a sanitary condition. They shall be
3 cleaned at least daily.

4 **§41712. Sewage Disposal.** An approved sewage disposal system which is
5 located, constructed, and operated in conformance with the standards established
6 for such systems by the Guam Environmental Protection Agency and the Guam
7 Waterworks Authority.

8 **§41713. Laundry, Hand-washing, Bathing and Cleaning Facilities.**

9 (a) Laundry, hand-washing, bathing, and cleaning facilities shall be
10 provided in the following ratio:

11 (1) One lavatory to each ten persons in shared facilities;

12 (2) One shower head to each eight persons;

13 (3) Laundry tray or tub for every 30 persons if a centralized laundry
14 facility is not provided; and

15 (4) Utility sink (also known as mop sink) in each building used; the
16 number and placement of utility sink shall be determined by DPHSS.

17 (b) Floors shall be of smooth finish but not slippery materials; they shall be
18 impervious to moisture. Floor drain shall be provided in all shower baths, shower
19 rooms, or laundry rooms to remove waste water and facilitate cleaning. All
20 junctions of the curbing and the floor shall be coved.

21 (c) The walls and partitions of shower rooms shall be smooth and
22 impervious to the height of the splash.

23 (d) An adequate supply of hot and cold running water shall be provided for
24 bathing and laundry purposes.

1 **§41714. Lighting.**

2 (a) Each habitable room in a dormitory shall be provided with at least one
3 ceiling-type light fixture and at least one separate floor- or wall-type convenience
4 outlet.

5 (b) Laundry and toilet rooms and rooms where people congregate shall
6 contain at least one ceiling- or wall-type fixture.

7 (c) Light levels in toilet and storage rooms shall be at least 20 foot-candles
8 at 30 inches from the floor.

9 (d) Other rooms, including kitchens and living quarters, shall be at least 30
10 foot-candles at 30 inches from the floor.

11 **§41715. Refuse Disposal.**

12 (a) All refuse shall be disposed of as often as necessary and in such a
13 manner as to prevent a public health nuisance.

14 (b) Fly-tight, rodent-tight, impervious and easily cleanable containers shall
15 be provided for the storage of garbage and rubbish.

16 (c) Refuse containers shall be elevated to at least 12 inches from the
17 ground surface and around the containers shall be kept clean so as not serve as
18 harborage for vermin. Bulk refuse containers shall be located on impervious
19 asphalt or concrete. At least one such refuse container shall be provided for each
20 shelter and shall be located within 100 feet of each shelter on a metal or concrete
21 surface.

22 (d) Refuse containers shall be emptied when full, and no less than once a
23 week.

1 **§41716. Construction and Operation of Kitchen, Dining Halls, and**
2 **Feeding Facilities**

3 (a) In a dormitory where central dining or feeding operations are permitted
4 and provided, adequate facilities and proper methods for the preparation, serving,
5 refrigeration, and storage of food shall be provided in conformance with applicable
6 Department rules and regulations governing food facilities.

7 (b) A properly constructed kitchen and dining hall adequate in size,
8 separate from the sleeping quarters shall be provided in connection with all food
9 handling facilities. There shall be no direct opening from living or sleeping
10 quarters into kitchen or dining hall.

11 (c) No person with any communicable disease may be employed or
12 permitted to work in the preparation, cooking, serving or other handling of food,
13 foodstuffs or materials used in any kitchen or dining room operated in connection
14 with a camp or regularly used by persons living in a camp.

15 **§41717. Insect and Rodent Control.**

16 (a) Effective measures shall be taken to prevent infestation by and
17 harborage of animal or insect vectors or pests.

18 (b) Every door opening directly to outdoor space shall be equipped with a
19 self-closing device for protection against mosquitoes, flies, and other insects. If a
20 screen door is provided it must have a self-closing device, and screening shall not
21 be less than 16-mesh to the inch material.

22 (c) Every window or other device with openings to outdoor space, used or
23 intended to be used for ventilation shall likewise be equipped with screening not
24 less than 16-mesh to the inch material.

25 **§41718. Safety and First Aid.**

1 (a) Approved first aid supplies shall be provided and be accessible at all
2 times. The supplies shall be equivalent to the 16 unit first aid kit recommended by
3 the American Red Cross, and shall be provided in the ratio of one to each 50
4 persons. First aid kits shall be distributed and placed conspicuously throughout the
5 temporary workforce housing.

6 (b) Flammable or volatile liquids or materials, except those needed for
7 household use other than use as fuel, shall not be stored in or adjacent to rooms
8 used for living purposes.

9 (c) Pesticides and toxic chemicals other than those commonly regarded as
10 being used for household use, such as cleaning agents, shall not be stored within
11 the temporary workforce housing site. Any pesticide or other toxic materials, and
12 any potentially hazardous materials or equipment kept within 500 feet of the
13 facility site shall be stored in a secure, locked enclosure.

14 **§41719. Animals and Poultry.** No cats, dogs, livestock, or poultry shall be
15 permitted in the dormitory, kitchen, dining or other buildings used for housing
16 purposes.

17 **§41720. Reporting of Communicable Disease.**

18 (a) It is the duty of the owner or operator to report immediately to the
19 Department the name and address of any individual in the facility known to have
20 or suspected of having a communicable disease.

21 (b) Whenever there occurs in any temporary workforce housing a case of
22 suspected food poisoning or an unusual prevalence of any illness in which fever,
23 diarrhea, sore throat, vomiting, or jaundice is a prominent symptom, it will be the
24 duty of the operator to report immediately the existence of the outbreak to the
25 Department by telephone, electronic mail or any method that is equally fast.

1 **§41721. Compliance.**

2 (a) All new temporary workforce housing shall be in compliance with these
3 rules and regulations. The owner shall designate a responsible employee to
4 manage the daily operation of establishment.

5 (b) All temporary workforce housing shall comply with these rules and
6 regulations upon renovation, extension or remodeling of an existing building.
7 Temporary workforce housing in existence at the time these rules and regulations
8 take effect shall be deemed acceptable if it is determined by the Director that no
9 serious health hazard or discomfort will occur that would affect the occupants of
10 such facility.

11 **§41722. Inspections.**

12 (a) Sanitary Inspections, Phases: For the purposes of sanitary
13 regulation, and pursuant to Title 10 GCA, Chapter 26A, permitting of temporary
14 workforce housing shall be required during each of the following phases:

15 (1) Primary Inspection Phase

16 i. During the Primary Inspection Phase, sanitary inspection
17 shall be conducted quarterly following the issuance of the initial
18 Sanitary Permit.

19 ii. The Primary Inspection shall apply to all temporary
20 workforce housing, new or currently existing, and shall endure and
21 achieve four (4) consecutive quarters of satisfactory inspections.

22 iii. Inspection during the Primary Inspection Phase shall be
23 performed no sooner than forty-five (45) days of the previous
24 inspection conducted. If an inspection occurs sooner than forty-five

1 (45) days of the previous inspection conducted, the inspection shall not
2 qualify as one of the quarterly inspection required.

3 iv. Secondary Inspection Phase shall be applied following
4 successful completion of the Primary Inspection Phase.

5 v. During the Secondary Inspection Phase, inspections shall be
6 conducted on a semiannual basis.

7 vi. Inspection during the Secondary Inspection Phase shall be
8 performed no sooner than ninety (90) days from the previous inspection
9 conducted. If an inspection occurs sooner than ninety (90) days of the
10 previous inspection conducted, the inspection shall not qualify as one
11 of the semiannual inspections required.

12 vii. Successful completion of the Secondary Inspection Phase
13 shall consist of two (2) consecutive semiannual inspections that were
14 rated satisfactory.

15 viii. Following a failed inspection or Change of Temporary
16 Workforce Housing Status, the temporary workforce housing in
17 question shall return to the Primary Inspection Phase.

18 (2) Tertiary Inspection Phase

19 i. During the Tertiary Inspection Phase, inspections will be
20 conducted on an annual basis.

21 ii. Inspection during the Tertiary Phase shall be performed no
22 sooner than one hundred eighty (180) days of the previous inspection
23 conducted. If an inspection occurs sooner than one hundred eighty
24 (180) days from the previous inspection conducted, the inspection will
25 not qualify as one of the annual inspections required.

1 iii. Following a failed inspection or Change of Temporary
2 Workforce Housing Status, the temporary workforce housing in
3 question shall return to the Primary Inspection Phase.

4 (b) Access.

5 An employee or representative of the Department shall, after proper
6 presentation of credentials, have access to any temporary workforce housing at any
7 reasonable time for the purpose of making inspections to determine compliance
8 with these rules and regulations. Denial of access shall be cause for suspension of
9 the Sanitary Permit.

10 (c) Report of Inspections.

11 Whenever an inspection of a temporary workforce housing is conducted, the
12 findings shall be recorded on a form authorized by the Director, and shall
13 summarize the requirements of these rules and regulations, and shall set forth a
14 demerit value for each requirement. Inspection remarks shall be written to
15 reference, by section number, the section violated and shall state the correction to
16 be made. The rating score of the establishment shall be the total of the demerit
17 values for all violations. A copy of the completed inspection report form shall be
18 issued to the operator of the establishment at the conclusion of the inspection. The
19 completed form is a public document that shall be made available for public
20 disclosure to any person who requests it according to law.

21 (d) Appeal.

22 The report of inspection of a temporary workforce housing shall state that an
23 opportunity for appeal from any notice or inspection findings will be provided if a
24 written request for a hearing is filed with the Director within the period of time
25 established in the notice for correction.

1 (e) Grading.

2 (1) Grades of temporary workforce housing shall be determined
3 using the demerit point system referenced in §21106 of Title 10 GCA,
4 Chapter 21, which shall be as follows:

5 i. Grade A: An establishment having a demerit score of not
6 more than ten (10);

7 ii. Grade B: An establishment having a demerit score of more
8 than ten (10) but not more than twenty (20);

9 iii. Grade C: An establishment having a demerit score of more
10 than twenty (20) but not more than forty (40); and

11 iv. Grade D: An establishment having a demerit score of more
12 than forty (40).

13 (2) Notwithstanding the grade criteria established above, whenever a
14 second consecutive (“repeat”) violation of the same item is discovered, the
15 Workers’ Dormitory Permit may be suspended or the establishment shall be
16 downgraded to the next lower grade.

17 (3) DPHSS shall issue a placard reflecting the letter grade of the most
18 recent inspection.

19 (f) The temporary workforce housing operator shall ensure that he/she, or a
20 designee, be present during inspections of temporary workforce housing by the
21 Department.

22 **§41723. Fees.**

23 (a) Pursuant to §26A105 of Title 10 GCA, Chapter 26A, an operator shall
24 pay a fee for new and renewal Workers’ Dormitory Permits, which are separate
25 and apart from the fees for the issuance of a Sanitary Permit.

1 (1) New Workers' Dormitory Permit shall be Seven Dollars and Fifty
2 Cents (\$7.50) for each; and

3 (2) Renewal Workers' Dormitory Permit shall be Seven Dollars and
4 Fifty Cents (\$7.50) for each.

5 (b) Pursuant to §26A105 of Title 10 GCA, Chapter 26A, an operator shall
6 pay a fee for new and renewal Sanitary Permits.

7 (1) The cost for the issuance of a new Sanitary Permit shall be the
8 current fee established in the "Sanitary Permit Rules and Regulations" (Title
9 26 GARR, Chapter 4, Article 5) at the time of application.

10 (2) Renewal of Sanitary Permit for temporary workforce housing
11 shall be based on sanitary inspection phases pursuant to §26A104 of Title 10
12 GCA Chapter 26A.

13 (3) The cost of the renewal fee shall be Thirty-Eight Dollars
14 (\$38.00).

15 (4) Upon the completion of an inspection, the Department shall
16 provide an invoice to the temporary workforce housing operator or his/her
17 representative.

18 (5) Within 7 calendar days of receipt of the invoice from the
19 Department, the operator or his/her representative shall make the appropriate
20 payment to the Department so to be issued its renewal Sanitary Permit.
21 Failure to make such payment within the required allotted time shall cause
22 the Sanitary Permit to become suspended, at which time the operator must
23 cease the operation of the temporary workforce housing immediately.

