

EDDIE BAZA CALVO  
Governor

RAY TENORIO  
Lieutenant Governor

*Office of the Governor of Guam*

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

33-15-0217  
Office of the Speaker  
Judith T. Won Pat, Ed.D.

RECEIVED  
MAR 10 2015 10:56

Via: Secretary of the Legislature  
The Honorable Tina Rose Muna-Barnes

Date: 03-03-15  
Time: 10:35 AM  
Received By: [Signature]

Dear Madam Speaker:

*Hafa Adai!* This is a transmittal to *I Liheslaturan Guåhan* of Proposed Rules and Regulations pursuant to the Administrative Adjudication Law. We are rescinding an earlier transmittal of these materials, which were delivered to your office on February 6, 2015, as that transmittal was missing several pages of the Proposed Rules and Regulations document.

The Division of Environmental Health (DEH) of the Department of Public Health and Social Services held a public hearing to receive public comments on DEH's proposed *Rules and Regulations Governing the Sanitation and Inspections of Temporary Workforce Housing*. The hearing was held on August 2, 2012, from 4:00 p.m. to 7:00 p.m. The procedures provided in the Administrative Adjudication Law (Title 5 GCA Chapter 9, Article 3) were followed in notifying and conducting the public hearing. No written testimony was received from the public regarding DEH's proposed regulations governing the sanitation and inspections of temporary workforce housing.

Prior to the public hearing, the proposed rules and regulations were not posted to the DEH webpage, because the requirement to do so was not in place at that time. However, the regulations were posted to the website at a later date, and five copies were available at the DEH office to the public for review.

An Economic Impact Statement (EIS) was not prepared since it was determined by the Department that these proposed regulations are exempted from such a requirement because the annual economic impact to the general public will be less than five hundred thousand dollars (\$500,000).

0217

The proposed rules and regulations were submitted for review to the Office of the Attorney General on November 29, 2012. Approval as to form of the proposed rules and regulation was received by DPHSS on March 11, 2014 (copy enclosed).


A copy of the proposed draft rules and regulations was submitted to the Compiler of Laws on July 16, 2014. It was learned that the Compiler's Office does not provide a written response to such requests, but has posted a letter on its website with a recommended format to follow when preparing rules and regulations, along with a statement that "Compliance with the recommended format will be de facto indication that the submission is in a format approved by the Compiler of Laws." A copy of this letter is enclosed. The proposed rules and regulations are in compliance with the recommended format.

We have enclosed the following materials for your reference:

1. A copy of the public hearing notice that was printed in the Marianas Variety on July 19, 2012;
2. A copy and a duplicate of the proposed Rules and Regulations Governing the Sanitation and Inspections of Temporary Workforce Housing in both printed and electronic form;
3. A copy of the approval letter from the Office of the Attorney General;
4. A copy of the letter regarding format from the Office of the Compiler of Laws;
5. Minutes of the August 2, 2012 public hearing; and
6. Recording of the August 2, 2012 public hearing;

Should you have any questions regarding this matter, please contact Mr. James W. Gillan, the Director of the Department of Public Health and Social Services, at 735-7101.

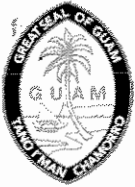
*Senseramente,*



**RAYMOND S. TENORIO**

*I Maga'lahaen Guahan, para pa'go*  
Acting Governor of Guam

Enclosures



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

MEMORANDUM

FEB 18 2015

TO: The Governor of Guam

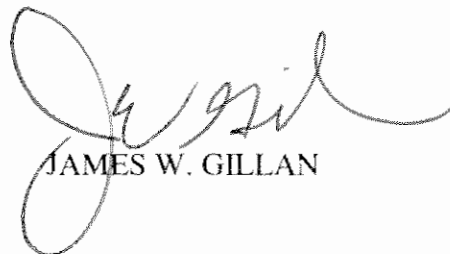
FROM: Director, Department of Public Health and Social Services

SUBJECT: Proposed Rules and Regulations Governing the Sanitary Operation of Temporary Workforce Housing – Replacement Copy

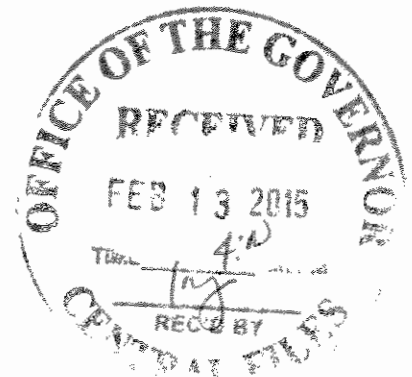
Thank you for your recent transmittal of the packet of materials relating to the Proposed *Rules and Regulations Governing the Sanitary Operation of Temporary Workforce Housing* to the Thirty-third Guam Legislature. Unfortunately, it was discovered that several pages of the regulations, specifically pages 15-17, were not included in the materials sent by the Governor's Office.

We are, therefore, requesting that you rescind the earlier transmittal of documents, and send the attached documents in their place. We have verified that this is a complete set. A draft re-transmittal to Speaker Won Pat has also been attached for your review.

For any questions you may have in this matter, please contact Mr. M. Thomas Nadeau, Chief Environmental Public Health Officer of the Division of Environmental Health, at 735-7221/7209. You may also contact him via email at [masatomo.nadeau@dphss.guam.gov](mailto:masatomo.nadeau@dphss.guam.gov). Thank you.

  
 JAMES W. GILLAN

Attachments



Honorable Judith T. Won Pat, Ed.D  
Speaker, Thirty-Third Guam Legislature  
Guam Legislature Building  
155 Hesler Street  
Hagatna, GU 96910

Via: Secretary of the Legislature  
The Honorable Tina Rose Muna-Barnes

Dear Madam Speaker:

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An Economic Impact Statement (EIS) was not prepared since it was determined by the Department that these proposed regulations are exempted from such a requirement because the annual economic impact to the general public will be less than five hundred thousand dollars (\$500,000).

The proposed rules and regulations were submitted for review to the Office of the Attorney General on November 29, 2012. Approval as to form of the proposed rules and regulation was received by DPHSS on March 11, 2014 (copy enclosed).

A copy of the proposed draft rules and regulations was submitted to the Compiler of Laws on July 16, 2014. It was learned that the Compiler's Office does not provide a written response to such requests, but has posted a letter on its website with a recommended format to follow when preparing rules and regulations, along with a statement that "Compliance with the recommended format will be de facto indication that the submission is in a format approved by the Compiler of Laws." A copy of this letter is enclosed. The proposed rules and regulations are in compliance with the recommended format.

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1. A copy of the public hearing notice that was printed in the Marianas Variety on July 19, 2012;
2. A copy and a duplicate of the proposed Rules and Regulations Governing the Sanitation and Inspections of Temporary Workforce Housing in both printed and electronic form;
3. A copy of the approval letter from the Office of the Attorney General;
4. A copy of the letter regarding format from the Office of the Compiler of Laws;
5. Minutes of the August 2, 2012 public hearing; and
6. Recording of the August 2, 2012 public hearing;

Should you have any questions regarding this matter, please contact Mr. James W. Gillan, the Director of the Department of Public Health and Social Services, at 735-7101.

*Senseramente,*

**EDDIE BAZA CALVO**  
*I Maga'lahaen Guahan*  
Governor of Guam

Enclosures



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

NOV 25 2014

MEMORANDUM

TO: The Governor

FROM: Director, Department of Public Health and Social Services

SUBJECT: Proposed Rules and Regulations Governing the Sanitary Operation of Temporary Workforce Housing

*Hafa Adai!* Pursuant to §9303, Division 1, Chapter 9 of Title 5 GCA, the Division of Environmental Health (DEH) of this Department is submitting the proposed draft *Rules and Regulations Governing the Sanitation and Inspections of Temporary Workforce Housing* for your review and approval, and its onward transmittance to the Legislative Secretary.

The proposed rules and regulations governing Temporary Workforce Housing were not posted to the DPHSS website. At the time the Division was preparing for the Public Hearing on these regulations in 2012, posting to the website was not a requirement. Five copies of the proposed rules and regulations have been continuously on file at DEH since July 2012.

No Economic Impact Statement was prepared for these proposed rules and regulations because the impact to the general public is less than \$500,000.

