



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

MAY 06 2016

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

33-16-1615

Office of the Speaker
Judith T. Won Pat, Ed.D

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

Date: 6 MAY 2016
Time: 1:25
Received By: NIUR

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 Contracting of an Independent Environmental Health Inspection Company to Conduct the Inspections of Temporary Workforce Housing*. These proposed regulations are also known as *Rules and Regulations for Third Party Inspection of Temporary Workforce Housing*. The hearing was held on May 1, 2015, from 1:00 p.m. to 5:00 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 oral or written testimony was received from the public regarding DEH's proposed regulations for third party inspections.

Prior to the public hearing, on April 26, 2015, the proposed rules and regulations were posted to the DEH webpage, and five copies were available at the DEH office to the public for review.

1615

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Eddie Baza Calvo @eddiebazacalvo @governorcalvo governorofguam

2016 MAY - 6 PM 3:10

No Economic Impact Statement was prepared for these proposed regulations because the annual economic impact to the public in adopting this proposal will be less than \$500,000, as determined by the Department.

The proposed draft of these rules and regulations was submitted for review to the Office of the Attorney General on November 5, 2015. Approval as to form of the proposed rules and regulation was received by DPHSS on January 15, 2016 (copy enclosed).

A copy of the letter posted on the webpage of the Compiler of Laws which states, "Compliance with the recommended format will be de facto indication that the submission is in a format approved by the Compiler of Laws." 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 April 17 and 30, 2015;
2. A copy and a duplicate of the draft proposed Rules and Regulations Governing the Contracting of an Independent Environmental Health Inspection Company to Conduct the Inspections of Temporary Workforce Housing, as well as an electronic copy;
3. A copy of the memo of approval 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 May 1, 2015 public hearing; and
6. Recording of the May, 2015 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

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GOVERNMENT OF GUAM

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



EDDIE BAZA CALVO
GOVERNOR

JAMES W. GILLAN
DIRECTOR

RAY TENORIO
LIEUTENANT GOVERNOR

LEO G. CASIL
DEPUTY DIRECTOR

MAY 02 2016

MEMORANDUM

TO: The Governor

FROM: Director, Department of Public Health and Social Services

SUBJECT: Resubmission of Proposed Rules and Regulations Governing the Contracting of an Independent Environmental Health Inspection Company to Conduct the Inspections of Temporary Workforce Housing

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 Contracting of an Independent Environmental Health Inspection Company to Conduct the Inspections of Temporary Workforce Housing* for your review and approval, and its onward transmittance to the Legislative Secretary. These regulations were originally submitted on March 19, 2016, but their present whereabouts cannot be accounted for; thus we are resubmitting them in order to complete the Administrative Adjudication Law process.

The proposed rules and regulations were posted to the website of the Guam Department of Public Health and Social Services (www.dphss.guam.gov) on April 26, 2015. Five copies of the proposed rules and regulations have been continuously on file at the Division of Environmental Health (DEH) since April 17, 2015.

No Economic Impact Statement was prepared for these proposed regulations because the annual economic impact to the public in adopting this proposal will be less than \$500,000, as determined by the Department.

A Public Hearing was held on May 1, 2015, on these proposed rules and regulations. Announcements were printed in the Marianas Variety on April 17 and 30, 2015 (copies attached). No members of the public attended the hearing, nor were there any written testimonies submitted to our office after the Public Hearing. The minutes of the Public Hearing are attached.

The proposed draft of the rules and regulations was submitted for review to the Office of the Attorney General on November 5, 2015. Approval as to form of the proposed rules and regulation was received by DPHSS on January 15, 2016 (copy attached).

A copy of the letter posted on the webpage of the Compiler of Laws which states, "Compliance with the recommended format will be de facto indication that the submission is in a format approved by the Compiler of Laws." 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 the public hearing notice that was printed in the Marianas Variety on April 17 and 30, 2015;
2. A copy of the draft proposed Rules and Regulations Governing the Contracting of an Independent Environmental Health Inspection Company to Conduct the Inspections of Temporary Workforce Housing;
3. Minutes of the May 1, 2015 public hearing;
4. Recording of the May 1, 2015 public hearing;
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 33rd Guam Legislature via the Legislative Secretary; and
8. CD with an electronic copy of the draft transmittance letter to Speaker Won Pat and the recording of the Public Hearing.

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. You may also contact him via email at Masatomo.nadeau@dphss.guam.gov.



JAMES W. GILLAN

Attachments

Tears, anger mark 1st anniversary of South Korean ferry disaster

SEOUL, South Korea (AP) — Tears and grief mixed with raw anger Thursday as black-clad relatives mourned the 300 people, mostly high school kids, killed one year ago when the ferry Sewol sank in cold waters off the southwestern South Korean coast.

In contrast to the near universal shock and outrage in the weeks following the sinking, the first anniversary of one of the nation's worst disasters saw more complicated emotions.

There is widespread frustration among many South Koreans who see their government as having failed to meaningfully improve safety standards and hold high-level officials accountable for a disaster blamed in part on incompetence and corruption. Some also express fatigue with the continuing focus on the sinking.

Hours before she was to leave on a diplomatic trip to Colombia, South Korean President Park Geun-hye visited a small

port on a southwest island near the site of the sinking to offer her condolences to the bereaved relatives. However, the relatives refused to meet her to protest the government's handling of the sinking, the presidential Blue House said.

Flags in public buildings were lowered to half-staff and a minute of silence was observed in Ansan, the city that lost nearly an entire class of high school students on a doomed field trip to a southern resort island. A total of 304 people died when the ferry Sewol sank.

The city was expecting thousands of visitors at an afternoon memorial service at its mourning site, where Prime Minister Lee Wan Koo visited in the morning, only to be turned back by angry relatives.

Relatives of the victims threatened to cancel the service if the government didn't announce firm plans to salvage the ship and promise a new investigation into the cause of the sinking, according to Pih Kyu Hwang, a lawyer repre-

senting the families.

The estimated cost of raising the ferry is between \$91 million and \$137 million, and it could take as long as 1 1/2 years.

Many relatives gathered in Ansan. Some wept and touched pictures of their lost loved ones as they recalled helplessly watching on television as the ferry slowly sank into the sea.

Hundreds also gathered at Paengmok Port hours before Park's visit. Dressed in black, they walked to a lighthouse where hundreds of yellow ribbons were tied to handrails in memory of the victims.

A candle light vigil was planned in downtown Seoul, where relatives of the victims have been holding protests for months.

Also Thursday, South Korean lawmakers adopted a resolution urging the government to salvage the ferry.

Of the 165 lawmakers in the National Assembly session, 161 voted to adopt the resolution, two voted against it and two abstained.

Nigerian military focus on area abducted girls believed held

LAGOS, Nigeria (AP) — Nigerian military operations against Boko Haram are focusing on a northeastern forest where officials believe more than 200 schoolgirls kidnapped a year ago are being held, the government's counter-insurgency spokesman said Wednesday.