24 (6) In addition to all other required fees, and before the initial
25 Sanitary Permit is issued, the operator shall provide to DPHSS an
26 "inspection security deposit" which shall equal to that of the facility's

1 applicable Sanitary Permit renewal fee cited in §41723(b)(3) of these rules
2 and regulations. This non-refundable inspection security deposit shall be
3 used as payment to DPHSS in the event the temporary workforce housing
4 operator fails to timely make payment for an inspection conducted by the
5 Department. The use of the inspection security deposit for payment to
6 DPHSS shall not relieve the same operator from resubmitting another
7 inspection security deposit before the suspension of its Sanitary Permit is
8 withdrawn.

9 (7) The inspection security deposit may be used by the temporary
10 workforce housing operator as payment for the last inspection required of
11 the operator prior to close of its business, provided the operator submits a
12 written notification to the Department. Such written notification shall
13 include the name and signature of the operator; the official date of the
14 temporary workforce housing's close of business, which shall be no later
15 than the next required inspection date had the operator remained in
16 operation; and a request for the use of the inspection safety deposit to make
17 such payment. The written notification shall be submitted concurrently with
18 the applicable invoice to the Department.

19 (c) There will be no charges for the following types of inspections,
20 provided a current permit has been issued:

- 21 (1) Validation inspections; and
- 22 (2) Complaint verification inspections.

23 **§41724. Posting of Documents.** The Sanitary Permit, Workers' Dormitory
24 Permit, grade placard, and a copy of the most recent inspection report shall be

1 posted in a conspicuous location designated by the Director. No person other than
2 the Director shall remove, deface, conceal, or destroy such permit or report.

3 **§41725. Miscellaneous.**

4 (a) Effective Date. These rules and regulations are effective immediately
5 upon their adoption pursuant to the Administrative Adjudication Law.

6 (b) Severability. If any provision or application of any provision of those
7 rules and regulations is held invalid, that invalidity shall not affect the other
8 provision or applications of these rules and regulations.

9 **§41726. Exemptions.** In the event that an establishment or person is unable
10 to comply with certain requirements of these regulations, the Director may
11 authorize and exempt that particular section, but shall be augmented by increased
12 requirements in other sections in order to provide adequate protection for the
13 workers. These requirements will be determined by the representatives of the
14 DEH, and the establishment on a case by case basis.

1 **I MINA'TRENTAI TRES NA LIHESLATURAN GUĀHAN**
2 **2015 (FIRST) Regular Session**
3

4 **Bill No. _____-33 (COR)**

5
6 Introduced by:

D.G. RODRIGUEZ,

7 Jr.
8

9 **AN ACT TO ADOPT RULES AND REGULATIONS**
10 **GOVERNING THE SANITARY OPERATIONS AND**
11 **INSPECTIONS OF TEMPORARY WORKFORCE HOUSING**
12 **PURSUANT TO §21102 OF CHAPTER 21 AND §26305 OF**
13 **CHAPTER 26A, TITLE 10 GUAM CODE ANNOTATED.**
14

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

16 **Section 1. Legislative Finding and Intent.** Subject to public hearing and
17 legislative review, it is the intent of I Liheslaturan Guåhan to provide additional
18 public scrutiny of the proposal governing the sanitary operations and inspections of
19 temporary workforce housing and for the eventual adoption of these rules and
20 regulations.

21 **Section 2.** A new Article 17 – Temporary Workforce Housing, is added to Chapter 4
22 of Title 26, Guam Administrative Rules and Regulations.

23 **Section 3. Adoption of Rules and Regulations.** Notwithstanding any other
24 provision of law, rule, regulation and Executive Order, the RULES AND
25 REGULATIONS GOVERNING THE SANITARY OPERATIONS AND
26 INSPECTIONS OF TEMPORARY WORKFORCE HOUSING, pursuant to this
27 Act, are adopted by I Mina'Trentai Dos Na Liheslaturan Guåhan, and shall be

1 codified under Article 17 of Chapter 4 of Division 1, Title 26, Guam Administrative
2 Rules and Regulations.

3 **Section 4. Amendment of Rules.** The Director, Department of Public Health
4 and Social Services, Division of Environmental Health shall pursuant to Article 3-
5 rule making procedures, of Chapter 9, Title 5, Guam Code Annotated, review and
6 amend, as may be necessary, the Rules and Regulations adopted pursuant to this Act.

7 **Section 5. Severability.** If any provision of this Act or its application to any
8 person or circumstance is found to be invalid or contrary to law, such invalidity shall
9 not affect other provisions or applications of this Act which can be given effect
10 without the invalid provisions or application, and to this end the provisions of this
11 Act are severable.

12

1 **Title 26**

2 **Chapter 4**

3 **Article 17**

4 **RULES AND REGULATIONS GOVERNING**
5 **SANITATION AND INSPECTIONS OF**
6 **TEMPORARY WORKFORCE HOUSING**

7 **§41701. Short Title.** These rules and regulations may also be known and
8 cited as the “Temporary Workforce Housing Regulations.”

9 **§41702. Authority.** Title 10 Guam Code Annotated, Chapter 26A, Section
10 26A108 authorizes the Director to establish rules and regulations to conduct
11 inspections of temporary workforce housing and carry out other provisions of
12 Chapter 26.

13 **§41703. Purpose.** The purpose of these rules and regulations is to
14 protect and promote the health and safety of occupants in a temporary workforce
15 housing and those who may reside in the immediate vicinity of such premises.

16 **§41704. Definitions.**

17 (a) *Change of Temporary Workforce Housing Status* shall mean any
18 significant variances to temporary workforce housing in relation to the most recent
19 prior inspection.

20 (b) *Division of Environmental Health or DEH* shall mean the division of
21 the DPHSS established through Title 10 GCA, Chapter 20, §20103.

1 (c) *Department* shall mean the Guam Department of Public Health and
2 Social Services (DPHSS).

3 (d) *Dining Hall* shall mean a cafeteria-type eating place with food
4 furnished by and prepared under the direction of the operator for consumption,
5 with or without charge.

6 (e) *Director* shall mean the Director of Public Health and Social Services
7 or his/her designated representative.

8 (f) *Failed Inspection (also known as "Unsatisfactory Inspection")* shall
9 mean an inspection resulting in a demerit score of 11 or more.

10 (g) *Habitable Room* shall mean a room or space in a structure with a
11 minimum seven foot ceiling used for living, eating, or cooking. Bathrooms, toilet
12 compartments, closets, halls, storage or utility space, and similar areas are not
13 considered habitable space.

14 (h) *Occupant* shall mean any person who uses a temporary workforce
15 housing for lodging purposes.

16 (i) *Operator or Temporary Workforce Housing Operator* shall mean a
17 person, or business entity, who owns, leases or manages, or proposes to own, lease
18 or manage, a temporary workforce housing, and includes any person designated in
19 the application for a Sanitary Permit to operate a temporary workforce housing or
20 having an authority to administer day-to-day operation of the facility and to
21 respond to complaints, orders, and other matters as set forth in these rules and
22 regulations.

23 (j) *Person* shall mean any owner, firm, corporation or governmental
24 agency operating a dormitory.

25 (k) *Sanitary Permit* shall mean the official document issued by the DPHSS
26 authorizing the establishment to operate its business.

1 (l) *Satisfactory* shall mean achieving a letter grade “A” at the conclusion of
2 a compliance inspection of temporary workforce housing.

3 (m) *Superficial Floor Area* shall mean the net area within the enclosing
4 walls of the room in which the ceiling heights is not less than seven feet (7’),
5 excluding built-in equipment such as wardrobes, cabinets, kitchen units,
6 bathrooms, toilet rooms, or fixtures.

7 (n) *Temporary Worker* shall mean:

8 (1) A worker from a point of origin outside of Guam, who is
9 sponsored by an employer, or has come to Guam on his own to seek
10 employment for a specific work project; and

11 (2) Is on Guam for the purpose of being employed for a specific
12 project expected to be completed in a specific period of time; and

13 (3) Will exit Guam upon completion of their work contract on this
14 specific project.

15 (o) *Temporary Workforce Housing*, also known as *Dormitory*, shall mean
16 any enclosures of living spaces, reasonably contiguous, together with the land
17 appertaining thereto, established, operated or used as living quarters and, at a
18 minimum, fifty one-percent (51%) of the residents are temporary workers,
19 including but not limited to, facilities known by varying nomenclatures or
20 designations as dormitories, hotels, motels, travel lodges, or tourist homes.

21 (p) *Variance* as used in the reference to *Change of Temporary Workforce*
22 *Housing* of these rules and regulations shall include changes to the number of
23 occupants, structure, ownership, and any other changes or deficiencies that impact
24 the operation of the facility, safety or welfare of the occupants, or otherwise
25 contradicts the purpose of these rules and regulations and other Department
26 regulations that govern temporary workforce housing.

1 (q) *Workers' Dormitory Permit* shall mean the official document issued by
2 the Department of Public Health and Social Services authorizing a person or
3 business entity to operate a temporary workers' dormitory.

4 **§41705. Requirements to Obtain and Apply for a Workers' Dormitory**
5 **Permit.**

6 (a) No person shall directly or indirectly in any manner conduct, control,
7 manage, maintain, or operate a dormitory unless a valid Workers' Dormitory
8 Permit issued by the Department to operate such a facility has been obtained and
9 properly posted.

10 (b) An application for a Workers' Dormitory Permit to operate any new or
11 existing dormitory shall be made in writing on a form prescribed by the Director,
12 signed by the applicant or his/her authorized agent, and shall contain such
13 information that will determine that the facility and its operation are in compliance
14 with the applicable provisions of these rules and regulations.

15 (c) Before the application for a Workers' Dormitory Permit shall be
16 approved, the Director shall verify that the establishment meets the minimum
17 requirements and standards of these rules and regulations. This shall include the
18 right of entry, inspection, and investigation.

19 (d) Before a pre-operation inspection is conducted, plans and specifications
20 shall be submitted to the Director in accordance with the requirements established
21 in these regulations which shall include the following:

22 (1) The location of the proposed temporary workforce housing
23 (vicinity map) on a sheet of paper measuring 8 ½ inches by 11 inches,
24 including the streets names, building numbers, and easily identifiable
25 landmarks; and

1 (2) A floor plan on a sheet of paper measuring, at a minimum, 8 ½
2 inches x 11 inches, showing:

- 3 i. The dimensions of the proposed establishment;
- 4 ii. The location, number and type of plumbing fixtures
5 including all water supply fixtures and toilet fixtures, and other fixtures
6 and equipment, and;
- 7 iii. If a newly-constructed building, the general layout of water
8 supply lines, wastewater lines or methods of wastewater disposal.

9 (e) If pre-operation inspection indicates that the establishment does not
10 meet the minimum requirements, the Workers' Dormitory Permit shall not be
11 issued until such time as the requirements are met.

12 (f) All Workers' Dormitory Permits shall be issued for a maximum period
13 of no more than 12 months and renewed on June 30 of each year. An application
14 for new or renewal of a Workers' Dormitory Permit shall be filed at least 15 days
15 before a new establishment intends to open, or before current Workers' Dormitory
16 Permit expires.

17 (g) Any person or establishment denied a Workers' Dormitory Permit, or
18 whose Workers' Dormitory Permit has been suspended or revoked, may appeal
19 the Director's action in accordance with the provisions of the Administrative
20 Adjudication Law.

21 **§41706. Requirements to Obtain and Maintain a Sanitary Permit.**

22 (a) If upon inspection the Director is satisfied that the establishment meets
23 the minimum requirements of these rules and regulations as the Director may
24 prescribe and a Workers' Dormitory Permit is issued, a non-transferable Sanitary

1 Permit designating the type and location by physical address and lot number of
2 establishment shall also be issued.

3 (b) Failure to comply with any of the requirement listed below shall be a
4 reason to deny the issuance of a Sanitary Permit:

5 (1) Locking of doors during the presence of the Department when
6 conducting compliance inspections;

7 (2) Unapproved or inadequate water supply or plumbing;

8 (3) Denying access to inspectors;

9 (4) Receiving a demerit of more than 40; or

10 (5) Repeating a violation assigned 2, 4 or 6 demerit points.