A Public Hearing was held on August 2, 2012 for the proposed rules and regulations governing Temporary Workforce Housing. An announcement was printed in the Marianas Variety of July 19, 2012 (copy attached). There were three representatives from two companies present who asked questions about the proposed rules and regulations, though none of the three gave written testimony at the hearing. Comments received from those attending were incorporated into the proposed rules and regulations. No written testimonies were submitted to our office after the Public Hearing. The minutes of the Public Hearing are attached.

The proposed draft of the Temporary Workforce Housing rules and regulations was submitted for review to the Office of the Attorney General on November 29, 2012. Approval as to form of the proposed rules and regulation was received by DPHSS on March 11, 2014 (copy attached).

A copy of the proposed draft rules and regulations was submitted to the Compiler of Laws on July 16, 2014. It was learned that the Compiler's Office does not provide a written response to such requests, but has posted a letter on its website with a recommended format to follow when preparing rules and regulations, along with a statement that "Compliance with the recommended format will be de facto indication that the submission is in a format approved by the Compiler of

Laws." A copy of this letter is attached. The proposed rules and regulations are in compliance with the recommended format.

The following materials are attached for your review and use:

1. A copy of public hearing notice that was printed in the Marianas Variety on July 19, 2012;
2. A copy of the draft proposed Rules and Regulations for the Sanitary Operation of Temporary Workforce Housing;
3. Minutes of the August 2, 2012 public hearing;
4. Recording of the August 2, 2012 public hearing on CD;
5. Memo of approval from the Office of the Attorney General;
6. Letter posted at the Compiler of Laws website regarding approval of rules and regulations;
7. Draft transmittance letter to Speaker Judith T. Won Pat of the 32<sup>nd</sup> Guam Legislature via the Legislative Secretary; and
8. CD with an electronic copy of the draft transmittance letter to Speaker Won Pat.

For any questions you may have in this matter, please contact Mr. M. Thomas Nadeau, Chief Environmental Public Health Officer of the Division of Environmental Health, at 735-7221/7209. You may also contact him via email at [Masatomo.nadeau@dphss.guam.gov](mailto:Masatomo.nadeau@dphss.guam.gov).



 JAMES W. GILLAN

Attachments

CC: Director's Office/DEH/BPSI

# OPA denies appeal GEC verifying bingo signatures

By Louisa Losinco  
louisa@mgvqam.com  
Variety News Staff

THE Office of Public Accountability recently denied an appeal lodged by Allied Pacific Builders Inc. on April 13 regarding six Guam Department of Education's invitation for bid, or IFB, for structural repairs and roof coating services.

Earlier, GDOE found a protest filed prior to the request for an appeal to have "no merit." According to a written response from GDOE, dated April 13, 2012, the department has reviewed the protest and "rejects it in its entirety."

The IFBs released by GDOE

were for school structural repairs and roof coating for Northern A and B school districts, encompassing around 10 schools in the villages of Tigo and Dedado.

The IFBs were issued by GDOE "on or about July 11, 2011," according to OPA documents.

OPA concluded there is "no merit" to the applicant's allegation that the other bidders were not properly licensed to perform the work required by the IFBs. In addition, OPA found that "GDOE complied with procurement laws and regulations and found no merit in the allegation that the lowest bids submitted in response to the IFBs were questionable."

By Zita Y. Teitano  
zita@mgvqam.com  
Variety News Staff

THE Guam Election Commission continues to verify the 13,000 signatures collected by proponents of the bingo initiative over the past few weeks.

The proponents need at least 10 percent of the total number of registered voter signatures.

GEC Executive Director Maria Pangelinan said they've verified 1,840 signatures so far.

Meanwhile, the organizers of the bingo initiative have packed up and left the island after

submitting the petitions. The initiative is focused on commercializing bingo games for the island. The document contains similar information used for the failed gambling initiative that was submitted a few years ago. The commercial bingo will be held at the former Guam Greyhound racetrack facility, which happens to be the same location where the previous gambling initiative would've been held had it passed.

The Variety learned that the people hired by the petitioners were paid \$5 a signature when

they went out to the community.

In the meantime, Pangelinan said they have at least nine people working for GEC thanks to the Agency for Human Resource Development's pilot program for 18- to 21-year-olds under the Workforce Investment Act Young Adults Employment and Training Program as well as the Passport to Careers program.

Some of them will be assisting in counting the ballots, the ballot stack, the voter registration file, and other matters within the office, Pangelinan said.

## Galiza still on the job

By Zita Y. Teitano  
zita@mgvqam.com  
Variety News Staff

THE Variety has learned that one of four people charged in federal court with falsifying overtime records at the Department of Public Works Solid Waste Division is still on the job.

Danilo Galiza was reportedly only given a letter of reprimand.

Federal receiver spokesman David Manning said he couldn't get into the details since it is a personnel matter but stressed the incidents occurred before the federal receiver came into the picture.

"The prosecutors in this case reached an agreement with Mr. Galiza and we don't see it as the responsibility of the receiver to

impose additional penalties on him. They have reached an agreement and we have indicated to Mr. Galiza that we expect his strict adherence to that," he said. "We believe that the action we have taken in this matter is appropriate, it's a good deal more complex from the outside looking in."

Manning further stated Galiza has been an excellent employee with the Solid Waste Authority, adding there had been an effort in the past to discipline him and others involved on the part of the government of Guam. But that has been withdrawn.

Meanwhile, Galiza, Liberty Perez, Josephine Torres and Ariel Sivila are scheduled to appear in the District Court of Guam this afternoon at 4 p.m.

By Geraldine Castillo  
geraldine@mgvqam.com  
Variety News Staff

TWO tourist suspects who were arrested earlier this month for allegedly going on a shopping spree with fraudulent credit cards now face more serious charges in federal court.

An indictment was filed in District Court yesterday, charging Aik Han Hong, 34,

and Jimn Yang Tan, 23, with conspiracy to commit access device fraud; possession of more than 15 counterfeit access devices; access device fraud; and aggravated identity theft.

The men arrived from Malaysia on July 4 for a two-day stay, intending to shop for luxury goods. Together they were carrying 24 counterfeit credit cards bearing their names, but

the account numbers of half the credit cards were linked to individuals in the U.S., according to information in the indictment.

Hong possessed seven counterfeit credit cards, spending approximately \$4,340 with some of the cards. Tan possessed 17 credit cards, spending approximately \$18,910.80

## REQUEST FOR PROPOSALS Specialty Retail Merchandise Concession Multiple Concepts

PRE-BID CONFERENCE: 3:00 pm - Aug. 17, 2012  
GIAA Conference Room

RFP NO.: GIAA 010-FY12

SEAL/BID OPENING: 4:00 pm - Sept. 21, 2012  
GIAA Executive Office

**R**  
RETIREMENT FUND  
475 Route 8 • HAGO, GUAM 96910  
Tel. No.: 671-475-8900/1 • Fax No.: 671-475-8922

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**PUBLIC NOTICE**

For: **Board of Trustees Regular Meeting**  
Date: **Friday, July 27, 2012**  
Time: **12:00 noon**  
Place: **GGRF Conference Room (1<sup>st</sup> Floor)**

Agenda will be made available prior to the meeting. For individuals requiring special accommodations, please contact the GGRF Board of Trustees' Office at 475-8900/01.

/s/ DIANA T. BERNARDO, Acting Director

This notice is published pursuant to the laws of the Government of Guam, Retirement Fund.

DEPARTMENT OF PUBLIC HEALTH  
DIVISION OF ENVIRONMENTAL HEALTH AND SOCIAL SERVICES  
DAPATTAMUNTOY BALI'U' PUSI'LOKO PAN BERTU'ISH SUSA'U'  
192 Tapanan Street, Hagåtña, Guam 96910

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**NOTICE OF PUBLIC HEARING**

PURSUANT TO REGULATION DIVISION CHARTER TITLE 5, SECTION 101, AGENCIES OF THE GOVERNMENT OF GUAM ARE REQUESTED TO PUBLISH A NOTICE OF PUBLIC HEARING ON THE ADDITION, MODIFICATION, REPEAL, REVISION, OR AMENDMENT OF RULES. THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES WILL BE ACCEPTING PUBLIC COMMENTS ON THE PROPOSED REGULATION OF RULES AND REGULATIONS GOVERNING THE SANITARY OPERATION OF TEMPORARY WORKFORCE HOUSING.