Parents and community leaders from Chibok town dismissed the statement as political grandstanding.

The outgoing government of President Goodluck Jonathan "remains resolute in finding and returning them (the girls) to their homes," said Mike Omeri of the National Information Centre at a news conference in Abuja, the capital.

A military offensive has driven the Boko Haram Islamic extremists out of all strongholds except the northeastern forest, said Omeri.

"Presently, the military is moving into the Sambisa Forest," he said. "Our intelligence indicates that the present military operation is focused

in the area where the girls are believed to be held."

His statements are a far cry from the uncertainty about the girls' fate expressed Tuesday by President-elect Muhammadu Buhari, who pledged to be honest with the parents. Speaking on the first anniversary of the kidnapping, Buhari said he would not make any promises to find the girls because their whereabouts remain unknown.

Parents and community leaders told The Associated Press that their information indicates the girls were moved from Sambisa within weeks of their abduction. They insisted on anonymity for fear of attack by Boko Haram.

Community leader Pogu Bitrus said the last reported sighting of the girls was last year in the Alagamo forest. Nigeria's military said it drove Boko Haram from Alagamo last week, but added there were no signs of the girls.

"They are using our girls for political purposes," Bitrus said.

Feared drowning of 400 migrants in shipwreck raises alarms in Europe

MILAN (AP) — The feared drowning of 400 migrants in a shipwreck this week in the Mediterranean Sea — one of the deadliest such tragedies in the last decade — raised alarms Wednesday amid an unprecedented wave of migration toward Europe from Africa and the Middle East.

The U.N. refugee agency expressed shock at the scale of the deaths in Monday's capsizing and renewed calls on European governments to redouble search and rescue efforts, while the International Organization for Migration maintained that the situation had reached "crisis proportions."

The Mediterranean "has emerged as the most dangerous" of four major sea routes used by the world's refugees and migrants, taken by 219,000 people last year, U.N. High Commissioner for Refugees Antonio Guterres said.

The Italian Coast Guard rescued some 140 people of the coast of Libya on Monday

and recovered nine bodies, but could see immediately from the size of the capsized smuggler's boat that there had likely been hundreds more on board.

The rescue was made during a five-day surge that saw Italian ships save nearly 10,000 people at sea since Friday — an unprecedented rate in such a short period, according to Cmdr. Filippo Marini, a Coast Guard spokesman. The number is only likely to grow, with summer weather encouraging even more people fleeing poverty and conflict to make the perilous crossing.

Survivors of Monday's shipwreck reported that as many as 550 people were on board, according to aid workers.

"Of course this is an estimate. No one who travels knows exactly the number. They don't get a ticket that says: No. 550," said Barbara Molinaro, the U.N. High Commissioner for Refugees spokeswoman in Italy.

Accounts by survivors, mostly sub-Saharan Africans, indicate the ship capsized when men on the upper deck rushed to wave down a ship they believed to be a rescue vessel, said IOM spokesman Joel Millman in Geneva.

"Many were waving and gesticulating to get attention and that caused the vessel to capsize, with the speculation that women and children who were below deck were drowned instantly," Millman said.

The rescued migrants arrived Wednesday at the southern Italian port of Corigliano, where aid workers dressed in white protective jumpsuits, gloves and masks worked to process them.

A precise accounting of the number of dead will never be known. The search operation was called off after the recovery of just nine bodies due to the depth of the sea, meaning there will be no body count to verify survivors' accounts.

R
RETIREMENT FUND
424 Route 8 • Malta, Guam 96910
Tel. No.: 671-275-8900/1 • Fax No.: 671-425-8922

PUBLIC NOTICE

For: Board of Trustees Regular Meeting
Date: Friday, April 24, 2015
Time: 12:30 p.m.
Place: GGRF Conference Room (1st 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/PAULA M. BLAS, Director

This ad is paid with government funds by Government of Guam Retirement Fund.

GOVERNMENT OF GUAM
DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
DIPTA LAL VOTU S LIT PERRERU KAY SEPRISMA S LIT
123 C. Hellen Kamata Mangilao, Citam 96913-6304

NOTICE OF PUBLIC HEARING

PURSUANT TO 5.9901, DIVISION 1, CHAPTER 9, TITLE 5, G.C.A. ALL AGENCIES OF THE GOVERNMENT OF GUAM ARE REQUIRED TO PUBLISH A NOTICE OF PUBLIC HEARING ON THE ADOPTION, PROPOSAL, REPEAL, REVISION, OR AMENDMENT OF RULES. THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES WILL BE ACCEPTING PUBLIC COMMENTS ON THE PROPOSAL OF RULES AND REGULATIONS GOVERNING THE CONTRACTING OF INDEPENDENT ENVIRONMENTAL HEALTH INSPECTION COMPANY TO CONDUCT INSPECTION OF TEMPORARY WORKFORCE HOUSING.

DATE: Friday, May 1, 2015 **TIME: 1:00 P.M. TO 5:00 P.M.**
PLACE: DIVISION OF SENIOR CITIZENS CONFERENCE ROOM
CASTLE HALL, HONOLULU

Copies of the proposed rules and regulations are available for inspection at the Division of Environmental Health (DEH) on the 2nd floor of the Department of Public Health and Social Services in Mangilao, and on the DHSSS website at dphss.guam.gov. Please call DEH at 735-7221 for questions and assistance.

/s/ JAMES W. GILLAN
Director, Department of Public Health and Social Services

US home prices accelerated in February as sales rise

WASHINGTON (AP) — U.S. home prices climbed at a faster pace in February than the previous month, driven by higher sales and a limited supply of available houses.

The Standard & Poor's Case-Shiller 20-city home price index rose 5 percent in February from 12 months earlier, S&P said Tuesday. That is up from a 4.5 percent pace in January.

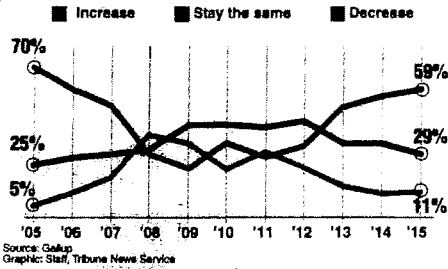
Faster sales likely drove the price gain. Signed contracts to buy homes jumped in February, yet the number of Americans listing their homes for sale remains low. That has led to bidding wars in some cities.

Home prices are increasing at a more sustainable pace than in the past two years, when they rose at a double-digit pace for 14 straight months. Yet some economists warn that the ongoing increases may price many would-be buyers out of the market, particularly as pay gains remain weak.

"While slow and steady growth throughout the country may sound like an unambigu-

Are you confident in the value of your home?