11 **§41707. Maximum Occupancy.** The maximum capacity for
12 Temporary Workforce Housing shall be based on:

13 (a) The square footage of the housing facility; and

14 (b) The number of bathing, handwashing, laundry, and toilet facilities

15 **§41708. Location and Premises.**

16 (a) Facility sites used for dormitory shall be adequately drained. They
17 shall not be subject for periodic flooding, nor located within 200 feet of swamps,
18 pools, sink-holes or other surface collections of water unless such quiescent water
19 surfaces can be subjected to mosquito control measures. The facility shall be
20 located so the drainage from and through the facility will not endanger any
21 domestic or public water supply.

22 (b) Grounds within the facility site shall be maintained so as to be free from
23 debris, noxious plants, uncontrolled weeds, or brush.

24

1 ~~(e) Facility sites shall have recreation space for the occupants based on the~~
2 ~~maximum facility capacity.~~

3 ~~(d)~~(c) Facility sites shall be graded, ditched and rendered free from
4 depressions in which water may become a nuisance.

5 ~~(e)~~(d) Facility sites shall be adequate in size to prevent overcrowding of
6 necessary structures. The facility in which food is prepared and served and where
7 sleeping quarters are located must be at least 500 feet from any area in which
8 livestock is kept.

9 ~~(f)~~(e) Grounds within the facility shall be maintained in a clean and sanitary
10 condition free from rubbish, debris, waste paper, garbage, or other refuse.

11 **§41709. Shelter.**

12 (a) Every shelter in the dormitory shall be constructed in a manner which
13 will provide protection against the elements.

14 (b) Each room used for sleeping purposes shall contain at least 50 square
15 feet of superficial floor area for each occupant. At least a 7-foot ceiling shall be
16 provided.

17 (c) Sleeping arrangements (beds, metal frame cots, or bunks complete with
18 springs, mattresses, and mattress covers) in good repair shall be provided for
19 facility occupants. Sleeping arrangements shall be cleaned and maintained in a
20 sanitary condition. No bed shall be used by more than two occupants.

21 (d) Beds, cots, or bunks, and suitable storage facilities such as wall lockers
22 for clothing and personal articles shall be provided in every room used for sleeping
23 purposes. Such beds or similar facilities shall be spaced not closer than 36 inches
24 both laterally and end to end, and shall be elevated at least 12 inches from the
25 floor. If double-deck bunks are used, they shall be spaced not less than 48 inches

1 laterally and end to end. The minimum clear space between the lower and upper
2 bunk shall not be less than 27 inches. Triple-deck bunks are prohibited.

3 (e) The floors of each shelter shall be constructed of wood, concrete or
4 other materials approved by the Department. Wooden floor shall be smooth and of
5 tight construction. The floor shall be of such construction as to be easily cleanable,
6 and shall be kept clean and in good repair.

7 (f) All wooden floors shall be elevated not less than 1 foot above the
8 ground level at all points to prevent dampness and to permit free circulation of air
9 beneath.

10 (g) All living quarters shall be provided with windows in which the total
11 area shall not be less than one-tenth of the total floor area. At least one-half of
12 each window shall be so constructed that it can be opened for purposes of
13 ventilation.

14 (h) All exterior openings shall be effectively screened with 16-mesh to the
15 inch material. All screen doors shall be equipped with self-closing devices.

16 (i) In a room where occupants cook, live, and sleep a minimum of 100
17 square feet of superficial floor area per person shall be provided. Adequate
18 facilities and proper methods for the preparation, refrigeration, and storage of food
19 shall be provided.

20 (j) In dormitory where cooking facilities are used in common, stoves (in
21 ratio of one stove to 10 persons) shall be provided in an enclosed and screened
22 shelter and shall be equipped with an electric exhaust fan connected to the outside
23 air. Adequate facilities and proper methods for the preparation, refrigeration, and
24 storage of food shall be provided.

25 (k) All communal kitchens shall have a floor area of at least 100 square feet
26 (10 ft. x 10 ft. rooms).

1 (l) All heating, cooking, and water heating equipment shall be installed in
2 accordance to applicable laws of Guam and rules and regulations governing such
3 installations.

4 (m) All rooms shall have sufficient ventilation to keep them free of
5 excessive heat, carbon dioxide, steam, condensation, vapors, obnoxious odors,
6 smoke, and fumes. Ventilation system shall be installed and operated according to
7 applicable laws of Guam, and when vented to the outside, shall not create an
8 unsightly, harmful, or unlawful discharge.

9 **§41710. Water Supply.**

10 (a) An adequate supply of potable water from an approved source and
11 under pressure shall be provided at all times in each dormitory for drinking,
12 cooking, bathing and laundry purposes.

13 (b) Drinking water dispensed by means of drinking fountains, cups, and
14 water coolers shall conform to the following:

15 (1) Drinking Fountain shall be kept clean and in good repair and
16 conform to the latest editions of the International Plumbing Code and the
17 International Building Code adopted on Guam.

18 (2) Single service cups shall be used for water dispensed from bottled
19 water or water coolers. Single service cups shall be stored, handled, and
20 dispensed in a sanitary manner.

21 (3) Water coolers used for dispensing drinking water shall be
22 provided with a cover, and shall be kept clean. Dipping the cups into the
23 water cooler is prohibited. Water coolers shall be adequately protected to
24 prevent any contamination.

1 (4) Other cups such as individually owned cups shall be used only by
2 one owner.

3 (c) All water outlets shall be protected from backflow either by air gap or
4 backflow prevention devices. There shall be no existing or potential cross-
5 connection or back-siphonage problems anywhere in the building or its premises.

6 (d) Any water outlet with a threaded, serrated, or quick coupling nozzle
7 shall be provided with a vacuum breaker.

8 **§41711. Toilet Facilities.**

9 (a) Toilet facilities shall be of adequate capacity based on latest applicable
10 codes.

11 (b) Each toilet shall be located so as to be accessible without any
12 individual passing through any sleeping room. Toilet rooms shall have window
13 not less than 6 square feet in area opening directly to the outside area or otherwise
14 be satisfactorily ventilated. All outside openings shall be screened with 16-mesh to
15 the inch material. No toilet fixtures shall be located in a room used for other than
16 toilet purposes.

17 (c) A toilet room shall be located not more than 200 feet of travel distance
18 from the door of each sleeping room.

19 (d) Where the toilet rooms are shared, such as in barrack types facilities,
20 separate toilet rooms shall be provided for each sex. These rooms shall be
21 distinctly marked for "Men" and "Women" by signs printed in English and in the
22 language of the persons occupying the camp, or marked with easily understood
23 pictures or symbols. If the facilities for each sex are in the same building, they
24 shall be separated by solid walls or partitions extending from the floor to the roof
25 or ceiling.

1 (e) Where toilets facilities are shared, the number of water closets provided
2 for each sex shall be based on the maximum number of persons of that sex which
3 camp is designed to house at any one time, in the ratio of one such unit to each 10
4 persons, with a minimum of two units for any shared facility.

5 (f) Each toilet facility shall be completely enclosed and shall have a tight
6 fitting, self-closing door. Toilet partitions shall begin not more than one (1) foot
7 from the floor and extend to a height of not less than five (5) feet.

8 (g) Urinals shall be provided on the basis of one unit to each 10 men. The
9 floor from the wall and for a distance not less than 15 inches measured from the
10 outward edge of the urinals shall be constructed of impervious materials to
11 moisture. Where water under pressure is available, urinals shall be provided with
12 adequate water flush.

13 (h) Each toilet room shall be lighted naturally or artificially by a safe
14 lighting at all hours of the day and night.

15 (i) Floors shall be of impervious material, and floor drains shall be
16 provided.

17 (j) Walls, ceilings, and floors shall be impervious to moisture and have
18 smooth surfaces.

19 (k) Walls and ceilings shall be light colored as determined by the
20 Department to aid in the distribution of light to facilitate thorough cleaning, and
21 the observation of general sanitary procedures.

22 (l) Each toilet facility shall be completely enclosed and shall have a tight-
23 fitting, self-closing door.

24 (m) An adequate supply of toilet paper in a dispenser shall be provided in
25 each water closet.

26 (n) All toilet rooms shall be provided with an approved trash container.

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(o) Toilet rooms shall be kept in a sanitary condition. They shall be cleaned at least daily.

§41712. Sewage Disposal. An approved sewage disposal system which is located, constructed, and operated in conformance with the standards established for such systems by the Guam Environmental Protection Agency and the Guam Waterworks Authority.

§41713. Laundry, Hand-washing, Bathing and Cleaning Facilities.

(a) Laundry, hand-washing, bathing, and cleaning facilities shall be provided in the following ratio:

- (1) One lavatory to each ten persons in shared facilities;
- (2) One shower head to each eight persons;
- (3) Laundry tray or tub for every 30 persons if a centralized laundry facility is not provided; and
- (4) Utility sink (also known as mop sink) in each building used; the number and placement of utility sink shall be determined by DPHSS.

(b) Floors shall be of smooth finish but not slippery materials; they shall be impervious to moisture. Floor drain shall be provided in all shower baths, shower rooms, or laundry rooms to remove waste water and facilitate cleaning. All junctions of the curbing and the floor shall be coved.

(c) The walls and partitions of shower rooms shall be smooth and impervious to the height of the splash.

(d) An adequate supply of hot and cold running water shall be provided for bathing and laundry purposes.

1 **§41714. Lighting.**

2 (a) Each habitable room in a dormitory shall be provided with at least one
3 ceiling-type light fixture and at least one separate floor- or wall-type convenience
4 outlet.

5 (b) Laundry and toilet rooms and rooms where people congregate shall
6 contain at least one ceiling- or wall-type fixture.

7 (c) Light levels in toilet and storage rooms shall be at least 20 foot-candles
8 at 30 inches from the floor.

9 (d) Other rooms, including kitchens and living quarters, shall be at least 30
10 foot-candles at 30 inches from the floor.

11 **§41715. Refuse Disposal.**

12 (a) All refuse shall be disposed of as often as necessary and in such a
13 manner as to prevent a public health nuisance.

14 (b) Fly-tight, rodent-tight, impervious and easily cleanable containers shall
15 be provided for the storage of garbage and rubbish.

16 (c) Refuse containers shall be elevated to at least 12 inches from the
17 ground surface and around the containers shall be kept clean so as not serve as
18 harborage for vermin. Bulk refuse containers shall be located on impervious
19 asphalt or concrete. At least one such refuse container shall be provided for each
20 shelter and shall be located within 100 feet of each shelter on a metal or concrete
21 surface.

22 (d) Refuse containers shall be emptied when full, and no less than once a
23 week. ~~but not less than twice a week.~~

1 **§41716. Construction and Operation of Kitchen, Dining Halls, and**
2 **Feeding Facilities**

3 (a) In a dormitory where central dining or feeding operations are permitted
4 and provided, adequate facilities and proper methods for the preparation, serving,
5 refrigeration, and storage of food shall be provided in conformance with applicable
6 Department rules and regulations governing food facilities.

7 (b) A properly constructed kitchen and dining hall adequate in size,
8 separate from the sleeping quarters shall be provided in connection with all food
9 handling facilities. There shall be no direct opening from living or sleeping
10 quarters into kitchen or dining hall.

11 (c) No person with any communicable disease may be employed or
12 permitted to work in the preparation, cooking, serving or other handling of food,
13 foodstuffs or materials used in any kitchen or dining room operated in connection
14 with a camp or regularly used by persons living in a camp.

15 **§41717. Insect and Rodent Control.**

16 (a) Effective measures shall be taken to prevent infestation by and
17 harborage of animal or insect vectors or pests.

18 (b) Every door opening directly to outdoor space shall be equipped with a
19 self-closing device for protection against mosquitoes, flies, and other insects. If a
20 screen door is provided it must have a self-closing device, and screening shall not
21 be less than 16-mesh to the inch material.

22 (c) Every window or other device with openings to outdoor space, used or
23 intended to be used for ventilation shall likewise be equipped with screening not
24 less than 16-mesh to the inch material.

25 **§41718. Safety and First Aid.**

1 (a) Approved first aid supplies shall be provided and be accessible at all
2 times. The supplies shall be equivalent to the 16 unit first aid kit recommended by
3 the American Red Cross, and shall be provided in the ratio of one to each 50
4 persons. First aid kits shall be distributed and placed conspicuously throughout the
5 temporary workforce housing.