DATE: Thursday, August 2, 2012  
TIME: 1:00 PM TO 3:00 PM  
PLACE: DIVISION OF SENIOR CITIZENS CONFERENCE ROOM, LASTILE MAIL CENTER

These rules and regulations may also be known and cited as the "Workers Dormitory Rules and Regulations." The purpose of these rules and regulations is to protect and promote the health and safety of occupants of temporary workforce housing and those who may reside in the immediate vicinity of such premises. Copies of the proposed rules and regulations are available for inspection at the Division of Environmental Health and Social Services on the 2<sup>nd</sup> floor of the Department of Public Health and Social Services in Hagåtña. Please call 671-475-1221 for questions and assistance.

JAMES W. GILLAM, Director

This notice is published by the Department of Public Health and Social Services, Division of Environmental Health Services.

## NOTICE OF PUBLIC MEETING

The Department of Public Works is seeking public comments on the recently completed Tyson Parkway Environmental Assessment. The Environmental Assessment presents information on the impacts and need for an arterial roadway connecting Route 8 to Route 10A along the western and northern side of the A.B. Won Pat International Airport, along with a presentation of alternative recommendations for a preferred alternative and environmental effects that would result from construction of the Tyson Parkway.

### THURSDAY, JULY 26, 2012 6 P.M. - 8 P.M. TAMUNING COMMUNITY CENTER

Comments may be submitted by mail to Tyson Parkway EA (at Parsons Brinckerhoff), 595 South Marine Corps Drive, Suite 300, Tamuning, Guam 96913 or by email to [TPKMerid@guamraaportlandprogram.com](mailto:TPKMerid@guamraaportlandprogram.com) ATTN: Tyson Parkway EA. Comments are due no later than 5 p.m. on August 13, 2012.

A copy of the Environmental Assessment is available for review at the Haves of Pines Memorial Library in Hagåtña or can be downloaded at [www.guamraaportlandprogram.com](http://www.guamraaportlandprogram.com).

For more information contact:  
Guam Transportation Infrastructure Center  
Phone: 671-475-7411 Ext. 2000  
E-mail: [tpkmerid@guamraaportlandprogram.com](mailto:tpkmerid@guamraaportlandprogram.com)



1                                   **I MINA TRENTAI DOS NA LIHESLATURAN GUÅHAN**  
2                                   **2014 (SECOND) Regular Session**

3  
4  
5 **Bill No.** \_\_\_\_\_  
6

7  
8 **Introduced by:**  
9

10  
11  
12                                   **AN ACT TO ESTABLISH RULES AND REGULATIONS GOVERNING**  
                                  **THE SANITARY OPERATION AND INSPECTIONS OF TEMPORARY**  
                                  **WORKFORCE HOUSING PURSUANT TO §21102 OF CHAPTER 21 AND**  
                                  **§26305 OF CHAPTER 26A, TITLE 10 GUAM CODE ANNOTATED**

13  
14  
15                                   **BE IT ENACTED BY THE PEOPLE OF GUAM:**

16                                   **Section 1. Approval of Rules and Regulations.** The Rules and Regulations Governing  
17 the Sanitary Operations and Inspections of Temporary Workforce Housing as contained in  
18 Appendix "A."

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

**Title 26**

**Chapter 4**

**Article 17**

**§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.

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

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

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

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

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

4  
5 (h) *Occupant* shall mean any person who uses a temporary workforce housing for  
6 lodging purposes.

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

14  
15 (j) *Person* shall mean any owner, firm, corporation or governmental agency operating  
16 a dormitory.

17  
18 (k) *Sanitary Permit* shall mean the official document issued by the DPHSS authorizing  
19 the establishment to operate its business.

20  
21 (l) *Satisfactory* shall mean achieving a letter grade "A" at the conclusion of a  
22 compliance inspection of temporary workforce housing.

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

27  
28 (n) *Temporary Worker* shall mean

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

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

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

36  
37 (o) *Temporary Workforce Housing*, also known as *Dormitory*, shall mean any  
38 enclosures of living spaces, reasonably contiguous, together with the land appertaining thereto,  
39 established, operated or used as living quarters and, at a minimum, fifty one-percent (51%) of the  
40 residents are temporary workers, including but not limited to, facilities known by varying  
41 nomenclatures or designations as dormitories, hotels, motels, travel lodges, or tourist homes.

42  
43 (p) *Variance* as used in the reference to *Change of Temporary Workforce Housing* of  
44 these rules and regulations shall include changes to the number of occupants, structure,  
45 ownership, and any other changes or deficiencies that impact the operation of the facility, safety

1 or welfare of the occupants, or otherwise contradicts the purpose of these rules and regulations  
2 and other Department regulations that govern temporary workforce housing.

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

7  
8 **§41705. Requirements to Obtain and Apply for a Workers' Dormitory Permit.**

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

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

19  
20 (c) Before the application for a Workers' Dormitory Permit shall be approved, the  
21 Director shall verify that the establishment meets the minimum requirements and standards of  
22 these rules and regulations. This shall include the right of entry, inspection, and investigation.

23  
24 (d) Before a pre-operation inspection is conducted, plans and specifications shall be  
25 submitted to the Director in accordance with the requirements established in these regulations  
26 which shall include the following:

27  
28 (1) The location of the proposed temporary workforce housing (vicinity map) on  
29 a sheet of paper measuring 8 ½ inches by 11 inches, including the streets names, building  
30 numbers, and easily identifiable landmarks; and

31  
32 (2) A floor plan on a sheet of paper measuring, at a minimum, 8 ½ inches x 11  
33 inches, showing:

34  
35 i. The dimensions of the proposed establishment;

36  
37 ii. The location, number and type of plumbing fixtures including all water  
38 supply fixtures and toilet fixtures, and other fixtures and equipment, and;

39  
40 iii. If a newly-constructed building, the general layout of water supply  
41 lines, wastewater lines or methods of wastewater disposal.

42  
43 (e) If pre-operation inspection indicates that the establishment does not meet the  
44 minimum requirements, the Workers' Dormitory Permit shall not be issued until such time as the  
45 requirements are met.

1  
2 (f) All Workers' Dormitory Permits shall be issued for a maximum period of no more  
3 than 12 months and renewed on June 30 of each year. An application for new or renewal of a  
4 Workers' Dormitory Permit shall be filed at least 15 days before a new establishment intends to  
5 open, or before current Workers' Dormitory Permit expires.  
6

7 (g) Any person or establishment denied a Workers' Dormitory Permit, or whose  
8 Workers' Dormitory Permit has been suspended or revoked, may appeal the Director's action in  
9 accordance with the provisions of the Administrative Adjudication Law.  
10

11 **§41706. Requirements to Obtain and Maintain a Sanitary Permit.**  
12

13 (a) If upon inspection the Director is satisfied that the establishment meets the  
14 minimum requirements of these rules and regulations as the Director may prescribe and a  
15 Workers' Dormitory Permit is issued, a non-transferable Sanitary Permit designating the type  
16 and location by physical address and lot number of establishment shall also be issued.  
17

18 (b) Failure to comply with any of the requirement listed below shall be a reason to deny  
19 the issuance of a Sanitary Permit:  
20

- 21 (1) Locking of doors;
- 22 (2) Unapproved or inadequate water supply or plumbing;
- 23 (3) Denying access to inspectors;
- 24 (4) Receiving a demerit of more than 40; or
- 25 (5) Repeating a violation assigned 2, 4 or 6 demerit points.  
26  
27  
28  
29  
30

31 **§41707. Maximum Occupancy.** The maximum capacity for Temporary Workforce  
32 Housing shall be based on:  
33

- 34 (a) The square footage of the housing facility; and
- 35 (b) The number of bathing, handwashing, laundry, and toilet facilities  
36  
37

38 **§41708. Location and Premises.**  
39

40 (a) Facility sites used for dormitory shall be adequately drained. They shall not be  
41 subject for periodic flooding, nor located within 200 feet of swamps, pools, sink-holes or other  
42 surface collections of water unless such quiescent water surfaces can be subjected to mosquito  
43 control measures. The facility shall be located so the drainage from and through the facility will  
44 not endanger any domestic or public water supply.  
45

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

3  
4 (c) Facility sites shall have recreation space for the occupants based on the maximum  
5 facility capacity.

6  
7 (d) Facility sites shall be graded, ditched and rendered free from depressions in which  
8 water may become a nuisance.

9  
10 (e) Facility sites shall be adequate in size to prevent overcrowding of necessary  
11 structures. The facility in which food is prepared and served and where sleeping quarters are  
12 located must be at least 500 feet from any area in which livestock is kept.