Over the next year, do you think that the average price of houses in your area will increase, stay the same, or decrease?



ously good thing, some of these markets were unaffordable to begin with and are not getting any cheaper," said Patrick Newport, an economist at IHS Global Insight.

All 20 cities in the index reported year-over-year price gains in February. Home prices in Denver jumped 10 percent, the most of any city, followed by

San Francisco with 9.8 percent. Denver is one of two cities, along with Dallas, where prices have surpassed their previous peak during the housing boom. Prices nationwide are 10 percent lower than the July 2006 peak.

Some areas may remain below their bubble peaks for years. Home prices in Las Vegas plunged nearly 62 percent during

the housing bust and are still 41.5 percent below their previous peak, S&P said.

The Case-Shiller index covers roughly half of U.S. homes. The index measures prices compared with those in January 2000 and creates a three-month moving average. The February figures are the latest available.

Sales

Home sales rose at a healthy 6.1 percent pace in March to a seasonally adjusted annual rate of 5.19 million, the National Association of Realtors reported last week. That suggested the housing market may be returning to solid ground as the spring buying season gets underway.

Yet there aren't many homes on the market. Nationwide, the number of homes for sale is equal to 4.6 months of sales, below the six months that is typically available in a healthy housing market.

Building more new homes would help boost supply, but home construction has been weak. Developers are focused

increasingly on building apartments and more expensive homes for wealthier buyers. Home builders began work on new houses and apartments at a seasonally adjusted annual rate of 926,000 in March, down 2.5 percent from the previous year.

'Distressed'

One factor pushing up prices is a steady decline in so-called "distressed" sales, which include foreclosures and short sales. Short sales occur when the seller owes more on a home mortgage than the house is worth. Both usually sell at steep discounts to traditional home sales.

Real estate data provider CoreLogic said Tuesday that distressed sales fell to 13.5 percent of all sales in February, down from 16.5 percent a year earlier. Fewer lower-priced distressed sales push up overall prices.

That figure has dropped precipitously since it peaked at 32.4 percent in January 2009, during the worst of the housing bust and recession.

Twitter cuts revenue forecast, shares slump

NEW YORK (Reuters) — Twitter Inc. reported quarterly revenue that fell short of Wall Street estimates and cut its full-year forecast because of weak demand for its new direct response advertising, sending shares down as much as 24 percent on Tuesday.

User growth was off to a slow start in April, the company said, even though it hit its own target for the just-ended first quarter.

Twitter forecast 2015 revenue of \$2.17 billion to \$2.27 billion, down from its earlier forecast of \$2.3 billion to \$2.35 billion. Analysts on average had been expecting \$2.37 billion.

Twitter said its new direct response ads, intended to

encourage actions such as clicking on a link to an advertiser's website, did not produce the revenue expected. Advertisers limited their spending and the click rate on Twitter's ads fell, but the company expects improvement in the second half of 2015. Chief Financial Officer Anthony Noto said on a call with analysts.

The company, which allows users to broadcast 140-character messages, said revenue rose to \$436 million in the first quarter, from \$250.5 million a year earlier. This was below the average analyst estimate of \$456.8 million, according to Thomson Reuters.

Concerns about Twitter were

exacerbated when the results were leaked before the market closed. Market data firm Selerity tweeted the figures, saying it had found the release on Twitter's investor relations website. Twitter blamed the Nasdaq, which it said managed its investor relations website.

"Everything looked weaker than expected," said Arvind Bhatia, a SterneAgee CRT analyst. "This sort of loss of momentum is probably going to cause a bigger outside reaction than in normal circumstances."

The company's monthly active users rose 18 percent from the previous year to 302 million, in line with some analysts' expectations.

Requiem for a clam strip: Last 2 HoJos soldier on

LAKE GEORGE, N.Y. (AP) — The 28 ice cream flavors are just a cool memory. Those fried clam plates? All but eighty-sixed. Howard Johnson's restaurants — the once-ubiquitous orange-roofed eateries that nourished baby boomers before the rise of burgers and burritos — have almost disappeared.

The HoJo's on the main strip of this Adirondack Mountain resort town and another in Bangor, Maine, are the last two restaurants operating under the famous name. The Bangor restaurant is

living on borrowed time. A third — also in the Adirondacks, in Lake Placid, New York — turned off its fryers a month ago after almost 60 years.

"We have one of the last orange roofs left," said John LaRock, frying up breakfasts at the Lake George HoJo's, which retains a time-capsule quality from the pie man on the weather vane to menu items that include Hawaiian-baked ham.

"We have a lot of people ask for the root beer floats. ... People love the fried haddock and clams,

like it used to be."

Like pay phones and parking lot photo kiosks, Howard Johnson's restaurants are almost meaningless to millennials but strike a nostalgic chord with those in middle age. In the postwar years, the orange roof with a blue spire was an easy-to-spot sign of a dependable place to park the station wagon, grab a meal and maybe spend the night. Modern pop culture gave HoJo's and its orange sherbet a memorable nod in a pivotal 2012 episode of the '60s period drama "Mad Men."

GOVERNMENT OF GUAM
DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
DIPARTUHEWEN SAILUT PU'PLEKO I'N SETIENISION SUSAI
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NOTICE OF PUBLIC HEARING

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DATE: Friday, May 1, 2015 TIME: 1:00 P.M. TO 5:00 P.M.
PLACE: DIVISION OF SENIOR CITIZENS CONFERENCE ROOM
CASTLE MALL, MANGILAO

Copies of the proposed rules and regulations are available for inspection at the Division of Environmental Health (DEH) on the 2nd floor of the Department of Public Health and Social Services in Mangilao, and on the DPHSS webpage at dphss.guam.gov. Please call DEH at 735-7221 for questions and assistance.

/s/ JAMES W. GILLAN
Director, Department of Public Health and Social Services

INVITATION TO BID

The Honorable Eddie Bazo (Acting Governor of Guam, through the Director of Department of Public Works (DPW), Glena Leon Guerrero, announces the solicitation of sealed bids for:

CONSTRUCTION OF PASEO DE SUSANA FISHING PLATFORM
Project No. 350-S-1088-F-AGN

Bid Security must accompany bid-15% of total bid amount and may be Bid Bond, Certified or Cashier's Check made payable to:
Treasurer of Guam

Non Refundable Fee: \$25.00 (Twenty Five Dollars) required as Payment for each Bid Document.

Availability of Documents: - April 27, 2015, Contracts Administration Technical Services, 1st Floor, Building B, DPW, Upper Tumon.

Please present receipt from the One-Stop Cashier - Building A, DPW, Upper Tumon.

Pre-Bid Conference: - May 5, 2015, 9:00 am, Division of Capital Improvement (CIP) Building B, 2nd Floor, COE Conference Room, Upper Tumon

Bid Opening: - May 21, 2015, 2:00 p.m. One (1) original and one (1) copy must be submitted, CIP Building B, Ground Floor.