6 (b) Flammable or volatile liquids or materials, except those needed for
7 household use other than use as fuel, shall not be stored in or adjacent to rooms
8 used for living purposes.

9 (c) Pesticides and toxic chemicals other than those commonly regarded as
10 being used for household use, such as cleaning agents, shall not be stored within
11 the temporary workforce housing site. Any pesticide or other toxic materials, and
12 any potentially hazardous materials or equipments kept within 500 feet of the
13 facility site shall be stored in a secure, locked enclosure.

14 **§41719. Animals and Poultry.** No cats, dogs, livestock, or poultry shall be
15 permitted in the dormitory, kitchen, dining or other buildings used for housing
16 purposes.

17 **§41720. Reporting of Communicable Disease.**

18 (a) It is the duty of the owner or operator to report immediately to the
19 Department the name and address of any individual in the facility known to have
20 or suspected of having a communicable disease.

21 (b) Whenever there occurs in any temporary workforce housing a case of
22 suspected food poisoning or an unusual prevalence of any illness in which fever,
23 diarrhea, sore throat, vomiting, or jaundice is a prominent symptom, it will be the
24 duty of the operator to report immediately the existence of the outbreak to the
25 Department by telephone, electronic mail or any method that is equally fast.

1 **§41721. Compliance.**

2 (a) All new temporary workforce housing shall be in compliance with these
3 rules and regulations. The owner shall designate a responsible employee to
4 manage the daily operation of establishment.

5 (b) All temporary workforce housing shall comply with these rules and
6 regulations upon renovation, extension or remodeling of an existing building.
7 Temporary workforce housing in existence at the time these rules and regulations
8 take effect shall be deemed acceptable if it is determined by the Director that no
9 serious health hazard or discomfort will occur that would affect the occupants of
10 such facility.

11 **§41722. Inspections.**

12 (a) Sanitary Inspections, Phases: For the purposes of sanitary
13 regulation, and pursuant to Title 10 GCA, Chapter 26A, permitting of temporary
14 workforce housing shall be required during each of the following phases:

15 (1) Primary Inspection Phase

16 i. During the Primary Inspection Phase, sanitary inspection
17 shall be conducted quarterly following the issuance of the initial
18 Sanitary Permit.

19 ii. The Primary Inspection shall apply to all temporary
20 workforce housing, new or currently existing, and shall endure and
21 achieve four (4) consecutive quarters of satisfactory inspections.

22 iii. Inspection during the Primary Inspection Phase shall be
23 performed no sooner than forty-five (45) days of the previous
24 inspection conducted. If an inspection occurs sooner than forty-five

1 (45) days of the previous inspection conducted, the inspection shall not
2 qualify as one of the quarterly inspection required.

3 iv. Secondary Inspection Phase shall be applied following
4 successful completion of the Primary Inspection Phase.

5 v. During the Secondary Inspection Phase, inspections shall be
6 conducted on a semiannual basis.

7 vi. Inspection during the Secondary Inspection Phase shall be
8 performed no sooner than ninety (90) days from the previous inspection
9 conducted. If an inspection occurs sooner than ninety (90) days of the
10 previous inspection conducted, the inspection shall not qualify as one
11 of the semiannual inspections required.

12 vii. Successful completion of the Secondary Inspection Phase
13 shall consist of two (2) consecutive semiannual inspections that were
14 rated satisfactory.

15 viii. Following a failed inspection or Change of Temporary
16 Workforce Housing Status, the temporary workforce housing in
17 question shall return to the Primary Inspection Phase.

18 (2) Tertiary Inspection Phase

19 i. During the Tertiary Inspection Phase, inspections will be
20 conducted on an annual basis.

21 ii. Inspection during the Tertiary Phase shall be performed no
22 sooner than one hundred eighty (180) days of the previous inspection
23 conducted. If an inspection occurs sooner than one hundred eighty
24 (180) days from the previous inspection conducted, the inspection will
25 not qualify as one of the annual inspections required.

1 iii. Following a failed inspection or Change of Temporary
2 Workforce Housing Status, the temporary workforce housing in
3 question shall return to the Primary Inspection Phase.

4 (b) Access.

5 An employee or representative of the Department shall, after proper
6 presentation of credentials, have access to any temporary workforce housing at any
7 reasonable time for the purpose of making inspections to determine compliance
8 with these rules and regulations. Denial of access shall be cause for suspension of
9 the Sanitary Permit.

10 (c) Report of Inspections.

11 Whenever an inspection of a temporary workforce housing is conducted, the
12 findings shall be recorded on a form authorized by the Director, and shall
13 summarize the requirements of these rules and regulations, and shall set forth a
14 demerit value for each requirement. Inspection remarks shall be written to
15 reference, by section number, the section violated and shall state the correction to
16 be made. The rating score of the establishment shall be the total of the demerit
17 values for all violations. A copy of the completed inspection report form shall be
18 issued to the operator of the establishment at the conclusion of the inspection. The
19 completed form is a public document that shall be made available for public
20 disclosure to any person who requests it according to law.

21 (d) Appeal.

22 The report of inspection of a temporary workforce housing shall state that an
23 opportunity for appeal from any notice or inspection findings will be provided if a
24 written request for a hearing is filed with the Director within the period of time
25 established in the notice for correction.

1 (e) Grading.

2 (1) Grades of temporary workforce housing shall be determined
3 using the demerit point system referenced in §21106 of Title 10 GCA,
4 Chapter 21, which shall be as follows:

5 i. Grade A: An establishment having a demerit score of not
6 more than ten (10);

7 ii. Grade B: An establishment having a demerit score of more
8 than ten (10) but not more than twenty (20);

9 iii. Grade C: An establishment having a demerit score of more
10 than twenty (20) but not more than forty (40); and

11 iv. Grade D: An establishment having a demerit score of more
12 than forty (40).

13 (2) Notwithstanding the grade criteria established above, whenever a
14 second consecutive (“repeat”) violation of the same item is discovered, the
15 Workers’ Dormitory Permit may be suspended or the establishment shall be
16 downgraded to the next lower grade.

17 (3) DPHSS shall issue a placard reflecting the letter grade of the most
18 recent inspection.

19 (f) The temporary workforce housing operator shall ensure that he/she, or a
20 designee, be present during inspections of temporary workforce housing by the
21 Department.

22 **§41723. Fees.**

23 (a) Pursuant to §26A105 of Title 10 GCA, Chapter 26A, an operator shall
24 pay a fee for new and renewal Workers’ Dormitory Permits, which are separate
25 and apart from the fees for the issuance of a Sanitary Permit.

1 (1) New Workers' Dormitory Permit shall be ~~Twenty Five Dollars~~
2 ~~(\$25.00)~~ Seven Dollars and Fifty Cents (\$7.50) for each; and

3 (2) Renewal Workers' Dormitory Permit shall be ~~Twenty Five Dollars~~
4 ~~(\$25.00)~~ Seven Dollars and Fifty Cents (\$7.50) for each.

5 (b) Pursuant to §26A105 of Title 10 GCA, Chapter 26A, an operator shall
6 pay a fee for new and renewal Sanitary Permits.

7 (1) The cost for the issuance of a new Sanitary Permit shall be the
8 current fee established in the "Sanitary Permit Rules and Regulations" (Title
9 26 GARR, Chapter 4, Article 5) at the time of application.

10 (2) Renewal of Sanitary Permit for temporary workforce housing
11 shall be based on sanitary inspection phases pursuant to §26A104 of Title 10
12 GCA Chapter 26A, ~~which shall also be the cost of the inspection.~~

13 (3) The cost of the renewal fee, ~~which includes the required~~
14 ~~inspection,~~ shall be Thirty-Eight Dollars (\$38.00), ~~determined by the floor~~
15 ~~space of the temporary workforce housing, and shall be assessed~~
16 ~~accordingly:~~

17 i. ~~600 square feet or less: \$30.00~~

18 ii. ~~601 - 1,200 square feet: \$60.00~~

19 iii. ~~1,201 - 1,800 square feet: \$90.00~~

20 iv. ~~1,801 - 2,400 square feet: \$120.00~~

21 v. ~~2,401 - 3,000 square feet: \$150.00~~

22 vi. ~~3,001 - 3,600 square feet: \$180.00~~

23 vii. ~~3,601 - 4,200 square feet: \$210.00~~

24 viii. ~~4,201 - 4,800 square feet: \$240.00~~

25 ix. ~~4,800 - 5,400 square feet: \$270.00~~

26 x. ~~5,401 - 6,000 square feet: \$300.00~~

1 ~~xi. More than 6,000 square feet: \$0.05 per square foot.~~

2 (3) Upon the completion of an inspection, the Department shall
3 provide an invoice to the temporary workforce housing operator or his/her
4 representative.

5 (4) Within 7 calendar days of receipt of the invoice from the
6 Department, the operator or his/her representative shall make the appropriate
7 payment to the Department so to be issued its renewal Sanitary Permit.
8 Failure to make such payment within the required allotted time shall cause
9 the Sanitary Permit to become suspended, at which time the operator must
10 cease the operation of the temporary workforce housing immediately.

11 (5) In addition to all other required fees, and before the initial
12 Sanitary Permit is issued, the operator shall provide to DPHSS an
13 "inspection security deposit" which shall equal to that of the facility's
14 applicable Sanitary Permit renewal fee cited in §41723(b)(3) of these rules
15 and regulations. This non-refundable inspection security deposit shall be
16 used as payment to DPHSS in the event the temporary workforce housing
17 operator fails to timely make payment for an inspection conducted by the
18 Department. The use of the inspection security deposit for payment to
19 DPHSS shall not relieve the same operator from resubmitting another
20 inspection security deposit before the suspension of its Sanitary Permit is
21 withdrawn.

22 (6) The inspection security deposit may be used by the temporary
23 workforce housing operator as payment for the last inspection required of
24 the operator prior to close of its business, provided the operator submits a
25 written notification to the Department. Such written notification shall
26 include the name and signature of the operator; the official date of the

1 temporary workforce housing's close of business, which shall be no later
2 than the next required inspection date had the operator remained in
3 operation; and a request for the use of the inspection safety deposit to make
4 such payment. The written notification shall be submitted concurrently with
5 the applicable invoice to the Department.

6 (c) There will be no charges for the following types of inspections,
7 provided a current permit has been issued:

- 8 (1) Validation inspections; and
- 9 (2) Complaint verification inspections.

10 **§41724. Posting of Documents.** The Sanitary Permit, Workers' Dormitory
11 Permit, grade placard, and a copy of the most recent inspection report shall be
12 posted in a conspicuous location designated by the Director. No person other than
13 the Director shall remove, deface, conceal, or destroy such permit or report.

14 **§41725. Miscellaneous.**

15 (a) Effective Date. These rules and regulations are effective immediately
16 upon their adoption pursuant to the Administrative Adjudication Law.

17 (b) Separability. If any provision or application of any provision of those
18 rules and regulations is held invalid, that invalidity shall not affect the other
19 provision or applications of these rules and regulations.

20 **§41726. Exemptions.** In the event that an establishment or person is unable
21 to comply with certain requirements of these regulations, the Director may
22 authorize and exempt that particular section, but shall be augmented by increased
23 requirements in other sections in order to provide adequate protection for the

- 1 workers. These requirements will be determined by the representatives of the
- 2 DEH, and the establishment on a case by case basis.

Revisions to Bill No. 53-33



SENATOR DENNIS G. RODRIGUEZ, JR., CHAIRMAN
 COMMITTEE ON HEALTH, ECONOMIC DEVELOPMENT, HOMELAND SECURITY & SENIOR CITIZENS
 Mina'trentai Tres Na Liheslaturan Guåhan • 33rd Guam Legislature

PUBLIC HEARING Wednesday, March 18, 2015 5:30pm Legislature Public Hearing Room

- Bill No. 53-33 (COR) - D.G. Rodriguez, Jr.- An act to adopt Rules and Regulations governing the sanitary operations and inspections of temporary workforce housing pursuant to §21102 of Chapter 21 and §26305 of Chapter 26A, Title 10 Guam Code Annotated.