13  
14 (f) Grounds within the facility shall be maintained in a clean and sanitary condition  
15 free from rubbish, debris, waste paper, garbage, or other refuse.

16  
17 **§41709. Shelter.**

18  
19 (a) Every shelter in the dormitory shall be constructed in a manner which will provide  
20 protection against the elements.

21  
22 (b) Each room used for sleeping purposes shall contain at least 50 square feet of  
23 superficial floor area for each occupant. At least a 7-foot ceiling shall be provided.

24  
25 (c) Sleeping arrangements (beds, metal frame cots, or bunks complete with springs,  
26 mattresses, and mattress covers) in good repair shall be provided for facility occupants. Sleeping  
27 arrangements shall be cleaned and maintained in a sanitary condition. No bed shall be used by  
28 more than two occupants.

29  
30 (d) Beds, cots, or bunks, and suitable storage facilities such as wall lockers for clothing  
31 and personal articles shall be provided in every room used for sleeping purposes. Such beds or  
32 similar facilities shall be spaced not closer than 36 inches both laterally and end to end, and shall  
33 be elevated at least 12 inches from the floor. If double-deck bunks are used, they shall be spaced  
34 not less than 48 inches laterally and end to end. The minimum clear space between the lower  
35 and upper bunk shall not be less than 27 inches. Triple-deck bunks are prohibited.

36  
37 (e) The floors of each shelter shall be constructed of wood, concrete or other materials  
38 approved by the Department. Wooden floor shall be smooth and of tight construction. The floor  
39 shall be of such construction as to be easily cleanable, and shall be kept clean and in good repair.

40  
41 (f) All wooden floors shall be elevated not less than 1 foot above the ground level at all  
42 points to prevent dampness and to permit free circulation of air beneath.

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

4  
5 (h) All exterior openings shall be effectively screened with 16-mesh to the inch  
6 material. All screen doors shall be equipped with self-closing devices.

7  
8 (i) In a room where occupants cook, live, and sleep a minimum of 100 square feet of  
9 superficial floor area per person shall be provided. Adequate facilities and proper methods for  
10 the preparation, refrigeration, and storage of food shall be provided.

11  
12 (j) In dormitory where cooking facilities are used in common, stoves (in ratio of one  
13 stove to 10 persons) shall be provided in an enclosed and screened shelter and shall be equipped  
14 with an electric exhaust fan connected to the outside air. Adequate facilities and proper methods  
15 for the preparation, refrigeration, and storage of food shall be provided.

16  
17 (k) All communal kitchens shall have a floor area of at least 100 square feet (10 ft. x 10  
18 ft. rooms).

19  
20 (l) All heating, cooking, and water heating equipment shall be installed in accordance  
21 to applicable laws of Guam and rules and regulations governing such installations.

22  
23 (m) All rooms shall have sufficient ventilation to keep them free of excessive heat,  
24 carbon dioxide, steam, condensation, vapors, obnoxious odors, smoke, and fumes. Ventilation  
25 system shall be installed and operated according to applicable laws of Guam, and when vented to  
26 the outside, shall not create an unsightly, harmful, or unlawful discharge.

27  
28 **§41710. Water Supply.**

29  
30 (a) An adequate supply of potable water from an approved source and under pressure  
31 shall be provided at all times in each dormitory for drinking, cooking, bathing and laundry  
32 purposes.

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

35  
36 (1) Drinking Fountain shall be kept clean and in good repair and conform to the  
37 latest editions of the International Plumbing Code and the International Building Code  
38 adopted on Guam.

39  
40 (2) Single service cups shall be used for water dispensed from bottled water or  
41 water coolers. Single service cups shall be stored, handled, and dispensed in a sanitary  
42 manner.  
43

1 (3) Water coolers used for dispensing drinking water shall be provided with a  
2 cover, and shall be kept clean. Dipping the cups into the water cooler is prohibited.  
3 Water coolers shall be adequately protected to prevent any contamination.  
4

5 (4) Other cups such as individually owned cups shall be used only by one owner.  
6

7 (c) All water outlets shall be protected from backflow either by air gap or backflow  
8 prevention devices. There shall be no existing or potential cross-connection or back-siphonage  
9 problems anywhere in the building or its premises.  
10

11 (d) Any water outlet with a threaded, serrated, or quick coupling nozzle shall be  
12 provided with a vacuum breaker.  
13

14 **§41711. Toilet Facilities.**  
15

16 (a) Toilet facilities shall be of adequate capacity based on latest applicable codes.  
17

18 (b) Each toilet shall be located so as to be accessible without any individual passing  
19 through any sleeping room. Toilet rooms shall have window not less than 6 square feet in area  
20 opening directly to the outside area or otherwise be satisfactorily ventilated. All outside  
21 openings shall be screened with 16-mesh to the inch material. No toilet fixtures shall be located  
22 in a room used for other than toilet purposes.  
23

24 (c) A toilet room shall be located not more than 200 feet of travel distance from the  
25 door of each sleeping room.  
26

27 (d) Where the toilet rooms are shared, such as in barrack types facilities, separate toilet  
28 rooms shall be provided for each sex. These rooms shall be distinctly marked for "Men" and  
29 "Women" by signs printed in English and in the language of the persons occupying the camp, or  
30 marked with easily understood pictures or symbols. If the facilities for each sex are in the same  
31 building, they shall be separated by solid walls or partitions extending from the floor to the roof  
32 or ceiling.  
33

34 (e) Where toilets facilities are shared, the number of water closets provided for each  
35 sex shall be based on the maximum number of persons of that sex which camp is designed to  
36 house at any one time, in the ratio of one such unit to each 10 persons, with a minimum of two  
37 units for any shared facility.  
38

39 (f) Each toilet facility shall be completely enclosed and shall have a tight fitting, self-  
40 closing door. Toilet partitions shall begin not more than one (1) foot from the floor and extend  
41 to a height of not less than five (5) feet.  
42

43 (g) Urinals shall be provided on the basis of one unit to each 10 men. The floor from  
44 the wall and for a distance not less than 15 inches measured from the outward edge of the urinals



1 shall be constructed of impervious materials to moisture. Where water under pressure is  
2 available, urinals shall be provided with adequate water flush.

3  
4 (h) Each toilet room shall be lighted naturally or artificially by a safe lighting at all  
5 hours of the day and night.

6  
7 (i) Floors shall be of impervious material, and floor drains shall be provided.

8  
9 (j) Walls, ceilings, and floors shall be impervious to moisture and have smooth  
10 surfaces.

11  
12 (k) Walls and ceilings shall be light colored as determined by the Department to aid in  
13 the distribution of light to facilitate thorough cleaning, and the observation of general sanitary  
14 procedures.

15  
16 (l) Each toilet facility shall be completely enclosed and shall have a tight-fitting, self-  
17 closing door.

18  
19 (m) An adequate supply of toilet paper in a dispenser shall be provided in each water  
20 closet.

21  
22 (n) All toilet rooms shall be provided with an approved trash container.

23  
24 (o) Toilet rooms shall be kept in a sanitary condition. They shall be cleaned at least  
25 daily.

26  
27 **§41712. Sewage Disposal.** An approved sewage disposal system which is located,  
28 constructed, and operated in conformance with the standards established for such systems by the  
29 Guam Environmental Protection Agency and the Guam Waterworks Authority.

30  
31 **§41713. Laundry, Hand-washing, Bathing and Cleaning Facilities.**

32  
33 (a) Laundry, hand-washing, bathing, and cleaning facilities shall be provided in the  
34 following ratio:

35  
36 (1) One lavatory to each ten persons in shared facilities;

37  
38 (2) One shower head to each eight persons;

39  
40 (3) Laundry tray or tub for every 30 persons if a centralized laundry facility is  
41 not provided; and

42  
43 (4) Utility sink (also known as mop sink) in each building used; the number and  
44 placement of utility sink shall be determined by DPHSS.  
45

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

5  
6 (c) The walls and partitions of shower rooms shall be smooth and impervious to the  
7 height of the splash.

8  
9 (d) An adequate supply of hot and cold running water shall be provided for bathing and  
10 laundry purposes.

11  
12 **§41714. Lighting.**

13  
14 (a) Each habitable room in a dormitory shall be provided with at least one ceiling-type  
15 light fixture and at least one separate floor- or wall-type convenience outlet.

16  
17 (b) Laundry and toilet rooms and rooms where people congregate shall contain at least  
18 one ceiling- or wall-type fixture.