Department of Public Works reserves the right to reject any or all proposals and to waive any imperfection in the proposals, which in its sole and absolute judgment will serve the Government of Guam interests.

/s/ EDUARDO BUENAFINA
DIRECTOR
This Ad Paid for with Government Funds

1 GOVERNMENT OF GUÅHAN
2 DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES
3 DIVISION OF ENVIRONMENTAL HEALTH
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11 **RULES AND REGULATIONS GOVERNING THE**
12 **CONTRACTING OF AN**
13 **INDEPENDENT ENVIRONMENTAL HEALTH**
14 **INSPECTION COMPANY**
15 **TO CONDUCT THE INSPECTIONS OF**
16 **TEMPORARY WORKFORCE HOUSING**

17
18 Article 21
19 26 Guam Administrative Rules and Regulations
20 Division 1
21 Chapter 4
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42 These rules and regulations are established pursuant to Public Law 30-64
43 (enacted on November 27, 2009)
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1 **§42101. Purpose.** The purpose for these rules and regulations is to provide the
2 parameters required to certify and contract a private business to conduct inspections of
3 temporary workforce housing on behalf of the Department of Public Health and Social
4 Services, Division of Environmental Health pursuant to Title 10 GCA, Chapter 26A (P.L.
5 30-64).

6 **§42102. Title.** These rules and regulations shall be known and cited as the *Rules*
7 *and Regulations Governing the Contracting of an Independent Environmental Health*
8 *Inspection Company to Conduct the Inspections of Temporary Workforce Housing*", or
9 its short title, "*Rules and Regulations for Third Party Inspection of Temporary*
10 *Workforce Housing.*"

11 **§42103. Definitions.** As used in these rules and regulations, the following
12 definitions shall be applied:

13 (a) *Change of temporary workforce housing status* means any significant
14 variances to temporary workforce housing in relation to the most recent inspection,
15 including but not limited to, the number of occupants, structure, ownership, and any other
16 changes or deficiencies that impact the operation of the facility, safety or welfare of the
17 occupants, or otherwise contradicts the purpose of these rules and regulations and other
18 Department regulations that govern temporary workforce housing.

19 (b) *Department* or *DPHSS* means the Guam Department of Public Health and
20 Social Services, or its succeeding department.

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

1 (d) *Environmental Public Health Officer or EPHO* means an individual who
2 has been hired to perform inspections in accordance with established DPHSS
3 environmental health inspection procedures, or its succeeding position

4 (e) *Independent Environmental Health Inspection Company or Independent*
5 *EH Company* means an association, a corporation, individual, other legal entity or agency
6 that is duly licensed to do business on Guam and has been certified and contracted by
7 DPHSS as being competent and capable to conduct sanitary inspections of temporary
8 workforce housing in accordance with established DPHSS environmental health
9 inspection procedures.

10 (f) *Potential Environmental Health Inspection Company or Potential EH*
11 *Company* means an association, a corporation, individual, other legal entity or agency
12 that is duly licensed to do business on Guam and has been certified, but not contracted,
13 by DPHSS as being competent and capable to conduct sanitary inspections of temporary
14 workforce housing in accordance with established DPHSS environmental health
15 inspection procedures.

16 (g) *Sanitary Permit* means the official document issued by DPHSS permitting
17 a duly licensed entity to conduct activities as stated within the Sanitary Permit issued.

18 (h) *Satisfactory rating* means the letter grade “A” issued by the Department or
19 the Independent EH Company to a temporary workforce housing as a result of an
20 inspection.

21 (i) *Temporary workforce housing* means any enclosures of living spaces,
22 reasonably contiguous, together with the land appertaining thereto, established, operated
23 or used as living quarters and, at a minimum, fifty-one percent (51%) of the residents are

1 temporary workers, including, but not limited to, facilities known by varying
2 nomenclatures or designations as dormitories, hotels, motels, travel lodges, or tourist
3 homes.

4 (j) *Temporary workforce housing operator* or *Operator* means a person, or
5 business entity, who owns, leases or manages, or proposes to own, lease or manage, a
6 temporary workforce housing.

7 **§42104. Independent Environmental Health Inspection Company.** Pursuant
8 to Title 10 GCA, Chapter 26A, Section 26A102.2(h), the Director of DPHSS shall
9 contract with an independent environmental health inspection company only as a last
10 resort, after attempting to hire environmental health personnel pursuant to the merit
11 system, and only if unable to fill the positions after utilizing all local potential sources of
12 recruitment, including GCC, UOG, and other entities.

13 **§42105. Contracting of Services.** Contracting of services for the sanitary
14 inspection of temporary workforce housing by an Independent Environmental Health
15 Inspection Company shall be done in accordance with the Government of Guam
16 procurement procedures. Contracts to inspect temporary workforce housing shall only be
17 awarded to those businesses and firms that have been certified with the DPHSS to
18 conduct such inspection. Additional requirements may be identified by the DPHSS
19 during the procurement process for the services.

20 **§42106. Authority to Certify, Enter, and Terminate Contract.** The
21 Department of Public Health and Social Services has the authority to issue Sanitary
22 Permits for temporary workforce housing; regulate and enforce such facilities; certify a
23 Potential Environmental Health Inspection Company; and certify and enter into a contract

1 for the services of an Independent Environmental Health Inspection Company to conduct
2 inspections of these facilities. Service contract with an Independent EH Company shall
3 be terminated by DPHSS if the Department finds the company to be in violation with the
4 terms of the contract or in the event of unavailability of funds, as determined by the
5 DPHSS.

6 **§42107. Certification Requirements of Potential EH Company.** To qualify as
7 a Potential EH Company, all private businesses and individuals shall meet the minimum
8 requirements outlined in §42108 and §42109. A business or an individual shall be
9 officially identified as a Potential Environmental Health Inspection Company only upon
10 receiving certification from DPHSS to conduct inspections of temporary workforce
11 housing. When contracted by DPHSS, the Potential EH Company shall be designated as
12 an Independent EH Company. The DPHSS shall certify as many Potential EH
13 Companies as necessary to meet the intent of Title 10 GCA, Chapter 26A.

14 **§42108. Employee Qualifications.** A Potential Environmental Health
15 Inspection Company shall:

16 (a) Authorize only those individuals who possess, at a minimum, the
17 following to conduct inspections of temporary workforce housing:

18 (1) The same educational qualifications required of all EPHOs of
19 DEH; or possesses a current and valid Healthy Homes Specialist credential issued
20 by the National Center for Healthy Housing or the National Environmental Health
21 Association; and

22 (2) Pass both instruction and field evaluation administered by the
23 DEH.

1 (b) Have at least one employee with the same minimum qualifications as the
2 EPHO Supervisor of DEH. The individual shall possess the following:

3 (1) The ability to provide guidance to less experienced employees;
4 conduct highly complex to sensitive inspections; the knowledge and experience to
5 identify all potential environmental health hazards that may be found at temporary
6 workforce housing; and two years experience in conducting sanitation inspections
7 of residential and commercial structures independently; and

8 (2) Pass both instruction and field evaluation administered by the
9 DEH.