PRINT NAME	SIGN INITIALS	AGENCY or ORGANIZATION	✓ ORAL TESTIMONY	✓ WRITTEN TESTIMONY	✓ NO TESTIMONY	✓ IN FAVOR	✓ OPPOSE	CONTACT NUMBERS	EMAIL ADDRESS
MARLEU SCROGGS	MS	DEH/DPHSS			✓	✓		735-7506	marileu.scroggs@dphss.guam.gov
JAMES GILLEN	JG	DPH/DPHSS		✓		✓		735-7101	



SENATOR DENNIS G. RODRIGUEZ, Jr., Chairman

COMMITTEE ON HEALTH, ECONOMIC DEVELOPMENT, HOMELAND SECURITY & SENIOR CITIZENS

Mina'trentai Tres Na Liheslaturan Guåhan • 33rd Guam Legislature

PUBLIC HEARING DATE / Wednesday, April 8, 2015

5:30pm

•Bill 53-33 (COR)- Introduced by Sen. Dennis G. Rodriguez, Jr.

An act to adopt Rules and Regulations governing the sanitary operations and inspections of temporary workforce housing pursuant to §21102 of Chapter 21 and §26305 of Chapter 26A, Title 10 Guam Code Annotated.

PRINT NAME	SIGNATURE	AGENCY	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	OPPOSE	CONTACT NUMBERS	EMAIL ADDRESS
✓ Eric Massay		DOL	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		675-8585	Eric.Massay@dol.gu
✓ Thomas Anderson		GCA	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	646-4561	TomA@blackgun.com
KOO SIN		SK CONST, INC.				<input checked="" type="checkbox"/>	647-2002	skconst@guam.net
✓ James Martica		GCA	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	647-4840	gca@teleguam.net
✓ Cynthia Nove		DPH/DAHSS		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
✓ Joe Garcia		" "		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			



GOVERNMENT OF GUAM

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
DIPATTAMENTON SALUT PUPBLEKO YAN SETBISION SUSIAT



EDDIE BAZA CALVO
GOVERNOR

RAY TENORIO
LIEUTENANT GOVERNOR

JAMES W. GILLAN
DIRECTOR

LEO G. CASIL
DEPUTY DIRECTOR

MAR 17 2015

Testimony on Bill 53-33

“An Act to Adopt Rules and Regulations Governing the Sanitary Operations and Inspections of Temporary Workforce Housing Pursuant to §21102 of Chapter 21 and §26305 of Chapter 26A, Title 10 Guam Code Annotated.”

Hafa Adai, Mr. Chairman, and members of the Committee on Health, Economic Development, Homeland Security and Senior Citizens. I am James W. Gillan, Director of the Department of Public Health and Social Services (DPHSS). I have reviewed Bill 53-33 in its entirety, and fully support the passage of this bill.

The Department held an administrative public hearing for these proposed rules and regulations on August 2, 2012 pursuant to the Administrative Adjudication Act. Comments received at that hearing led to clarifying language in the regulations. The required review by the Office of the Attorney General was also performed and their recommendations were incorporated into the proposal. The Department determined that an economic impact statement was not necessary since the implementation of the proposed regulations will have a financial impact of less than \$500,000 to the public. We thank the Committee for recognizing our efforts and retaining the original language of the proposal as it was written and transmitted to the Legislature, which we now see as Bill 53-33.

Title 10 GCA, Chapter 21 mandates the Division of the Environmental Health to regulate the sanitary operation of Hotels. Section 26101 of Chapter 26 of the same Title defines a “Hotel” as “any structure or any portion of any structure including any lodging house, rooming house, dormitory (including a dormitory housing for contract employees)... containing four (4) or more guest rooms and which is occupied or is intended or designed for occupancy, by four (4) or more guests...” Public Law 30-64, which is codified as Title 10 GCA, Chapter 26A, extended and clarified this mandate by defining Temporary Workforce Housing and authorizing the development of rules and regulations specific to their sanitation and requirements.

The Division of Environmental Health is seeking to adopt these proposed rules and regulations to protect and promote the health and safety of occupants in temporary workforce housing and those who may reside in the immediate vicinity of such premises, and to establish uniformity with the Guam Department of Labor in their enforcement of temporary workforce housing. Furthermore, the proposed rules and regulations have incorporated the provisions of P.L. 30-64, which mandate that the Division conducts its compliance inspections of temporary workforce housing in “phases.”

The Division is mandated to issue two permits to temporary workforce housing. One is the Sanitary Permit, while the other is the Worker's Dormitory Permit as required in P.L. 21-85. The standards currently required of temporary workforce housing in the acquisition of a Sanitary Permit are outlined in our Rules and Regulations Pertaining to Hotels and Motels. The requirements of Dormitory Permits are those same requirements that are enforced by the Guam Department of Labor. The Division has determined that the standards of Hotel regulations are inadequate to address the safe and sanitary operation of temporary workforce housing; as a result, the Department seeks to have the standards for the issuance of Sanitary Permit the same as those of Dormitory Permit to allow for uniform standards, and thus, these proposed rules and regulations were developed.

The proposed *Rules and Regulations Governing the Sanitary Operation of Temporary Workforce Housing* will require these establishments that house temporary workers to provide adequate and sanitary shelter, plumbing, sleeping quarters, toilet facilities, water, sewage disposal, lighting and vector control. The proposal also details how compliance inspections by the Division will be conducted and the fees for such services. Much of the requirements in the proposal have been in effect since 1992 as these proposed rules and regulations mirror the criteria enforced by this Department in the issuance of Worker's Dormitory Permit, which in turn are based on the standards of the Guam Department of Labor.

As I stated earlier, the proposed regulations require that the sanitation inspections of temporary workforce housing be conducted in phases; these phases are risk-based. The movement of an establishment from one phase to another is based on the successful completion of a phase; that is, having the number of successful inspections required in each phase. Initially, all temporary workforce housing establishments will start in Primary Inspection Phase, the highest risk phase. Four inspections are required in this phase, to be conducted one each quarter. In order to be considered successful, the establishment must earn an "A" rating. After completing 4 successful inspections, the establishment moves to the Secondary Inspection Phase, where there are two successful inspections required each year, to be done semi-annually. The final phase, Tertiary Inspection Phase, requires only 1 successful annual inspection to stay in this phase. Should an establishment earn any rating other than "A," it will return to the Primary Inspection Phase, and require quarterly inspections.

The requirement of conducting phased inspections places more strain on the capacity of the Division of Environmental Health; however, this strain is offset by the ability to recruit new staff and new inspection-related fees that are contained in P.L. 30-64, and described in these rules and regulations. Each inspection of a temporary workforce housing will result in the issuance of a new Sanitary Permit. The fee for each of these permits is based on the square footage of the temporary workforce housing, with smaller housing requiring less time to inspect and therefore having a smaller fee. The revenues generated from these fees will assist DEH in recruiting and retaining Environmental Public Health Officers to conduct these and other sanitation inspections.

I do have two corrections to suggest. There is no reference in the Bill to the rules and regulations attached as Exhibit A. This might be inserted in Section 3, Line 13, immediately following the phrase "pursuant to this Act." Also, on the same line, the "Dos" should be changed to "Tres."

The Department of Public Health and Social Services and I thank you and the Committee for providing us the opportunity to give our comments on Bill 53-33 which we wholeheartedly support. Thank you and Si Yu'us Ma'ase.



JAMES W. GILLAN
Director



EDDIE BAZA CALVO
GOVERNOR

RAY TENORIO
LIEUTENANT GOVERNOR

GOVERNMENT OF GUAM

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
DIPATTAMENTON SALUT PUPBLEKO YAN SETBISION SUSIAT



JAMES W. GILLAN
DIRECTOR

LEO G. CASIL
DEPUTY DIRECTOR

Below is the Division of Environmental Health's response to the questions raised by Core Tech International in their written their testimony, dated April 10, 2015, on Bill 53-33, "*An Act to Adopt Rules and Regulations Governing the Sanitary Operations and Inspections of Temporary Workforce Housing Pursuant to §21102 of Chapter 21 and §26305 of Chapter 26A, Title 10 Guam Code Annotated.*"

1. The definition of "satisfactory" lists only a letter grade "A". Does this mean achieving a letter grade "B" or "C" is unsatisfactory, and therefore failing? If so, we oppose passage. Such an unreasonable standard will cripple the construction industry and every industry that relies on us.

R: Yes, any letter grade below an "A" would be considered unsatisfactory. This will result in the establishment returning to the "Primary Inspection Phase," if it had reached a higher-level Phase. Consequently, the establishment will be required to undergo multiple follow-up inspections, as required by law. Please be informed that an "unsatisfactory" rating, pursuant to the proposal, does not equate to a closure (suspension of the Sanitary Permit), unless such unsatisfactory rating is a "D" grade, as opposed to a "B" or "C," which are also unsatisfactory grades but do not lead to the suspension of the permit. Because most TWH already adhere to the sanitation standards set forth in these regulations, we do not anticipate TWHs to have great difficulty in achieving satisfactory inspection ratings. Furthermore, the compliance inspections of DEH will be risk-based inspections, which mean that the regulatory action (i.e., assignment of demerit points for violations) will be appropriate to the level of risk involved. So, critical deficiencies will carry greater demerit points compared to non-critical deficiencies; thereby, the grade received by the TWH will truly be reflective of the sanitary condition of the establishment.

2. The rules and regulations redefine a 'temporary worker,' which is in conflict with other sections of the Guam Code, and the federal statute. We recommend this subsection define 'temporary worker' by citing existing definitions.

R: The definition of "Temporary Worker" in these proposed regulations is the same as the definition used in Title 10 Guam Code Annotated Chapter 26A, under which authority these regulation are promulgated. The Department cannot change the definition in these regulations without first changing the definition in the applicable statute. This was made clear to DPHSS by the Office of the Attorney General.

3. §41705. Requirements to Obtain and Apply for a Workers' Dormitory Permit. This section prohibits the operation of the dormitory without a pre-operation inspection followed by approval of the dorm

permit by the director (premised upon verification of compliance). There is no timeline placed on the director to act after receiving the permit application. This leaves the process rife for abuse, unfair treatment, and violation of due process.

R: It is rare for this timeframe to extend beyond a week. Most of the delays in processing a permit application occur because required documents have not been submitted by the permit applicant, not during the signature process. There are no existing regulations of DEH with the establishment of such timelines, and the Division has not had any issues in the past where an application was not timely processed without justification (i.e., incomplete application).

4. §41705(d)(1): Is it necessary to proscribe the size of the sheet of paper indicating the location of the proposed temporary workforce housing?

R: Yes, it is necessary to proscribe the size of the sheet of paper indicating the location of the proposed TWH. We have had clients attempt to submit vicinity maps, and other documents, on a variety of materials ranging from napkins to half-sheets of paper, which are difficult to interpret, photocopy, scan, and/or file.

5. §41710. Water supply. This section says potable water must be supplied from “an approved source.” Who approves the source, how many sources will there be as options, what qualifies a...[Incomplete sentence]

R: Generally, the “approved source” of potable water to be used for drinking, cooking, bathing and laundry is the island’s municipal water (Guam Waterworks Authority). On occasions when there is a water outage, an approved source might be bottled water purchased from an establishment which has a Sanitary Permit. A source of water that is not approved, for example, would be untreated rainwater. The approval process occurs during the pre-operation phase of the Sanitary Permit process.

6. Under the same section, subsection (4), it states individually-owned cups shall be “used only by one owner.” No matter how many cups we provide, a tenant may choose to use another tenant’s cup, consciously and consensually. There is no way we can stop that from happening.

R: We understand that tenants may choose to drink from other tenants’ cups, and that this is not under your control. The intent of this section is to ensure that each tenant is provided with his/her own cup, and that communal drinking vessels are not used.

7. §41726. Exemptions. This section authorizes the director to exempt an establishment from compliance with a particular section while increasing the weight of requirements in others. This authority is blanketed, rife for arbitrary application, and open to both liability and subjective interpretation.