19  
20 (c) Light levels in toilet and storage rooms shall be at least 20 foot-candles at 30 inches  
21 from the floor.

22  
23 (d) Other rooms, including kitchens and living quarters, shall be at least 30 foot-candles  
24 at 30 inches from the floor.

25  
26 **§41715. Refuse Disposal.**

27  
28 (a) All refuse shall be disposed of as often as necessary and in such a manner as to  
29 prevent a public health nuisance.

30  
31 (b) Fly-tight, rodent-tight, impervious and easily cleanable containers shall be provided  
32 for the storage of garbage and rubbish.

33  
34 (c) Refuse containers shall be elevated to at least 12 inches from the ground surface  
35 and around the containers shall be kept clean so as not serve as harborage for vermin. Bulk  
36 refuse containers shall be located on impervious asphalt or concrete. At least one such refuse  
37 container shall be provided for each shelter and shall be located within 100 feet of each shelter  
38 on a metal or concrete surface.

39  
40 (d) Refuse containers shall be emptied when full but not less than twice a week.

41  
42 **§41716. Construction and Operation of Kitchen, Dining Halls, and Feeding**  
43 **Facilities**

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

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

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

14  
15 **§41717. Insect and Rodent Control.**

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

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

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

28  
29 **§41718. Safety and First Aid.**

30  
31 (a) Approved first aid supplies shall be provided and be accessible at all times. The  
32 supplies shall be equivalent to the 16 unit first aid kit recommended by the American Red Cross,  
33 and shall be provided in the ratio of one to each 50 persons. First aid kits shall be distributed and  
34 placed conspicuously throughout the temporary workforce housing.

35  
36 (b) Flammable or volatile liquids or materials, except those needed for household use  
37 other than use as fuel, shall not be stored in or adjacent to rooms used for living purposes.

38  
39 (c) Pesticides and toxic chemicals other than those commonly regarded as being used  
40 for household use, such as cleaning agents, shall not be stored within the temporary workforce  
41 housing site. Any pesticide or other toxic materials, and any potentially hazardous materials or  
42 equipments kept within 500 feet of the facility site shall be stored in a secure, locked enclosure.

43  
44 **§41719. Animals and Poultry.** No cats, dogs, livestock, or poultry shall be permitted in  
45 the dormitory, kitchen, dining or other buildings used for housing purposes.

1  
2  
3       **§41720. Reporting of Communicable Disease.**  
4

5       (a) It is the duty of the owner or operator to report immediately to the Department the  
6 name and address of any individual in the facility known to have or suspected of having a  
7 communicable disease.  
8

9       (b) Whenever there occurs in any temporary workforce housing a case of suspected  
10 food poisoning or an unusual prevalence of any illness in which fever, diarrhea, sore throat,  
11 vomiting, or jaundice is a prominent symptom, it will be the duty of the operator to report  
12 immediately the existence of the outbreak to the Department by telephone, electronic mail or any  
13 method that is equally fast.  
14

15       **§41721. Compliance.**  
16

17       (a) All new temporary workforce housing shall be in compliance with these rules and  
18 regulations. The owner shall designate a responsible employee to manage the daily operation of  
19 establishment.  
20

21       (b) All temporary workforce housing shall comply with these rules and regulations  
22 upon renovation, extension or remodeling of an existing building. Temporary workforce housing  
23 in existence at the time these rules and regulations take effect shall be deemed acceptable if it is  
24 determined by the Director that no serious health hazard or discomfort will occur that would  
25 affect the occupants of such facility.  
26

27       **§41722. Inspections.**  
28

29       (a) Sanitary Inspections, Phases: For the purposes of sanitary regulation, permitting  
30 of temporary workforce housing shall be required during each of the following phases:  
31

32       (1) Primary Inspection Phase  
33

34           i. During the Primary Inspection Phase, sanitary inspection shall be  
35 conducted quarterly following the issuance of the initial Sanitary Permit.  
36

37           ii. The Primary Inspection shall apply to all temporary workforce housing,  
38 new or currently existing, and shall endure and achieve four (4) consecutive  
39 quarters of satisfactory inspections.  
40

41           iii. Inspection during the Primary Inspection Phase shall be performed no  
42 sooner than forty-five (45) days of the previous inspection conducted. If an  
43 inspection occurs sooner than forty-five (45) days of the previous inspection  
44 conducted, the inspection shall not qualify as one of the quarterly inspection  
45 required.

1  
2 (2) Secondary Inspection Phase  
3

4 i. Secondary Inspection Phase shall be applied following successful  
5 completion of the Primary Inspection Phase.  
6

7 ii. During the Secondary Inspection Phase, inspections shall be conducted  
8 on a semiannual basis.  
9

10 iii. Inspection during the Secondary Inspection Phase shall be performed  
11 no sooner than ninety (90) days from the previous inspection conducted. If an  
12 inspection occurs sooner than ninety (90) days of the previous inspection  
13 conducted, the inspection shall not qualify as one of the semiannual inspections  
14 required.  
15

16 iv. Successful completion of the Secondary Inspection Phase shall consist  
17 of two (2) consecutive semiannual inspections that were rated satisfactory.  
18

19 v. Following a failed inspection or Change of Temporary Workforce  
20 Housing Status, the temporary workforce housing in question shall return to the  
21 Primary Inspection Phase.  
22

23 (3) Tertiary Inspection Phase  
24

25 i. During the Tertiary Inspection Phase, inspections will be conducted on  
26 an annual basis.  
27

28 ii. Inspection during the Tertiary Phase shall be performed no sooner than  
29 one hundred eighty (180) days of the previous inspection conducted. If an  
30 inspection occurs sooner than one hundred eighty (180) days from the previous  
31 inspection conducted, the inspection will not qualify as one of the annual  
32 inspections required.  
33

34 iii. Following a failed inspection or Change of Temporary Workforce  
35 Housing Status, the temporary workforce housing in question shall return to the  
36 Primary Inspection Phase.  
37

38 (b) Access  
39

40 An employee or representative of the Department shall, after proper presentation of  
41 credentials, have access to any temporary workforce housing at any reasonable time for the  
42 purpose of making inspections to determine compliance with these rules and regulations. Denial  
43 of access shall be cause for suspension of the Sanitary Permit.  
44

45 (c) Report of Inspections

1  
2 Whenever an inspection of a temporary workforce housing is conducted, the findings  
3 shall be recorded on a form authorized by the Director, and shall summarize the requirements of  
4 these rules and regulations, and shall set forth a demerit value for each requirement. Inspection  
5 remarks shall be written to reference, by section number, the section violated and shall state the  
6 correction to be made. The rating score of the establishment shall be the total of the demerit  
7 values for all violations. A copy of the completed inspection report form shall be issued to the  
8 operator of the establishment at the conclusion of the inspection. The completed form is a public  
9 document that shall be made available for public disclosure to any person who requests it  
10 according to law.

11  
12 (d) Appeal

13  
14 The report of inspection of a temporary workforce housing shall state that an opportunity  
15 for appeal from any notice or inspection findings will be provided if a written request for a  
16 hearing is filed with the Director within the period of time established in the notice for  
17 correction.

18  
19 (e) Grading

20  
21 (1) Grades of temporary workforce housing shall be as follows:

- 22  
23 i. Grade A: An establishment having a demerit score of not more than  
24 ten (10);  
25  
26 ii. Grade B: An establishment having a demerit score of more than ten  
27 (10) but not more than twenty (20);  
28  
29 iii. Grade C: An establishment having a demerit score of more than twenty  
30 (20) but not more than forty (40); and  
31  
32 iv. Grade D: An establishment having a demerit score of more than forty  
33 (40).  
34

35 (2) Notwithstanding the grade criteria established above, whenever a second  
36 consecutive ("repeat") violation of the same item is discovered, the Workers' Dormitory  
37 Permit may be suspended or the establishment shall be downgraded to the next lower  
38 grade.  
39

40 (3) DPHSS shall issue a placard reflecting the letter grade of the most recent  
41 inspection.  
42

43 (f) The temporary workforce housing operator shall ensure that he/she, or a designee,  
44 be present during inspections of temporary workforce housing by the Department.  
45

1           **§41723. Fees.**

2  
3           (a) Pursuant to §26A105 of Title 10 GCA, Chapter 26A, an operator shall pay a fee for  
4 new and renewal Workers' Dormitory Permits, which are separate and apart from the fees for the  
5 issuance of a Sanitary Permit.