10 (c) Not authorize an individual to conduct sanitary inspections of temporary
11 workforce housing who has been convicted of a felony. Provide to DPHSS, when
12 requested, documents attesting to the qualifications of its employees conducting sanitary
13 inspection of temporary workforce housing; and

14 (d) Comply with any changes in the qualification standards noted above,
15 provided the Independent EH Company is provided at least 45 days notice in advance by
16 the DPHSS.

17 **§42109. Business Qualifications.** A Potential Environmental Health Inspection
18 Company shall:

19 (a) Be legally created and recognized, whether independently or within a
20 larger organization;

21 (b) Meet and comply with all other requirements of the Government of Guam
22 to conduct business as an Independent EH Company;

1 (c) Be subject to background evaluation by local and federal regulatory and
2 enforcement entities of the business and its principle managers and owners;

3 (d) Not conduct inspections of a temporary workforce housing which may
4 pose a conflict of interest;

5 (e) Immediately disclose any potential conflict of interest to the DPHSS in
6 writing; and

7 (f) Not employ Government of Guam employees to conduct inspections of
8 temporary workforce housing.

9 **§42110. Equipment, Transportation, and Dress Code.** Excluding official
10 DPHSS forms provided and/or required by the Department, the Independent EH
11 Company shall possess and utilize its own equipment, supplies, vehicles, and any other
12 materials necessary to properly and effectively conduct sanitation inspections of
13 temporary workforce housing. The DPHSS shall issue an official badge to all individuals
14 of the Independent EH Company identified to conduct sanitary inspections. The
15 Department shall indicate the appropriate dress code and hygiene standards of individuals
16 of an Independent EH Company conducting inspections of temporary workforce housing
17 during the procurement process of services.

18 **§42111. Certification Eligibility Review.** (a) The DPHSS will review the
19 eligibility of an Independent Environmental Health Inspection Company at least once
20 every quarter, and as often as necessary, through the examination of applicable
21 documents.

1 (b) An Independent Environmental Health Inspection Company shall provide
2 any and all supporting documents requested by the DPHSS during the Department's
3 review of the company's eligibility.

4 (c) The DPHSS is to only request from the Independent Environmental Health
5 Inspection Company those supporting documents relevant to the certification eligibility
6 of the company.

7 (d) An Independent Environmental Health Inspection Company shall submit
8 all documents requested by the DPHSS within five working days upon receipt of the
9 request. The DPHSS may extend the due date of such submission at its discretion.

10 (e) Failure to timely submit requested documents to the DPHSS by the
11 Independent Environmental Health Inspection Company may result in the company's loss
12 of certification, thus becoming ineligible to conduct inspections on behalf of the DPHSS
13 until such time all requirements are satisfactorily met as determined by the Department.

14 **§42112. Inspections by an Independent EH Company.** Independent
15 Environmental Health Inspection Company under certification by DPHSS shall conduct
16 sanitary inspections only on behalf, and at the direction, of DPHSS. As mandated in Title
17 10 GCA, Chapter 26A, the DPHSS shall contract an Independent Environmental Health
18 Inspection Company only as a last resort, after attempting to hire the required number
19 and positions noted in the law pursuant to the merit system, and only if unable to fill the
20 positions after utilizing all local potential sources of recruitment, including the University
21 of Guam, Guam Community College, and other entities.

1 **§42113. Notification.** (a) The DPHSS shall allocate inspection contracts to
2 Potential EH Companies, which shall be based upon, but not limited to, the following
3 criteria in no particular order:

4 (1) Qualification and capability of each company;

5 (2) The number of temporary workforce housing establishments; and

6 (3) Available funding.

7 (b) All notification by DPHSS to Independent EH Company to conduct an
8 inspection and re-inspection of temporary workforce housing shall be in writing, which
9 may be transmitted through electronic medium, such as facsimile and email. An
10 Independent EH Company shall not conduct sanitary inspections of any kind without the
11 written request from the DPHSS.

12 (c) The DPHSS shall notify in writing all temporary workforce housing
13 operators the names of all Independent EH Companies.

14 **§42114. Inspections, Training, and Meetings.** (a) The Independent
15 Environmental Health Inspection Company shall:

16 (1) Attend the initial orientation presented by the Division of
17 Environmental Health prior to conducting any sanitary inspections on behalf of
18 DPHSS;

19 (2) Administer the Rules and Regulations Governing the Operation of
20 Temporary Workforce Housing, or its succeeding regulations;

21 (3) Conduct its sanitary inspections in accordance with the policies
22 and procedures developed by DPHSS;

1 (4) Ensure that inspection phases outlined in §26A104 of Title 10
2 GCA, Chapter 26A are complied with;

3 (5) Transmit all original inspection reports and supporting documents
4 to DPHSS within 24 hours of the completion of the inspection or by the next
5 working day, if the due date for submission falls under a non-government of
6 Guam work day;

7 (6) Immediately notify DEH of inspections resulting, or potentially
8 resulting, in the suspension of the Operator's Sanitary Permit;

9 (7) Attend all training and meetings requested by DPHSS, provided
10 the company is notified at least 48 hours in advance;

11 (8) Provide the name and 24-hour contact number of the person
12 identified as the Independent EH Company's point-of-contact. The point-of-
13 contact shall be available to respond to the call of DPHSS 24-hours a day, 7 days
14 a week;

15 (9) Notify DPHSS of any temporary workforce housing which
16 requires, or may have undergone, change of temporary workforce housing status;

17 (10) Immediately notify DPHSS of any facility meeting the definition
18 of a temporary workforce housing which does not possess a current Sanitary
19 Permit when it so becomes aware, or gains knowledge, of such un-permitted
20 facility;

21 (11) Immediately cease any on-going inspection when so directed by
22 DPHSS; and

1 (12) Cooperate with DPHSS when the Department conducts its periodic
2 review and evaluation of the company's performance and eligibility.

3 (b) The Independent EH Company shall be responsible for the work quality
4 and the conduct of its employees during inspections of temporary workforce housing, and

5 (1) Notify DPHSS in writing, within 24 hours after the event, of any
6 complaint or significant incident relevant to any inspection conducted by the
7 Independent EH Company on behalf of the Department; and

8 (2) Cooperate with DPHSS in responding to any complaints submitted
9 by an operator, and others, relating to activities performed by the Independent EH
10 Company on behalf of the Department.

11 **§42115. Performance Review and Evaluation.** The DPHSS shall review and
12 evaluate the performance of an Independent Environmental Health Inspection Company
13 at least once every quarter through the observations of its sanitation inspections of
14 temporary workforce housing, assessments of its inspection reports, and any other means
15 deemed necessary by the DPHSS.