R: Section 41746 is provided in an effort to make these regulations less onerous to comply with, while still striving to achieve and maintain the highest level of protection for the health and safety of the occupants of the TWH. Any exemption considered under this section will be weighed on its health and sanitation risks. An example of such might be the requirement to have a urinal for every 10 occupants in a TWH. Most apartment-style dormitories do not have urinals; this requirement may be granted an exemption if sufficient toilet capacity exists to meet the applicable code requirements. Any exemptions granted would need to be well-justified and documented on the pre-operation inspection forms, in an effort to reduce any potential for arbitrariness.

8. There seems to be an additional permit fee. It is unclear whether this \$25 fee permits the entire facility, each building of the facility, each room of the facility, or each person who resides in the dormitory. If this fee is assessed per worker, then we suggest this: The government of Guam already receives \$1,091 from our companies for each temporary worker as fees for processing alien labor and monitoring their safety and health. We recommend the government allocates the \$25 fee from this existing \$1,091 fee to the Division of Environmental Health.

R: The Division of Environmental Health is authorized to collect fees for both Sanitary Permits and Dormitory Permits that are issued to TWHs. DEH has not been collecting the Dormitory Permit fee because a fee amount for this has never been adopted. The \$25 Dormitory Permit fee listed in §41723(a)(1) and 41723(a)(2) is separate from the \$91 allocated to the Division from the Non-Immigrant Temporary Worker Registration Fee, which represents “the monthly sanitary inspection fee,” according to 22 GCA Chapter 7 §7119(c). However, as a result of discussion at the mark-up meeting held on April 13, both the Dormitory Permit fee and the Sanitary Permit renewal fee amounts were revisited and revised.

9. §41706(b) makes it possible for inspectors to deny a sanitary permit for “Locking of doors.” We must be specific here. It is reasonable to expect the doors to common areas like hallways, egress and ingress, and community kitchens and restrooms should be unlocked at all times. However, it is unreasonable to require workers to leave their room doors unlocked at any time.

R: Section 41706(b)(1) has been revised to read “*Locking of doors during the presence of the Department when conducting compliance inspections;*” to provide more clarity.

10. §41708(c) is vague in its expectation of ‘recreation space’.

R: Section 41708(c) has been removed from the revised regulations. This is an OSHA requirement, which they will be enforcing.

11. §41709(h) mandates screens on windows and doors. We understand why such a requirement is necessary for dormitories that do not use air conditioning, however, our dorms do. Workers leave their doors closed to secure the comfort of their rooms. This is an unnecessary mandate on facilities that provide unrestricted air conditioning use. This requirement is repeated in §41711(b) and §41717(c).

R: Sections 41709(h), 41711(b), and 41717(c) are included in the regulations to ensure that any outer opening is screened to prevent the entry of vermin and insects which may be disease vectors or nuisances. We understand that Core Tech believes this an unnecessary mandate, but it is in place because not all facilities will have air conditioning at all times.

12. §41711(n) says toilet rooms “shall be provided with an approved trash container.” Who approves the container, how many containers will there be as options, what qualifies a container to be approved, and who will make sure there is no collusion in the future to approve these containers arbitrarily?

R: An “approved trash container” to be used in a toilet room is generally one which is available from a commercial purveyor of such items, such as a hardware store. Such a trash container must be leak-proof, and made of material that can be easily cleaned. Trash containers made from discarded boxes, for example, would not be approved. There are no maximum numbers of trash containers per toilet facility, but at least one per toilet facility is necessary. The trash container will be approved by the Environmental Public Health Officer doing the pre-operation and/or sanitation inspection of the TWH. Since DPHSS does not specify brands of trash containers or stores from which to purchase them, there is no opportunity for “collusion” to occur, now or in the future.

13. §41713(a)(4) says DPHSS will determine whether each building should have a utility sink. There is no basis given for this decision. We recommend, at the very least, language requiring reasonable considerations.

R: Section 41713(a)(4) states that “*Utility sink (also known as mop sink) in each building used...*” is required. It is the number of such sinks and the placement that DPHSS will determine, not whether the building will need one. If the building were large, for example, more than one sink would be required so that there is easy access to the sink; the placement of the sinks will be determined by the formation of the building and location of entrances. We do not believe the insertion of “language requiring reasonable considerations” is necessary.

14. §41715(d) requires that trash be emptied not less than twice a week. No resident, business, or organization – not even schools or restaurants – is required to remove trash twice a week. As a matter of fact, that is not even provided as a regular service by private commercial trash haulers. Either this section is misunderstood due to vague language, or it is and unreasonable mandate that may not even be possible by trash hauler service rules.

R: We will amend §41715(d) to once a week, or as often as necessary to prevent a public nuisance. However, please be informed that much of the language in these regulations, including this provision, was taken directly from OSHA standards for TWH [OSHA, 29 CFR Part 1910 Occupational Safety and Health Standards Subpart J, Standard No. 1910.142(h)(2)]; thus, they will still need to comply with the federal requirements.

Non-Inspection Costs of Issuing Sanitary

1. Pro-rated Costs for Software Maintenance Contract

Total Contract Cost: \$127,663

Sanitary Permit information processing makes up 15.6% of system processing: 15.6% of \$127,663 = \$19,915

The average number of Sanitary Permits issued over the past 11 years is 3,087.

Average share per Sanitary Permit for the software maintenance contract is: $\$19,915.43/3,087 =$ \$6.45

2. Pro-Rated Costs for Utilities

POWER Consumption by DEH per year (Based on sq. ft. of each division) = \$30,000

WATER Consumption by DEH per year (Based on number of FTE in each division) = \$2,000

TELEPHONE usage per year (Based on number of FTE in each division) = \$19,700

INTERNET usage per year (Based on number of FTE in each division) = \$4,200

Activity	(a) Total Office Operation	COST ALLOCATION				Annual TOTAL (b+c+d+e)
		(b) Power	(c) Water	(d) Telephone	(e) Internet	
		$\$30,000/(a)$	$\$2,000/(a)$	$\$19,000/(a)$	$\$4,200/(a)$	
S/P	22%	\$6,510.00	\$434.00	\$4,274.90	\$911.40	\$12,130.30
H/C	45%	\$13,500.00	\$900.00	\$8,865.00	\$1,890.00	\$25,155.00
CSR	7%	\$2,100.00	\$140.00	\$1,379.00	\$294.00	\$3,913.00
Others	27%	\$7,980.00	\$532.00	\$5,240.20	\$1,117.20	\$14,869.40
Total	100%	\$30,090.00	\$2,006.00	\$19,759.10	\$4,212.60	\$56,067.70

The average share per Sanitary Permit for total utilities cost is $\$12,130.30/3,087 =$ \$3.93

3. Supplies and Materials

SITE	SUPPLIES AND MATERIALS	QTY.	UNIT PRICE	COST
DEH	File folder	1	\$1.12	\$1.12
	Binder clip	1	\$0.06	\$0.06
	Pre-operational inspection report	1	\$0.10	\$0.10
	Smoking Policy form	1	\$0.10	\$0.10
	Equipment Specification form	1	\$0.10	\$0.10
	Sanitary Permit	1	\$0.11	\$0.11
	Sanitation Inspection form	1	\$0.10	\$0.10
	Grade Placard	1	\$0.15	\$0.15
Field	Gas @ \$0.575/mi (1 round-trip inspection)	30 mi	\$0.575/mi	\$17.25
Subtotal =				\$19.09

The total cost of supplies and materials per Sanitary Permit = \$19.09

4. Non-Inspection Staff Time to Process Application and Fee Payment

Activity	Duration of Activity	Total Time	Total Cost
Administrative Processing	Record, transfer, and file applications (1 min = 0.017 Hr)	0.2	\$6.13
	Review applications for completeness; Input information into database; and Transmit applications for approval. File inspection reports in respective folder (5 min = 0.083 Hr x 2 staff = .167)		
	Review applications for completeness; weekly database maintenance; troubleshooting of computer program problems, computer entry during renewal period (1 min = 0.017 Hr)		
	Provide final review and approval of applications (1 min = 0.017 Hr)		
Fee Processing	Accept payment and issue permit (5 min = 0.083 Hr)	0.083	\$1.80

Sanitary Permit

Item	Cost
Software Maintenance Contract	\$6.45
Utilities	\$3.93
Supplies and Materials	\$19.09
Administrative Processing	\$6.13
Payment Processing	\$1.80
Total	\$37.40

Non-Inspection Costs of Issuing Dormitory Permits

1. Average number of Sanitary and Dormitory Permits issued

FISCAL YEAR	(a) NO. SANITARY PERMITS ISSUED	(b) NO. DORMITORY PERMITS ISSUED	(a)/(b) x 100 DORMITORY PERMITS AS PERCENT OF SANITARY PERMITS
2004	3,036	15	0.49
2005	2,805	28	1.00
2006	3,250	38	1.17
2007	3,017	108	3.58
2008	3,057	129	4.22
2009	3,087	130	4.21
2010	3,200	125	3.91
2011	3,060	106	3.46
2012	3,111	91	2.93
2013	3,093	98	3.17
2014	3,238	108	3.34
AVERAGE	3,087	88.73	<u>2.87</u>

2. Costs for Utilities

Utilities cost per Sanitary Permit = \$3.93

Dormitories Utilities Cost as 2.87 percent of Sanitary Permit Costs = \$0.11

3. Supplies and Materials

Dormitory Permit Application Form	\$0.10
Dormitory Permit	\$0.10
<i>Total</i>	<i>\$0.20</i>

4. Labor Costs

Administrative Processing: Record, transfer, type certificate, and file applications (10 min = 0.167 Hr)	\$5.10
Payment Processing: Accept payment and issue permit (5 min = 0.083 Hr)	\$1.80

Item	Cost
Utilities	\$0.11
Supplies and Materials	\$0.20
Administrative Processing	\$5.10
Payment Processing	\$1.80
Total	\$7.21



CORE TECH INTERNATIONAL

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April 10, 2015

Honorable Dennis G. Rodriguez, Jr.
Chairman, Committee on Health, Economic Development,
Homeland Security, and Senior Citizens
I Mina Trentai-tres na Liheslaturan Guahan
155 Hesler Place
Hagatna, Guam 96932

Dear Mr. Chairman,

Thank you for this opportunity to testify in conditional support of these proposed rules and regulations. First, we thank the Division of Environmental Health and its administrator, Tom Nadeau, for its sweeping efforts that are setting standards of safety and sanitation higher than ever before.

Core Tech International is capable of and would indeed conduct itself in the manner Mr. Nadeau and his team pursue daily, without government regulations. Be that as it may, we understand that the need for these regulations is not to punish the 90% of us who police ourselves to high standards, but to ensure the remaining 10% do not sully the reputation of high standards of our respective industries. Our conduct must be held to a collective standard that assures our customers and investors that Guam establishments are clean, healthy, and safe.