6  
7           (1) New Workers' Dormitory Permit shall be Twenty Five Dollars (\$25.00) for  
8 each; and

9  
10          (2) Renewal Workers' Dormitory Permit shall be Twenty Five Dollars (\$25.00)  
11 for.

12  
13          (b) Pursuant to §26A105 of Title 10 GCA, Chapter 26A, an operator shall pay a fee for  
14 new and renewal Sanitary Permits.

15  
16          (1) The cost for the issuance of a new Sanitary Permit shall be the current fee  
17 established in the "Sanitary Permit Rules and Regulations" (Title 26 GARR, Chapter 4,  
18 Article 5) at the time of application.

19  
20          (2) Renewal of Sanitary Permit for temporary workforce housing shall be based  
21 on sanitary inspection phases pursuant to §26A104 of Title 10 GCA Chapter 26A, which  
22 shall also be the cost of the inspection.

23  
24          (3) The cost of the renewal fee, which includes the required inspection, shall be  
25 determined by the floor space of the temporary workforce housing, and shall be assessed  
26 accordingly:

27  
28           i. 600 square feet or less: \$30.00

29  
30           ii. 601 – 1,200 square feet: \$60.00

31  
32           iii. 1,201 – 1,800 square feet: \$90.00

33  
34           iv. 1,801 – 2,400 square feet: \$120.00

35  
36           v. 2,401 – 3,000 square feet: \$150.00

37  
38           vi. 3,001 – 3,600 square feet: \$180.00

39  
40           vii. 3,601 – 4,200 square feet: \$210.00

41  
42           viii. 4,201 – 4,800 square feet: \$240.00

43  
44           ix. 4,800 – 5,400 square feet: \$270.00

1                   x. 5,401 – 6,000 square feet: \$300.00  
2

3                   xi. More than 6,000 square feet: \$0.05 per square foot.  
4

5                   (4) Upon the completion of an inspection, the Department shall provide an  
6 invoice to the temporary workforce housing operator or his/her representative.  
7

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

14                   (6) In addition to all other required fees, and before the initial Sanitary Permit is  
15 issued, the operator shall provide to DPHSS an “inspection security deposit” which shall  
16 equal to that of the facility’s applicable Sanitary Permit renewal fee cited in §41723(b)(3)  
17 of these rules and regulations. This non-refundable inspection security deposit shall be  
18 used as payment to DPHSS in the event the temporary workforce housing operator fails  
19 to timely make payment for an inspection conducted by the Department. The use of the  
20 inspection security deposit for payment to DPHSS shall not relieve the same operator  
21 from resubmitting another inspection security deposit before the suspension of its  
22 Sanitary Permit is withdrawn.  
23

24                   (7) The inspection security deposit may be used by the temporary workforce  
25 housing operator as payment for the last inspection required of the operator prior to close  
26 of its business, provided the operator submits a written notification to the Department.  
27 Such written notification shall include the name and signature of the operator; the official  
28 date of the temporary workforce housing’s close of business, which shall be no later than  
29 the next required inspection date had the operator remained in operation; and a request  
30 for the use of the inspection safety deposit to make such payment. The written  
31 notification shall be submitted concurrently with the applicable invoice to the  
32 Department.  
33

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

36                   (1) Validation inspections; and  
37

38                   (2) Complaint verification inspections.  
39  
40

41                   **§41724. Posting of Documents.** The Sanitary Permit, Workers’ Dormitory Permit,  
42 grade placard, and a copy of the most recent inspection report shall be posted in a conspicuous  
43 location designated by the Director. No person other than the Director shall remove, deface,  
44 conceal, or destroy such permit or report.  
45



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**§41725. Miscellaneous.**

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

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

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

**MINUTES OF PUBLIC HEARING**  
**Proposed Rules and Regulations**  
**Governing the Sanitary Operation of Temporary Workforce Housing**  
**August 2, 2012 1:00 p.m. – 5:00 p.m.**  
**Division of Senior Citizens Conference Room**  
**Castle Mall Mangilao, Guam**

TOPICS	DISCUSSIONS	REMARKS AND ACTIONS TO BE TAKEN
I. Attendance	There were 3 representatives from the Department of Public Health & Social Services (Division of Environmental Health) present.	<u>DEH Representative Present:</u> M. Thomas Nadeau, Administrator Cynthia Naval, Planner IV Marilou Bumagat, EHS III
II. Opening Remarks	Mr. Thomas Nadeau, Administrator, provided opening remarks.	<p>Hafa Adai. My name is Thomas Nadeau; I am the Administrator for the Division of Environmental Health of the Department of Public Health and Social Services. On behalf of the Director of this Department, Mr. James Gillan, we welcome you all to this public hearing where we will be accepting and hearing comments to the proposed <i>Rules and Regulations Governing the Sanitary Operation of Temporary Workforce Housing</i>, also known as the <i>Worker's Dormitory Rules and Regulations</i>.</p> <p>With me today is Ms. Marilou Bumagat, an Environmental Health Specialist III, who has led the effort in crafting this proposal. Also, we have Ms. Cynthia Naval, Planner IV, also with the Division of Environmental Health. Ms. Naval assisted Ms. Bumagat in the development of these draft rules and regulations.</p> <p>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 code defines a "Hotel" as, "<i>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...</i>" To carry out the provisions of these mandates, Section 20105 of the Title 10 GCA, Chapter 20 authorizes the Director of the Department of Public Health and Social Services to adopt and promulgate rules and regulations as necessary.</p>

		<p>The promulgation of rules and regulations is governed by the Administrative Adjudication Law (Title 5, Chapter 9), and Section 9301 of that law requires that 10 days before the public hearing, a notice must appear in the newspaper of general circulation in Guam announcing the date, time and place of the public hearing. The department did comply with that provision by publishing the announcement in the <i>Marianas Variety</i> on July 19, 2012. The Department published a second announcement on August 1, 2012.</p> <p>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 mandates that the Division conducts its compliance inspections of temporary workforce housing in "phases."</p> <p>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 required of temporary workforce housing in the acquisition of a Sanitary Permit are outlined in our <i>Rules and Regulations Pertaining to Hotels and Motels</i>.</p> <p>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.</p> <p>The proposed <i>Rules and Regulations Governing the Sanitary Operation of Temporary Workforce Housing</i> will require</p>
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		<p>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. An economic impact statement was not required, and thus not prepared. Section 9301(i) of the Administrative Adjudication Law exempts the Department from conducting the study since the annual economic impact to the public in adopting this proposal will be less than \$500,000.00 as determined by the Department. 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.</p> <p>We will now formally accept any written or oral testimonies on the proposed rules and regulations. Dangkolo Na Si Yu'os Ma'ase!</p>
<p>III. Written or Oral Testimonies</p>	<p>The following were present to give testimony:</p> <p>Harold Becker, CWSI          Jimmy Atkinson, CWSI          Ms. Virginia Delos Reyes, RCT Corp.</p> <p>Tom Nadeau briefly discussed the regulations that are being proposed for adoption. Regulations are currently being enforced by the Department of Labor through DPHSS by issuance of the Dormitory Permit. This will allow for uniformity between the Department of Labor and DPHSS. With the incorporation of P.L. 30-64, the temporary workforce housing requires inspections to be in phases.</p> <p>Question from Ms. Virginia Delos Reyes, RCT Corp.:          Will a facility with 5 staff be required to have urinals? RCT Corp briefly explained that their company houses</p>	<p>Mr. Nadeau stated that he does not see a problem in allowing toilets to act as a urinal. He mentioned that current rules require that a urinal and a water closet be available for the first 10 staff, but mentioned that the matter will be incorporated into the proposal.</p>