16 **§42116. Potential EH Company to Enter Permitted Facility.** If instructed by
17 the DPHSS, a temporary workforce housing operator shall authorize the entry and
18 presence of businesses or individuals in the process of obtaining certification as a
19 Potential EH Company during their training and evaluation, provided:

20 (a) A representative of DPHSS is present and accompanies the individual or
21 business attempting to become a Potential EH Company, and

22 (b) Their presence is limited to the scope of DPHSS' authorization to inspect
23 the facility.

1 **§42117. Severability.** If any provision of these rules and regulations, its
2 application to any person, or circumstance are found to be invalid or contrary to law, such
3 invalidity shall not affect other provisions or applications of these rules and regulations
4 which can be given effect without the invalid provisions or applications, and to this end
5 the provisions of these rules and regulations are severable.

MINUTES OF PUBLIC HEARING
Proposed Rules and Regulations Governing the Contracting of an Independent Health Inspection Company to Conduct Inspections of Temporary Workforce Housing

May 1, 2015 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 2 representatives from the Department of Public Health & Social Services (Division of Environmental Health) present.	<u>DEH Representative Present:</u> Cynthia Naval, Planner IV Marilou Scroggs, EPHO III
II. Opening Remarks	Cynthia Naval, Planner IV, provided opening remarks.	<p>Hafa Adai. My name is Cindy Naval; I am Planner IV for the Division of Environmental Health of the Department of Public Health and Social Services (DPHSS), 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 Rules and Regulations Governing the Contracting of an Independent Environmental Health Inspection of Temporary Workforce Housing. With me today is Ms. Marilou Scroggs, an Environmental Public Health Officer III, who assisted in the development of these draft rules and regulations.</p> <p>Title 10 GCA, Chapter 26A (P.L. 30-64) mandates the Division of Environmental Health to conduct its compliance inspections of temporary workforce housing in "phases" and to contract an Independent Environmental Company to conduct sanitary inspections on behalf of DPHSS only as a last result, after attempting to hire required number of positions noted in the law pursuant to the merit system, and only if unable to fill the positions after utilizing all local potential resources of recruitment. To carry out the provisions of these mandates, DPHSS is authorized to adopt and promulgate rules and regulations as necessary.</p> <p>The promulgation of rules and regulations are 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 Marianas Variety on April 17, 2015. The Department published a second announcement on April 30, 2015.</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 housings and those who may reside in the immediate vicinity of such premises, and to establish parameters comprehensive, uniform procedures for permitting and inspecting temporary workforce housing.</p> <p>The proposed Rules and Regulations Governing the Contracting of an Independent Environmental Health Inspection of Temporary Workforce Housing will require Independent Environmental Health Inspection Company to be duly licensed to do business on Guam and meets certification and operating requirements in accordance with established DPHSS environmental health inspection procedures. The proposal also details qualifications of potential Environmental Health Inspection Company and how compliance inspections will be conducted.</p> <p>Changes made to the proposed regulations include Section 41701 changed to 42101, which subsequently changes all the following sections, and the deletion of Section 41716.</p> <p>Economic impact statement was not required, and thus not conducted. 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, as determined by the Department.</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>There were no attendees to give testimony:</p> <p>With no further comments or testimonies, the public hearing was ended @ 5:00 p.m.</p>	



Office of the Attorney General of Guam

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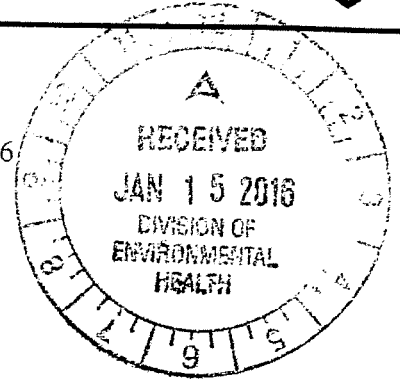
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January 4, 2016



James W. Gillan, Director
Department of Public Health and Social Services
123 Chalan Kareta
Mangilao, Guam 96913-6304

Subject: Attorney General Approval of Proposed Rules and Regulations Governing the Contracting of An Independent Environmental Health Inspection Company to Conduct the Inspections of Temporary Workforce Housing; AG Reference Number: DPHSS 15-0746

Dear Mr. Gillan:

The Office of the Attorney General has completed its review of the proposed Rules and Regulations Governing the Contracting of an Independent Environmental Health Inspection Company to Conduct the Inspections of Temporary Workforce Housing submitted to this office on November 5, 2015.

Pursuant to the Administrative Adjudication Law (AAL), 5 GCA §9303, I hereby approve the attached version of the proposed Rules as to form and as to compliance with the applicable requirements of the AAL.

The current rule-making procedures provide that no rule shall become effective until after ninety (90) calendar days have elapsed from the date of filing with the Legislative Secretary. However, within this 90-day time period, the Legislature may approve, disapprove, or amend these proposed rules.

Sincerely,

ELIZABETH BARRETT-ANDERSON
Attorney General

Attachment

To	Initial	Date
TOM	JA	1/20/16
File		



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

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 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)

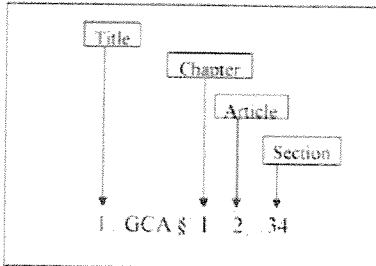
Chapter (mandatory)

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-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:

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 Contracting of an Independent Environmental Health Inspection Company to Conduct the Inspections of Temporary Workforce Housing*. These proposed regulations are also known as *Rules and Regulations for Third Party Inspection of Temporary Workforce Housing*. The hearing was held on May 1, 2015, from 1:00 p.m. to 5:00 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 oral or written testimony was received from the public regarding DEH's proposed regulations for third party inspections.

Prior to the public hearing, on April 26, 2015, the proposed rules and regulations were posted to the DEH webpage, and five copies were available at the DEH office to the public for review.

No Economic Impact Statement was prepared for these proposed regulations because the annual economic impact to the public in adopting this proposal will be less than \$500,000, as determined by the Department.

The proposed draft of these rules and regulations was submitted for review to the Office of the Attorney General on November 5, 2015. Approval as to form of the proposed rules and regulation was received by DPHSS on January 15, 2016 (copy enclosed).