The proposed regulations seem fair and reasonable except those we outline below, either as concerns or questions of ambiguity:

1. The definition of 'satisfactory' lists only a letter grade "A." Does this mean achieving a letter grade "B" or "C" is unsatisfactory, and therefore failing? If so, we oppose passage. Such an unreasonable standard will cripple the construction industry and every industry that relies on us.
2. The rules and regulations redefine a 'temporary worker,' which is in conflict with other sections of the Guam Code, and with federal statute. We recommend this subsection define 'temporary worker' by citing existing definitions.
3. §41705. Requirements to Obtain and Apply for a Workers' Dormitory Permit. This section prohibits the operation of the dormitory without a pre-operation inspection followed by approval of the dorm permit by the director (premised upon verification of compliance). There is no timeline placed on the director to act after receiving the permit application. This leaves the process rife for abuse, unfair treatment, and violation of due process.
4. §41705(d)(1): Is it necessary to proscribe the size of the sheet of paper indicating the location of the proposed temporary workforce housing?
5. §41710. Water Supply. This section says potable water must be supplied from "an approved source." Who approves the source, how many sources will there be as options, what qualifies a

6. Under the same section, subsection (4), it states individually-owned cups shall be "used only by one owner." No matter how many cups we provide, a tenant may choose to use another tenant's cup, consciously and consensually. There is no way we can stop that from happening.
7. §41726. Exemptions. This section authorizes the director to exempt an establishment from compliance with a particular section while increasing the weight of requirements in others. This authority is blanketed, ripe for arbitrary application, and open to both liability and subjective interpretation.
8. There seems to be an additional permit fee. It is unclear whether this \$25 fee permits the entire facility, each building of the facility, each room of the facility, or each person who resides in the dormitory. If this fee is assessed per worker, then we suggest this: The government of Guam already receives \$1,091 from our companies for each temporary worker as fees for processing alien labor and monitoring their safety and health. We recommend the government allocates the \$25 fee from this existing \$1,091 fee to the Division of Environmental Health.
9. §41706(b) makes it possible for inspectors to deny a sanitary permit for "Locking of doors." We must be specific here. It is reasonable to expect that doors to common areas like hallways, egress and ingress, and community kitchens and restrooms should be unlocked at all times. However, it is unreasonable to require workers to leave their room doors unlocked at any time.
10. §41708(c) is vague in its expectation of 'recreation space.'
11. §41709(h) mandates screens on windows and doors. We understand why such a requirement is necessary for dormitories that do not use air conditioning, however, our dorms do. Workers leave their doors closed to secure the comfort of their rooms. This is an unnecessary mandate on facilities that provide unrestricted air conditioning use. This requirement is repeated in §41711(b) and §41717(c).
12. §41711(n) says toilet rooms "shall be provided with an approved trash container." Who approves the container, how many containers will there be as options, what qualifies a container to be approved, and who will make sure there is no collusion in the future to approve these containers arbitrarily?
13. §41713(a)(4) says DPHSS will determine whether each building should have a utility sink. There is no basis given for this decision. We recommend, at the very least, language requiring reasonable considerations.
14. §41715(d) requires that trash be emptied not less than twice a week. No resident, business, or organization -- not even schools or restaurants -- is required to remove trash twice a week. As a matter of fact, that is not even provided as a regular service by private commercial trash haulers. Either this section is misunderstood due to vague language, or it is an unreasonable mandate that may not even be possible by trash hauler service rules.

We look forward to clarifications of any section we may have misunderstood, and correction to those concerns that we understood correctly.

Si Yu'us ma'ase,



Chit Bathan
Chief Executive Officer

NOTES FOR PUBLIC HEARING ON TEMPORARY WORKFORCE HOUSING

Guam DOL supports the proposed regulations as written, with the following recommendations:

Page 6 of the proposed regulations

(n) Temporary worker definition-

Items 1 through 3 equate to any person who comes to Guam for a project and intends to depart after the project is done.

This includes:

- Construction trades workers- US Citizens and Foreign Workers
- Consulting US workers from mainland Corporations- ie. a visiting VP or technical person coming to work
- Business Consultants – ie. US tech firm sends guy to do market research
- Film Crews
- Specialty contractors – communications, technical fields
- Most Military Service Members

(o) Temporary Workforce Housing

Definition equals -- any living space where 51% of the inhabitants are Temporary workers.

This definition will have the following effects:

Scenario:

ABC construction brings in a US citizen engineer from their California office to look over an existing project for 6 months. The company rents a house in Mongmong. Under the definition, unless the company applies for and is issued a Dorm permit, the employer is not in compliance since 100% of the residents are temporary workers.

What is the fix?

Recommendation:

Change verbiage to read:

(1) A FOREIGN worker from a point of origin outside of Guam, who is sponsored by an employer to work on a specific project or for a specific period of time and who will reside in employer provided housing.

Delete 2 & 3

(o) Temporary Workforce Housing, also know as Dormitory, shall mean any dwelling or living space established, operated, **rented or used by a sponsoring employer, as living quarters and in which 5 or more Temporary Workers shall reside.**

Synchronize statute and Regulation – Definition in P.L. 31-72

Insert New verbiage :

CHANGE Section 5 – Severability to Section 6 and **CHANGE Section 5 to read:**

Amend Title 21 of the Guam Code Annotated, Atricle 3, Chapter 61 Section 61309(c) (I) to read:

Temporary Workforce Housing, also know as Dormitory, shall mean any dwelling or living space established, operated, rented or used by a sponsoring employer, as living quarters and in which 5 or more Temporary Workers shall reside.

With this change:

- * We regulate only those workers which the Governor has oversight
- * Synchronized varying definitions of Temporary Workforce Housing
- * Preserve the rights of workers to seek their own accommodations
- * Preserve US worker freedoms from un-necessary monitoring
- * Make the Dorm determination easier for Govt & Employer by the “5 or more rule” for each dwelling



COMMITTEE ON RULES

I Mina'trentai Tres na Liheslaturan Guåhan • The 33rd Guam Legislature

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CHAIRPERSON
MAJORITY LEADER

Senator

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MINORITY MEMBER

Certification of Waiver of Fiscal Note Requirement

This is to certify that the Committee on Rules submitted to the Bureau of Budget and Management Research (BBMR) a request for a fiscal note, or applicable waiver, on **Bill No. 53-33 (COR) – Dennis G. Rodriguez, Jr., "AN ACT TO ADOPT RULES AND REGULATIONS GOVERNING THE SANITARY OPERATIONS AND INSPECTIONS OF TEMPORARY WORKFORCE HOUSING PURSUANT TO §21102 OF CHAPTER 21 AND §26305 OF CHAPTER 26A, TITLE 10 GUAM CODE ANNOTATED."** – on March 10, 2015. COR hereby certifies that BBMR confirmed receipt of this request March 10, 2015 at 4:05 P.M.

COR further certifies that a response to this request was not received. **Therefore, pursuant to 2 GCA §9105, the requirement for a fiscal note, or waiver thereof, on Bill 53-33 (LS) to be included in the committee report on said bill, is hereby waived.**

Certified by:

Senator Rory J. Respicio
Chairperson, Committee on Rules

April 27, 2015

Date



COMMITTEE ON RULES

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March 10, 2015

VIA E-MAIL

joey.calvo@bbmr.guam.gov

Jose S. Calvo
Acting Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Notes– Bill No. 51-33(COR) through 53-33(COR)

Hafa Adai Mr. Calvo:

Transmitted herewith is a listing of *I Mina'trentai Tres Na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,

Senator Rory J. Respicio
Chairperson of the Committee on Rules

Attachment (1)

Cc: Clerk of the Legislature

Bill Nos.	Sponsor	Title
51-33 (COR)	Brant T. McCreadie	AN ACT TO ADD A NEW § 80125 TO CHAPTER 80, DIVISION 4, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE ESTABLISHMENT OF I ESPITÁT HÁYA IN THE SOUTH, AND FOR OTHER PURPOSES; TO AMEND §§ 97103(a) AND 97102(c) OF CHAPTER 97, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO FUNDING FOR I ESPITÁT HÁYA; TO ADD A NEW § 3809.1 OF CHAPTER 3, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES (DPHSS) TO ENTER INTO A CONTRACTUAL ARRANGEMENT WITH THE GUAM MEMORIAL HOSPITAL AUTHORITY FOR THE SHARED USE OF UNDERUTILIZED RESOURCES AND FACILITIES AT THE SOUTHERN REGIONAL COMMUNITY HEALTH CENTER (SRCHC) IN INALÁHAN (INARAJAN), IN ORDER TO FACILITATE ESTABLISHMENT OF I ESPITÁT HÁYA; AND TO REPEAL AND RE-ENACT § 3810 OF CHAPTER 3, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING DPHSS AND GMHA TO CONDUCT AN ANNUAL ASSESSMENT ON THE NEED FOR AND FEASIBILITY OF PROVIDING EXTENDED MEDICAL SERVICES AT THE NORTHERN REGIONAL COMMUNITY HEALTH CENTER (NRCHC).
52-33 (COR)	D. G. Rodriguez, Jr.	AN ACT AMEND § 80113(b) OF CHAPTER 80, DIVISION 4, 10 GCA, TO PROVIDE FOR ENTRY INTO THE CLASSIFIED SERVICE OF THE GOVERNMENT OF GUAM FOR ASSOCIATE ADMINISTRATORS FOR CLINICAL, OPERATIONS AND MEDICAL SERVICES AT THE GUAM MEMORIAL HOSPITAL AUTHORITY, AND TO AMEND § 80113(c) OF CHAPTER 80, DIVISION 4, 10 GCA, RELATIVE TO RETIREMENT CONTRIBUTIONS BY THE GUAM MEMORIAL HOSPITAL AUTHORITY FOR SHORT-TERM CONTRACTUAL HOSPITAL EMPLOYEES.
53-33 (COR)	D. G. Rodriguez, Jr.	AN ACT TO ADOPT RULES AND REGULATIONS GOVERNING THE SANITARY OPERATIONS AND INSPECTIONS OF TEMPORARY WORKFORCE HOUSING PURSUANT TO §21102 OF CHAPTER 21 AND §26305 OF CHAPTER 26A, TITLE 10 GUAM CODE ANNOTATED.



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March 10, 2015

MEMORANDUM

To: **Rennae Meno**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

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

Subject: Referral of Bill No. 53-33(COR)

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 53-33(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Tres Na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

Attachment

I Mina Trentai Tres Na Liheslaturan Received
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
53-33 (COR)	D. G. Rodriguez, Jr	AN ACT TO ADOPT RULES AND REGULATIONS GOVERNING THE SANITARY OPERATIONS AND INSPECTIONS OF TEMPORARY WORKFORCE HOUSING PURSUANT TO §21102 OF CHAPTER 21 AND §26305 OF CHAPTER 26A, TITLE 10 GUAM CODE ANNOTATED.	03/09/15 3:23 p.m.	03/10/15	Committee on Health, Economic Development, Homeland Security, and Senior Citizens;			



Dennis Rodriguez, Jr. <senatordrodriguez@gmail.com>

FIRST NOTICE OF PUBLIC HEARING on WED. MARCH 18, 2015 5:30pm

1 message

Joe Mesngon <joe@toduguan.com>

Wed, Mar 11, 2015 at 1:02 PM

To: phnotice@guamlegislature.org

March 11, 2015

MEMORANDUM

To: All Senators, Media and Stakeholders

From: Sen. Dennis G. Rodriguez, Jr.

Subject: First Notice of Public Hearing on Wed. March 18, 2015

Hafa Adai!

The Committee on Health, Economic Development and Senior Citizens will be conducting a **Public and Confirmation Hearing on Wednesday, March 18, 2015 at 5:30pm** in the Legislature's Public Hearing Room.

The items for public discussion are:

- The Executive Appointment of Mr. George Chiu as a Member of the Guam Economic Development Authority Board of Trustees.
- Bill No. 45-33 (COR) - D.G. Rodriguez, Jr.- An act to adopt the Rules and Regulations governing the issuance of health certificates, by amending Article 4 of Division 1, Title 26, Guam Administrative Rules and Regulations.
- Bill No. 48-33 (COR) - D.G. Rodriguez, Jr. / R.J. Respicio / J.V. Espaldon- An act to expand the Department of Public Health and Social Services Division of Senior Citizens provision of Senior Citizen Center Services through the operation of a new Macheche Senior Citizen Center by reprogramming and reallocating the sum of Fifty Thousand Nine Hundred Dollars (\$50,900.00) from the FY-2015 Budget Act for Executive Branch Operations (P.L. 32-181).
- Bill No. 53-33 (COR) - D.G. Rodriguez, Jr.- An act to adopt Rules and Regulations governing the sanitary operations and inspections of temporary workforce housing pursuant to §21102 of Chapter 21 and §26305 of Chapter 26A, Title 10 Guam Code Annotated.

Individuals who wish to submit written testimonies should address: Sen. Dennis G. Rodriguez, Jr., Chairman, Committee on Health, Economic Development, Homeland Security and Senior Citizens and may send via email to: senatordrodriguez@gmail.com or hand deliver to 176 Serenu Ave. Suite 107 Tamuning, Guam or 155 Hesler Place Hagatna, Guam.

Individuals who may require special assistance are asked to contact the office of Sen. Rodriguez no later than 48 hours prior to the scheduled hearing at 649-8638/0511.

Si Yu'os Ma'ase'!

Joseph A. Q. Mesngon

Office of Senator Dennis G. Rodriguez, Jr.
Committee on Health, Economic Development,
Homeland Security and Senior Citizens

I Mina'trentai Tres Na Libeslaturan Guahan

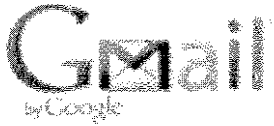
33rd Guam Legislature

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Dennis Rodriguez, Jr. <senatordrodriguez@gmail.com>

SECOND NOTICE OF PUBLIC & CONFIRMATION HEARING on WED. MARCH 18, 2015 5:30pm

1 message

Joe Mesngon <joe@toduguam.com>
To: phnotice@guamlegislature.org

Mon, Mar 16, 2015 at 12:06 PM

March 16, 2015

MEMORANDUM

To: All Senators, Media and Stakeholders

From: Sen. Dennis G. Rodriguez, Jr.