	<p>staff in an apartment complex (5 per unit) and her question was if urinals are required if there are toilets available.</p> <p>Mr. Jimmy Atkinson, CWSI discussed water supply:</p> <p>He mentioned that drinking fountain or bottled water must be available in the proposal, but if it has a sink faucet would it be the same?</p> <p>He further stated that it was unnecessary to have a sink with disposable cups, a drinking fountain, and bottled water. He referenced Page 6, §42209. Water Supply. Paragraph (b), which describes what a dispenser is, but doesn't say anything about a faucet.</p> <p>Mr. Atkinson responded that his comment would be that you would not need to double up on things, that if you had a sink with disposable cups, you would not need the drinking fountain or bottled water in addition to that.</p> <p>Mr. Atkinson further questioned, what is considered a water outlet? Reference: Page 6 §42209. Water Supply, paragraph (c). He said he could understand [those requirements] if those were outdoor connections, but inside a facility, he just needed to know what the definition of a water outlet is. He stated that common sinks have air gaps.</p> <p>Mr. Atkinson made a general comment in the interpretation of Department of Labor and other regulations for dormitory definitions regarding Guam, specifically H2 facilities and apartments or smaller facilities that do not really qualify by</p>	<p>Marilou Bumagat responded "no", it must be either a drinking fountain or water cooler dispenser.</p> <p>It was discussed that the current regulations require water dispenser <u>or</u> water fountain. There was also discussion about the wording of the section, whether it meant that a dispenser was required, or, if it were required, that it has to conform to particular standards. Also, it was agreed that it should read, "drinking water dispensed by means of drinking fountains, cups, and water coolers shall conform to the following..."</p> <p>Mr. Nadeau further stated that as long as you have potable water under pressure, you have met the requirements. He then asked Mr. Atkinson what his comment or recommendation would be.</p> <p>Mr. Nadeau stated that the Division will look into the various codes for uniformity and consistency. He indicated that what is stated in the Uniform Plumbing Code or the Uniform Building Code will be kept.</p> <p>Mr. Nadeau responded that there are multiple laws that define TWFH, and that Public Health is bound by statutes specific to our mandates. The definitions in our proposed rules and regulations are taken verbatim from our statute, which we have no control over. We can take the language, apply it, and expand it in detail, if necessary [in the rules and regulations], but we cannot</p>
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	<p>code as a dormitory. There seems to be a gap in definitions. References to things like travel aisles for occupants, and the number of beds are based on larger dormitories. He further commented that dormitory style set ups do not address apartment type set ups. Perhaps a "carryover" should have consideration for the lesser density in apartment style use for an H-2 temporary workforce housing instead of a dormitory.</p> <p>Mr. Atkinson stated that it was the physical constraints of apartments versus the dormitory code requirements are different.</p> <p>Mr. Atkinson asked a general question: if there were any major changes adopted or made.</p> <p>Ms. Delos Reyes, RCT, asked when the regulations would be in effect</p> <p>Mr. Atkinson, CWSI, stated that the score sheet, demerit check list did not add up to 100 points.</p>	<p>change it. Mr. Nadeau responded that he understands and agreed with concerns made by Mr. Atkinson. He then asked Ms. Bumagat: Since we permit temporary workforce housing of apartments or apartment-like set ups, do you see any challenges or impact other than the comment of the urinals?</p> <p>Ms. Bumagat responded that because of the definition of TWFH, the current requirements will not be impacted.</p> <p>Mr. Nadeau responded that he was sympathetic to Mr. Atkins' statement, and that whatever [requirements] that are in the rules and regulations have been met by current apartment-dwelling setups identified as TWFH. We would go back and review to ensure that they would not adversely impact the permitting of apartment complex or units. Mr. Nadeau stated that since it has been done for years he did not see a problem.</p> <p>Mr. Nadeau responded that they incorporated P.L.30-64, provision of inspection phases. He explained that with every inspection, there has to be a payment made, and a new Sanitary Permit issued. The definition of a satisfactory inspection is a letter A grade, which is 10 or less demerit points. He also said the inspection report has been changed, based on the inspection phases. Mr. Nadeau further explained that inspections are risk based. The greater the violation, the greater the demerit, and the total count is based on statutory requirements of the law.</p> <p>Mr. Nadeau responded that even after the Public Hearing, the public is allowed 10 calendar days to submit any further comments in writing to the Director of Dept. of Public Health and Social Services, and it would be incorporated with the Public Hearing packet. He further explained the Administrative Adjudication Law process and time frame, and that the language of the proposed rules and regulations would have them in effect immediately upon adoption.</p> <p>Mr. Nadeau responded "no" it does not add up to a perfect 100. The inspections would be risk-based, and the inspection report reflects that.</p>
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	With no further comments or testimonies, the public hearing was ended @ 5:00 p.m.	
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LEONARDO M. RAPADAS  
Attorney General



PHILLIP J. TYDINGCO  
Chief Deputy Attorney General

OFFICE OF THE ATTORNEY GENERAL

March 11, 2014

AGENCY COMMUNICATION

Ref: DPHSS 12-1283

To: ✓ Director, Department of Public Health and Social Services  
From: Assistant Attorney General  
Subject: Rules and Regulations Governing the Sanitary Operation of Temporary Workforce Housing

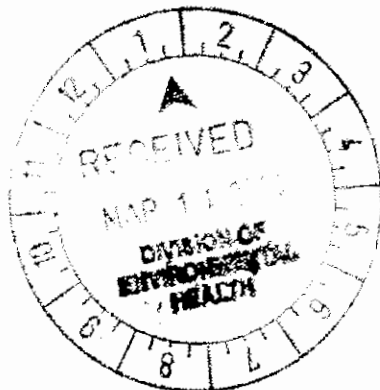
*Hafa Adai!* This letter serves as approval by the Office of the Attorney General of Guam of the attached Rules and Regulations Governing the Sanitary Operation of Temporary Workforce Housing that was submitted to this office on January 23, 2014 for review pursuant to the Administrative Adjudication Law. *Dangkolo Na Agradesimiento!*

Respectfully Submitted,

Shannon Taitano

To	Initial	Date
TDM		
PC+DA	MM	3/11/14
EPH		
FILE		

Enclosure



RECEIVED  
Director's Office  
Division Of General Administration

MAR 12 2014

DPH&SS

Time: Location#: 88





EDDIE BAZA CALVO  
GOVERNOR

JAMES W. GILLAN  
DIRECTOR

RAY TENORIO  
LIEUTENANT GOVERNOR

LEO G. CASIL  
DEPUTY DIRECTOR

JAN 2 2014

MEMORANDUM

TO: Leonardo M. Rapadas, Attorney General of Guam

ATTN: Shannon Taitano, Assistant Attorney General

FROM: Director, Department of Public Health and Social Services

SUBJECT: Revised Rules and Regulations Governing the Sanitary Operation of Temporary Workforce Housing (AGO Ref: DPHSS 12-1283)

This communication is transmitted in response to your office's review of the proposed "Rules and Regulations Governing the Sanitary Operation of Temporary Workforce Housing" (Ref.: DPHSS 12-1283), which this Department had requested as required in Title 5 G.C.A. §9303. We hope the following comments and clarifications, along with the attached revised regulations, will be sufficient in granting us an official approval of the proposal:

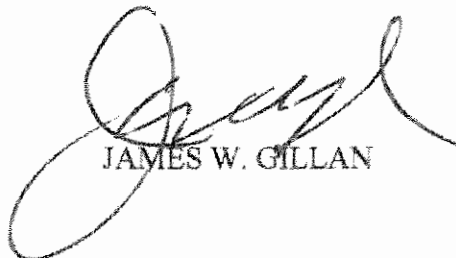
- (1) Please find attached a copy of the public hearing notice that was published in a newspaper of general circulation. As you will note, this copy shows the date of the publication.
- (2) The Department officially declares that the required five copies of the proposed "Rules and Regulations Governing the Sanitary Operation of Temporary Workforce Housing" were on file with DPHSS prior to, during, and after the public hearing announcement and these copies were made available to interested parties to examine.
- (3) To assist us in properly adhering to the requirements of the rule-making process, the Department had downloaded the Administrative Adjudication Law (Title 5 G.C.A., Chapter 9) from the website of the Guam Compiler of Laws (<http://www.justice.gov.gu/CompilerofLaws>) on May 8, 2012. This downloaded copy did not include the provisions of P.L. 31-220 which became effective on June 15, 2012. Consequently, a copy of the proposed regulations was not made available on this Department's website for public review at the time of hearing. However, please be informed that the proposal is now available on our website.
- (4) Necessary revisions were made to the proposed regulations as recommended, as well as other changes to improve the language and appearance of the draft; these changes are



highlighted yellow. Please be informed that the inclusion of a new section after §42205 has resulted in the renumbering of subsequent sections.