A copy of the letter posted on the webpage of the Compiler of Laws which states, "Compliance with the recommended format will be de facto indication that the submission is in a format approved by the Compiler of Laws." 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 April 17 and 30, 2015;
2. A copy and a duplicate of the draft proposed Rules and Regulations Governing the Contracting of an Independent Environmental Health Inspection Company to Conduct the Inspections of Temporary Workforce Housing, as well as an electronic copy;

3. A copy of the memo of approval 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 May 1, 2015 public hearing; and
6. Recording of the May, 2015 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

OFFICE OF THE ATTORNEY GENERAL
CENTRAL FILE
RECEIVED
DATE

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
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Senseramente,

EDDIE BAZA CALVO

I Maga'lahaen Guahan

Governor of Guam

Enclosures

DRAFT

1 GOVERNMENT OF GUÅHAN
2 DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES
3 DIVISION OF ENVIRONMENTAL HEALTH
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11 **RULES AND REGULATIONS GOVERNING THE**
12 **CONTRACTING OF AN**
13 **INDEPENDENT ENVIRONMENTAL HEALTH**
14 **INSPECTION COMPANY**
15 **TO CONDUCT THE INSPECTIONS OF**
16 **TEMPORARY WORKFORCE HOUSING**

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18 Article 21
19 26 Guam Administrative Rules and Regulations
20 Division 1
21 Chapter 4
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42 These rules and regulations are established pursuant to Public Law 30-64
43 (enacted on November 27, 2009)
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1 **§42101. Purpose.** The purpose for these rules and regulations is to provide the
2 parameters required to certify and contract a private business to conduct inspections of
3 temporary workforce housing on behalf of the Department of Public Health and Social
4 Services, Division of Environmental Health pursuant to Title 10 GCA, Chapter 26A (P.L.
5 30-64).

6 **§42102. Title.** These rules and regulations shall be known and cited as the *Rules*
7 *and Regulations Governing the Contracting of an Independent Environmental Health*
8 *Inspection Company to Conduct the Inspections of Temporary Workforce Housing*”, or
9 its short title, “*Rules and Regulations for Third Party Inspection of Temporary*
10 *Workforce Housing.*”

11 **§42103. Definitions.** As used in these rules and regulations, the following
12 definitions shall be applied:

13 (a) *Change of temporary workforce housing status* means any significant
14 variances to temporary workforce housing in relation to the most recent inspection,
15 including but not limited to, the number of occupants, structure, ownership, and any other
16 changes or deficiencies that impact the operation of the facility, safety or welfare of the
17 occupants, or otherwise contradicts the purpose of these rules and regulations and other
18 Department regulations that govern temporary workforce housing.

19 (b) *Department* or *DPHSS* means the Guam Department of Public Health and
20 Social Services, or its succeeding department.

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

1 (d) *Environmental Public Health Officer or EPHO* means an individual who
2 has been hired to perform inspections in accordance with established DPHSS
3 environmental health inspection procedures, or its succeeding position

4 (e) *Independent Environmental Health Inspection Company or Independent
5 EH Company* means an association, a corporation, individual, other legal entity or agency
6 that is duly licensed to do business on Guam and has been certified and contracted by
7 DPHSS as being competent and capable to conduct sanitary inspections of temporary
8 workforce housing in accordance with established DPHSS environmental health
9 inspection procedures.

10 (f) *Potential Environmental Health Inspection Company or Potential EH
11 Company* means an association, a corporation, individual, other legal entity or agency
12 that is duly licensed to do business on Guam and has been certified, but not contracted,
13 by DPHSS as being competent and capable to conduct sanitary inspections of temporary
14 workforce housing in accordance with established DPHSS environmental health
15 inspection procedures.

16 (g) *Sanitary Permit* means the official document issued by DPHSS permitting
17 a duly licensed entity to conduct activities as stated within the Sanitary Permit issued.

18 (h) *Satisfactory rating* means the letter grade “A” issued by the Department or
19 the Independent EH Company to a temporary workforce housing as a result of an
20 inspection.

21 (i) *Temporary workforce housing* means any enclosures of living spaces,
22 reasonably contiguous, together with the land appertaining thereto, established, operated
23 or used as living quarters and, at a minimum, fifty-one percent (51%) of the residents are

1 temporary workers, including, but not limited to, facilities known by varying
2 nomenclatures or designations as dormitories, hotels, motels, travel lodges, or tourist
3 homes.

4 (j) *Temporary workforce housing operator* or *Operator* means a person, or
5 business entity, who owns, leases or manages, or proposes to own, lease or manage, a
6 temporary workforce housing.

7 **§42104. Independent Environmental Health Inspection Company.** Pursuant
8 to Title 10 GCA, Chapter 26A, Section 26A102.2(h), the Director of DPHSS shall
9 contract with an independent environmental health inspection company only as a last
10 resort, after attempting to hire environmental health personnel pursuant to the merit
11 system, and only if unable to fill the positions after utilizing all local potential sources of
12 recruitment, including GCC, UOG, and other entities.

13 **§42105. Contracting of Services.** Contracting of services for the sanitary
14 inspection of temporary workforce housing by an Independent Environmental Health
15 Inspection Company shall be done in accordance with the Government of Guam
16 procurement procedures. Contracts to inspect temporary workforce housing shall only be
17 awarded to those businesses and firms that have been certified with the DPHSS to
18 conduct such inspection. Additional requirements may be identified by the DPHSS
19 during the procurement process for the services.

20 **§42106. Authority to Certify, Enter, and Terminate Contract.** The
21 Department of Public Health and Social Services has the authority to issue Sanitary
22 Permits for temporary workforce housing; regulate and enforce such facilities; certify a
23 Potential Environmental Health Inspection Company; and certify and enter into a contract

1 for the services of an Independent Environmental Health Inspection Company to conduct
2 inspections of these facilities. Service contract with an Independent EH Company shall
3 be terminated by DPHSS if the Department finds the company to be in violation with the
4 terms of the contract or in the event of unavailability of funds, as determined by the
5 DPHSS.

6 **§42107. Certification Requirements of Potential EH Company.** To qualify as
7 a Potential EH Company, all private businesses and individuals shall meet the minimum
8 requirements outlined in §42108 and §42109. A business or an individual shall be
9 officially identified as a Potential Environmental Health Inspection Company only upon
10 receiving certification from DPHSS to conduct inspections of temporary workforce
11 housing. When contracted by DPHSS, the Potential EH Company shall be designated as
12 an Independent EH Company. The DPHSS shall certify as many Potential EH
13 Companies as necessary to meet the intent of Title 10 GCA, Chapter 26A.

14 **§42108. Employee Qualifications.** A Potential Environmental Health
15 Inspection Company shall:

16 (a) Authorize only those individuals who possess, at a minimum, the
17 following to conduct inspections of temporary workforce housing:

18 (1) The same educational qualifications required of all EPHOs of
19 DEH; or possesses a current and valid Healthy Homes Specialist credential issued
20 by the National Center for Healthy Housing or the National Environmental Health
21 Association; and

22 (2) Pass both instruction and field evaluation administered by the
23 DEH.

1 (b) Have at least one employee with the same minimum qualifications as the
2 EPHO Supervisor of DEH. The individual shall possess the following:

3 (1) The ability to provide guidance to less experienced employees;
4 conduct highly complex to sensitive inspections; the knowledge and experience to
5 identify all potential environmental health hazards that may be found at temporary
6 workforce housing; and two years experience in conducting sanitation inspections
7 of residential and commercial structures independently; and

8 (2) Pass both instruction and field evaluation administered by the
9 DEH.