Subject: Second Notice of Public Hearing on Wed. March 18, 2015

Hafa Adai!

The Committee on Health, Economic Development and Senior Citizens will be conducting a **Public and Confirmation Hearing on Wednesday, March 18, 2015 at 5:30pm** in the Legislature's Public Hearing Room.

The items for public discussion are:

- The Executive Appointment of Mr. George Chiu as a Member of the Guam Economic Development Authority Board of Trustees.
- Bill No. 45-33 (COR) - D.G. Rodriguez, Jr.- An act to adopt the Rules and Regulations governing the issuance of health certificates, by amending Article 4 of Division 1, Title 26, Guam Administrative Rules and Regulations.
- Bill No. 48-33 (COR) - D.G. Rodriguez, Jr. / R.J. Respicio / J.V. Espaldon- An act to expand the Department of Public Health and Social Services Division of Senior Citizens provision of Senior Citizen Center Services through the operation of a new Macheche Senior Citizen Center by reprogramming and reallocating the sum of Fifty Thousand Nine Hundred Dollars (\$50,900.00) from the FY-2015 Budget Act for Executive Branch Operations (P.L. 32-181).
- Bill No. 53-33 (COR) - D.G. Rodriguez, Jr.- An act to adopt Rules and Regulations governing the sanitary operations and inspections of temporary workforce housing pursuant to §21102 of Chapter 21 and §26305 of Chapter 26A, Title 10 Guam Code Annotated.

Individuals who wish to submit written testimonies should address: Sen. Dennis G. Rodriguez, Jr., Chairman, Committee on Health, Economic Development, Homeland Security and Senior Citizens and may send via email to: senatordrodriguez@gmail.com or hand deliver to 176 Serenu Ave. Suite 107 Tamuning, Guam or 155 Hesler Place Hagatna, Guam.

Individuals who may require special assistance are asked to contact the office of Sen. Rodriguez no later than 48 hours prior to the scheduled hearing at 649-8638/0511.

Si Yu'os Ma'ase!

Joseph A. Q. Mesngon

Office of Senator Dennis G. Rodriguez, Jr.
Committee on Health, Economic Development,
Homeland Security and Senior Citizens

I Mina'trentai Tres Na Libeslaturan Guahan

33rd Guam Legislature
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Joe Mesngon <joe@toduguam.com>

CORRECTION to Amended FIRST NOTICE of PUBLIC & CONFIRMATION HEARING on Wed. April 8, 2015

1 message

Joe Mesngon <joe@toduguam.com>

Wed, Apr 1, 2015 at 5:07 PM

To: phnotice@guamlegislature.org

April 1, 2015

MEMORANDUM**To: All Senators, Media and Stakeholders****From: Senator Dennis G. Rodriguez, Jr.****Subject: First Notice of Public Hearing– Wednesday, April 8, 2015, 9:00 A.M. , 2:00 P.M. & 5:30 P.M.**

Håfa Adai! Please be advised that the Committee on Health, Economic Development, Homeland Security and Senior Citizens will be conducting a Public and Confirmation Hearing on **Wednesday, April 8, 2015 beginning at 9:00 A.M. and 5:30 P.M.** in the Legislature's Public Hearing Room:

9:00 A.M. Public and Confirmation Hearing:

-The Executive Appointment of **Mr. David John** to serve as a Member of the **Guam Economic Development Authority Board of Trustees.**

-The Executive Appointment of **Mr. Edward J. Calvo** to serve as a Member of the **Guam Economic Development Authority Board of Trustees.**

-Bill No. 26-33 (COR) - T.R. Muña Bames

An act to *add* a new § 10315 to Chapter 10, of Title 5 of the Guam Code Annotated; Relative to the online and public disclosure of medical licenses issued by the Guam Board of Medical Examiners.

-Bill No. 54-33 (COR) - J.V. Espaldon / D.G. Rodriguez, Jr. / B.J.F. Cruz

An act to amend § 4301(b) of 4 GCA, Relative to the Calculation of Government of Guam Group Health Insurance Plan Employee Contributions.

2:00 P.M. Status Hearing on the implementation of Public Law 31-73, the DPHSS Rules and Regulations relative to Child Care Facilities and Child Care Homes. The Guam Early Learning Council will be invited to participate.

5:30 P.M. Public Hearing

-Bill No. 45-33 (COR) - D.G. Rodriguez, Jr.

An act to adopt the Rules and Regulations governing the issuance of health certificates, by amending Article 4 of Division 1, Title 26, Guam Administrative Rules and Regulations.

-Bill No. 53-33 (COR) - D.G. Rodriguez, Jr.

An act to adopt Rules and Regulations governing the sanitary operations and inspections of temporary workforce housing pursuant to §21102 of Chapter 21 and §26305 of Chapter 26A, Title 10 Guam Code Annotated.

Written testimony should be addressed to Senator Dennis G. Rodriguez, Jr. and may be submitted via email to senatordrodriguez@gmail.com, faxed to 649-0520; or hand-delivery/mail to 155 Hesler Place, *Hagåtña*, Guam 96910.

The hearings will be broadcast live on Docomo channel 117 and GTA channel 21.

Individuals who may require special assistance or accommodations are asked to please contact my office at 649-8638/0511 no later than 48 hours prior to the scheduled hearing.

Si Yu'os ma'åse'!

Joseph A. Q. Mesngon

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Joe Mesngon <joe@toduguam.com>

SECOND NOTICE of PUBLIC, STATUS & CONFIRMATION HEARING on Wed. April 8, 2015

1 message

Joe Mesngon <joe@toduguam.com>
To: phnotice@guamlegislature.org

Mon, Apr 6, 2015 at 9:02 AM

April 6, 2015

MEMORANDUM**To: All Senators, Media and Stakeholders****From: Senator Dennis G. Rodriguez, Jr.****Subject: SECOND Notice of Public Hearing-- Wednesday, April 8, 2015, 9:00 A.M. , 2:00 P.M. & 5:30 P.M.**

Håfa Adai! Please be advised that the Committee on Health, Economic Development, Homeland Security and Senior Citizens will be conducting a Public, Status and Confirmation Hearing on **Wednesday, April 8, 2015 beginning at 9:00 A.M. and 5:30 P.M.** in the Legislature's Public Hearing Room:

9:00 A.M. Public and Confirmation Hearing:

-The Executive Appointment of **Mr. David John to serve as a Member of the Guam Economic Development Authority Board of Trustees.**

-The Executive Appointment of **Mr. Edward J. Calvo to serve as a Member of the Guam Economic Development Authority Board of Trustees.**

-Bill No. 26-33 (COR) - T.R. Muña Bames

An act to *add* a new § 10315 to Chapter 10, of Title 5 of the Guam Code Annotated; Relative to the online and public disclosure of medical licenses issued by the Guam Board of Medical Examiners.

-Bill No. 54-33 (COR) - J.V. Espaldon / D.G. Rodriguez, Jr. / B.J.F. Cruz

An act to amend § 4301(b) of 4 GCA, Relative to the Calculation of Government of Guam Group Health Insurance Plan Employee Contributions.

2:00 P.M. Status Hearing:

On the implementation of Public Law 31-73, the DPHSS Rules and Regulations relative to Child Care Facilities and Child Care Homes. The Guam Early Learning Council will be invited to participate.

5:30 P.M. Public Hearing:

-Bill No. 45-33 (COR) - D.G. Rodriguez, Jr.

An act to adopt the Rules and Regulations governing the issuance of health certificates, by amending Article 4 of Division 1, Title 26, Guam Administrative Rules and Regulations.

-Bill No. 53-33 (COR) - D.G. Rodriguez, Jr.

An act to adopt Rules and Regulations governing the sanitary operations and inspections of temporary workforce housing pursuant to §21102 of Chapter 21 and §26305 of Chapter 26A, Title 10 Guam Code Annotated.

Written testimony should be addressed to Senator Dennis G. Rodriguez, Jr. and may be submitted via email to senatordrodriguez@gmail.com, faxed to 649-0520; or hand-delivery/mail to 155 Hesler Place, Hagåtña, Guam 96910.

The hearings will be broadcast live on Docomo channel 117 and GTA channel 21.

Individuals who may require special assistance or accommodations are asked to please contact my office at 649-8638/0511 no later than 48 hours prior to the scheduled hearing.

Si Yu'os ma'åse'

Joseph A. Q. Mesngon

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Updated as of February 27, 2015

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Updated as of February 27, 2015

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Updated as of February 27, 2015

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SENATOR DENNIS G. RODRIGUEZ, JR.

PUBLIC HEARING AGENDA

Wednesday, March 18, 2015

5:30pm

Public Hearing Room, *I Liheslatura*

I. Call to order

II. Items for public consideration:

- **The Executive Appointment of Mr. George Chiu as a Member of the Guam Economic Development Authority Board of Trustees.**
- **Bill No. 45-33 (COR)** - D.G. Rodriguez, Jr.- An act to adopt the Rules and Regulations governing the issuance of health certificates, by amending Article 4 of Division 1, Title 26, Guam Administrative Rules and Regulations.
- **Bill No. 48-33 (COR)** - D.G. Rodriguez, Jr. / R.J. Respicio / J.V. Espaldon- An act to expand the Department of Public Health and Social Services Division of Senior Citizens provision of Senior Citizen Center Services through the operation of a new Macheche Senior Citizen Center by reprogramming and reallocating the sum of Fifty Thousand Nine Hundred Dollars (\$50,900.00) from the FY-2015 Budget Act for Executive Branch Operations (P.L. 32-181).
- **Bill No. 53-33 (COR)** - D.G. Rodriguez, Jr.- An act to adopt Rules and Regulations governing the sanitary operations and inspections of temporary workforce housing pursuant to §21102 of Chapter 21 and §26305 of Chapter 26A, Title 10 Guam Code Annotated.

III. Adjournment

Thank you for your participation in today's hearing.



SENATOR DENNIS G. RODRIGUEZ, JR.

PUBLIC HEARING AGENDA

Wednesday, April 8, 2015 9am, 2pm, 5:30pm Public Hearing Room, *I Liheslatura*

I. Call to order

II. Items for public consideration:

9:00 A.M.

- The Executive Appointment of **Mr. David John** to serve as a Member of the Guam Economic Development Authority Board of Trustees.
- The Executive Appointment of **Mr. Edward J. Calvo** to serve as a Member of the Guam Economic Development Authority Board of Trustees.
- **Bill No. 26-33 (COR)** – Introduced by T.R. Muña Barnes - An act to *add* a new § 10315 to Chapter 10, of Title 5 of the Guam Code Annotated; Relative to the online and public disclosure of medical licenses issued by the Guam Board of Medical Examiners.
- **Bill No. 54-33 (COR)** - Introduced by J.V. Espaldon / D.G. Rodriguez, Jr. / B.J.F. Cruz - An act to amend § 4301(b) of 4 GCA, Relative to the Calculation of Government of Guam Group Health Insurance Plan Employee Contributions.

2:00 P.M.

- **Status Hearing: On the implementation of Public Law 31-73, the DPHSS Rules and Regulations relative to Child Care Facilities and Child Care Homes.**
The Guam Early Learning Council will be invited to participate.

5:30 P.M.

- **Bill No. 45-33 (COR)** – Introduced by D.G. Rodriguez, Jr. - An act to adopt the Rules and Regulations governing the issuance of health certificates, by amending Article 4 of Division 1, Title 26, Guam Administrative Rules and Regulations.
- **Bill No. 53-33 (COR)** - Introduced by D.G. Rodriguez, Jr. - An act to adopt Rules and Regulations governing the sanitary operations and inspections of temporary workforce housing pursuant to §21102 of Chapter 21 and §26305 of Chapter 26A, Title 10 Guam Code Annotated.

III. Adjournment

Thank you for your participation in today's hearing.