- Section 42202 was revised so that the authorization to adopt these regulations for temporary workforce housing reflects Title 10 GCA, Chapter 26A.
- The definition for *Change of Temporary Workforce Housing Status* in the proposal was revised to mirror the definition given in the statute. Furthermore, a definition for the word “variance” that is used in the definition of *Change of Temporary Workforce Housing Status* in the statute was incorporated into the proposed regulations.
- The word “as” was inserted between “such” and “wardrobes” in §42204(m).
- For purposes of clarification between the requirements of Workers’ Dormitory Permit and Sanitary Permit, the provisions of §42205 were separated so that the requirements for the acquisition and the keeping of Sanitary Permit has its own section (§42206). In addition, the word “be” was deleted from §42205(b).
- The words *Operator-supplied housing* in §42207 (formerly §42206) was replaced with “temporary workforce housing” for consistency.
- The typographical error was corrected in §42208(a) [formerly §42207(a)] for the word “sink-hole.”
- Necessary amendments were made to §42223 (formerly §42222. Fees.) so to clarify that (1) the renewal fee for the Sanitary Permit is the cost of the inspection and (2) the security deposit is for the renewal of the Sanitary Permit. In addition, correction was made to Paragraph 6 of the same section.
- As a result of the renumbering of Title 10 GCA, Chapter 26A by the Compiler of Law, applicable changes were made in the proposed regulations.

Should you have any questions, please contact Mr. Tom Nadeau or Ms. Rosanna Y. Rabago of the Division of Environmental Health at 735-7221. Thank you.

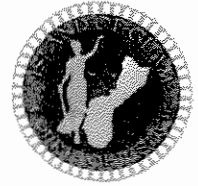
  
JAMES W. GILLAN

Attachment



Supreme Court of Guam  
COMPILER OF LAWS

Guam Law Library, 141 San Ramon Rd., Hagåtña, Guam 96910-5174  
Telephone: (671) 477-7623 and 472-8062 Facsimile: (671) 472-1246



F. PHILIP CARBULLIDO  
Chief Justice

GERALDINE AMPARO CEPEDA  
Compiler of Laws

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## GUIDANCE FOR FORMATTING RULES AND REGULATIONS (GAR)

The Office of the Compiler of Laws is statutorily mandated to “[u]ndertake the publication of the continuing Administrative Rules and Regulations” of Guam. 1 GCA § 1602(c). The authority for the rule-making procedures of government of Guam agencies, departments, and other entities are set forth in Title 5, Guam Code Annotated, Chapter 9, Article 3, entitled “Rule-making Procedures.” As part of this process, the rules are statutorily required to be “in a form approved by the Compiler of Laws.” 5 GCA § 9303(a).

To assist government of Guam agencies, departments, and other entities, with the process of publishing submissions for including in the Guam Administrative Rules & Regulations (GAR), the Office of the Compiler of Laws has prepared this document to give guidance in the drafting process. It is strongly encouraged that those responsible for drafting rules and regulations review the recommendations and utilize the standard format herein, which was approved by the Guam Code Advisory Commission on June 21, 2005. Compliance with the recommended format will be de facto indication that the submission is in a format approved by the Compiler of Laws.

### **Recommendation 1**

Please compose GAR sections according to the diagram below. It is helpful to know that the GAR is divided into the following subdivisions in descending order:

**Title (mandatory)**

Division (if necessary)

Part (if necessary)

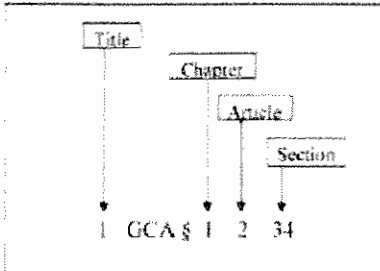
**Chapter (mandatory)**

Article (if necessary)

**Section (mandatory)**

Subsection (if necessary)

Note that Title, Chapter and Section designations are required for any codification scheme. Division, Part and Article designations are sometimes not used in particular codification schemes. We recommend that whenever possible, Article designations be used. The following diagram shows an example of the general codification scheme for the GCA, which similarly applies to the GAR:



### **Recommendation 2**

Please draft GAR sections according the example below and identify subsections in the following format.

#### **§ 1101. Name or Title of Section.**

In the section title, the first letter of each major word is capitalized. Do not capitalize minor words such as conjunctions and articles (e.g. and, but, or, the, a, etc.). The text of the section should be written as shown in this example.

(a) First subsection. The first subsection (if any) is designated with small letters in parentheses.

(1) Second subsection. The second subsection (if any) is designated by Arabic numerals in parentheses.

(A) Third subsection. The third subsection (if any) is designated by large capital letters in parentheses.

(i) Fourth subsection. The fourth subsection (if any) is designated by small Roman numerals in parentheses.

(aa) Fifth subsection. If necessary, a fifth subsection is designated by double lower case letters in parentheses and the cycle repeats as follows.

(1) Sixth subsection.

(AA) Seventh subsection.

(i) Eighth subsection.

### **Recommendation 3**

Please use Microsoft Word for creating new legislative documents. The Compiler's Office now uses Microsoft Word exclusively for processing the GAR. Legal publishers such as Lexis and West require transmittal of Word files. Use of MS Word will minimize glitches and errors caused by conversions of files created with other word processing software such as WordPerfect.

**Recommendation 4**

Please use Times New Roman font in documents. Times New Roman seems to be used universally and is a true-type font necessary for embedding in documents to be published. We use this font exclusively in all GAR documents.

**Recommendation 5**

When assigning a code section number to a new statutory addition and you are unsure of whether the desired code section number is vacant and available, please call our office.

Thank you for considering these recommendations. Please note that the suggestions herein are not necessarily hard and fast rules. There may be occasions requiring deviation from any standard formatting scheme. If you have any questions or comments, please do not hesitate to call my office.



**GERALDINE A. CEPEDA**

Honorable Judith T. Won Pat, Ed.D  
Speaker, Thirty-Second Guam Legislature  
Guam Legislature Building  
155 Hesler Street  
Hagatna, GU 96910

Via: Secretary of the Legislature  
The Honorable Tina Rose Muna-Barnes

Dear Madam Speaker:

*Hafa Adai!* This is a transmittal to I Liheslaturan Guåhan of Proposed Rules and Regulations pursuant to the Administrative Adjudication Law.

The Division of Environmental Health (DEH) of the Department of Public Health and Social Services held a public hearing to receive public comments on DEH's proposed *Rules and Regulations Governing the Sanitation and Inspections of Temporary Workforce Housing*. The hearing was held on August 2, 2012, from 4:00 p.m. to 7:00 p.m. The procedures provided in the Administrative Adjudication Law (Title 5 GCA Chapter 9, Article 3) were followed in notifying and conducting the public hearing. No written testimony was received from the public regarding DEH's proposed regulations governing the sanitation and inspections of temporary workforce housing.

Prior to the public hearing, the proposed rules and regulations were not posted to the DEH webpage, because the requirement to do so was not in place at that time. However, the regulations were posted to the website at a later date, and five copies were available at the DEH office to the public for review.

An Economic Impact Statement (EIS) was not prepared since it was determined by the Department that these proposed regulations are exempted from such a requirement because the annual economic impact to the general public will be less than five hundred thousand dollars (\$500,000).

The proposed rules and regulations were submitted for review to the Office of the Attorney General on November 29, 2012. Approval as to form of the proposed rules and regulation was received by DPHSS on March 11, 2014 (copy enclosed).

A copy of the proposed draft rules and regulations was submitted to the Compiler of Laws on July 16, 2014. It was learned that the Compiler's Office does not provide a written response to such requests, but has posted a letter on its website with a recommended format to follow when preparing rules and regulations, along with a statement that "Compliance with the recommended format will be de facto indication that the submission is in a format approved by the Compiler of Laws." A copy of this letter is enclosed. The proposed rules and regulations are in compliance with the recommended format.

We have enclosed the following materials for your reference:

1. A copy of the public hearing notice that was printed in the Marianas Variety on July 19, 2012;
2. A copy and a duplicate of the proposed Rules and Regulations Governing the Sanitation and Inspections of Temporary Workforce Housing in both printed and electronic form;
3. A copy of the approval letter from the Office of the Attorney General;
4. A copy of the letter regarding format from the Office of the Compiler of Laws;
5. Minutes of the August 2, 2012 public hearing; and
6. Recording of the August 2, 2012 public hearing;

Should you have any questions regarding this matter, please contact Mr. James W. Gillan, the Director of the Department of Public Health and Social Services, at 735-7101.

*Senseramente,*

**EDDIE BAZA CALVO**  
*I Maga'lahen Guahan*  
Governor of Guam

Enclosures