10 (c) Not authorize an individual to conduct sanitary inspections of temporary
11 workforce housing who has been convicted of a felony. Provide to DPHSS, when
12 requested, documents attesting to the qualifications of its employees conducting sanitary
13 inspection of temporary workforce housing; and

14 (d) Comply with any changes in the qualification standards noted above,
15 provided the Independent EH Company is provided at least 45 days notice in advance by
16 the DPHSS.

17 **§42109. Business Qualifications.** A Potential Environmental Health Inspection
18 Company shall:

19 (a) Be legally created and recognized, whether independently or within a
20 larger organization;

21 (b) Meet and comply with all other requirements of the Government of Guam
22 to conduct business as an Independent EH Company;

1 (c) Be subject to background evaluation by local and federal regulatory and
2 enforcement entities of the business and its principle managers and owners;

3 (d) Not conduct inspections of a temporary workforce housing which may
4 pose a conflict of interest;

5 (e) Immediately disclose any potential conflict of interest to the DPHSS in
6 writing; and

7 (f) Not employ Government of Guam employees to conduct inspections of
8 temporary workforce housing.

9 **§42110. Equipment, Transportation, and Dress Code.** Excluding official
10 DPHSS forms provided and/or required by the Department, the Independent EH
11 Company shall possess and utilize its own equipment, supplies, vehicles, and any other
12 materials necessary to properly and effectively conduct sanitation inspections of
13 temporary workforce housing. The DPHSS shall issue an official badge to all individuals
14 of the Independent EH Company identified to conduct sanitary inspections. The
15 Department shall indicate the appropriate dress code and hygiene standards of individuals
16 of an Independent EH Company conducting inspections of temporary workforce housing
17 during the procurement process of services.

18 **§42111. Certification Eligibility Review.** (a) The DPHSS will review the
19 eligibility of an Independent Environmental Health Inspection Company at least once
20 every quarter, and as often as necessary, through the examination of applicable
21 documents.

1 (b) An Independent Environmental Health Inspection Company shall provide
2 any and all supporting documents requested by the DPHSS during the Department's
3 review of the company's eligibility.

4 (c) The DPHSS is to only request from the Independent Environmental Health
5 Inspection Company those supporting documents relevant to the certification eligibility
6 of the company.

7 (d) An Independent Environmental Health Inspection Company shall submit
8 all documents requested by the DPHSS within five working days upon receipt of the
9 request. The DPHSS may extend the due date of such submission at its discretion.

10 (e) Failure to timely submit requested documents to the DPHSS by the
11 Independent Environmental Health Inspection Company may result in the company's loss
12 of certification, thus becoming ineligible to conduct inspections on behalf of the DPHSS
13 until such time all requirements are satisfactorily met as determined by the Department.

14 **§42112. Inspections by an Independent EH Company.** Independent
15 Environmental Health Inspection Company under certification by DPHSS shall conduct
16 sanitary inspections only on behalf, and at the direction, of DPHSS. As mandated in Title
17 10 GCA, Chapter 26A, the DPHSS shall contract an Independent Environmental Health
18 Inspection Company only as a last resort, after attempting to hire the required number
19 and positions noted in the law pursuant to the merit system, and only if unable to fill the
20 positions after utilizing all local potential sources of recruitment, including the University
21 of Guam, Guam Community College, and other entities.

1 **§42113. Notification.** (a) The DPHSS shall allocate inspection contracts to
2 Potential EH Companies, which shall be based upon, but not limited to, the following
3 criteria in no particular order:

4 (1) Qualification and capability of each company;

5 (2) The number of temporary workforce housing establishments; and

6 (3) Available funding.

7 (b) All notification by DPHSS to Independent EH Company to conduct an
8 inspection and re-inspection of temporary workforce housing shall be in writing, which
9 may be transmitted through electronic medium, such as facsimile and email. An
10 Independent EH Company shall not conduct sanitary inspections of any kind without the
11 written request from the DPHSS.

12 (c) The DPHSS shall notify in writing all temporary workforce housing
13 operators the names of all Independent EH Companies.

14 **§42114. Inspections, Training, and Meetings.** (a) The Independent
15 Environmental Health Inspection Company shall:

16 (1) Attend the initial orientation presented by the Division of
17 Environmental Health prior to conducting any sanitary inspections on behalf of
18 DPHSS;

19 (2) Administer the Rules and Regulations Governing the Operation of
20 Temporary Workforce Housing, or its succeeding regulations;

21 (3) Conduct its sanitary inspections in accordance with the policies
22 and procedures developed by DPHSS;

- 1 (4) Ensure that inspection phases outlined in §26A104 of Title 10
2 GCA, Chapter 26A are complied with;
- 3 (5) Transmit all original inspection reports and supporting documents
4 to DPHSS within 24 hours of the completion of the inspection or by the next
5 working day, if the due date for submission falls under a non-government of
6 Guam work day;
- 7 (6) Immediately notify DEH of inspections resulting, or potentially
8 resulting, in the suspension of the Operator’s Sanitary Permit;
- 9 (7) Attend all training and meetings requested by DPHSS, provided
10 the company is notified at least 48 hours in advance;
- 11 (8) Provide the name and 24-hour contact number of the person
12 identified as the Independent EH Company’s point-of-contact. The point-of-
13 contact shall be available to respond to the call of DPHSS 24-hours a day, 7 days
14 a week;
- 15 (9) Notify DPHSS of any temporary workforce housing which
16 requires, or may have undergone, change of temporary workforce housing status;
- 17 (10) Immediately notify DPHSS of any facility meeting the definition
18 of a temporary workforce housing which does not possess a current Sanitary
19 Permit when it so becomes aware, or gains knowledge, of such un-permitted
20 facility;
- 21 (11) Immediately cease any on-going inspection when so directed by
22 DPHSS; and

1 (12) Cooperate with DPHSS when the Department conducts its periodic
2 review and evaluation of the company's performance and eligibility.

3 (b) The Independent EH Company shall be responsible for the work quality
4 and the conduct of its employees during inspections of temporary workforce housing, and

5 (1) Notify DPHSS in writing, within 24 hours after the event, of any
6 complaint or significant incident relevant to any inspection conducted by the
7 Independent EH Company on behalf of the Department; and

8 (2) Cooperate with DPHSS in responding to any complaints submitted
9 by an operator, and others, relating to activities performed by the Independent EH
10 Company on behalf of the Department.

11 **§42115. Performance Review and Evaluation.** The DPHSS shall review and
12 evaluate the performance of an Independent Environmental Health Inspection Company
13 at least once every quarter through the observations of its sanitation inspections of
14 temporary workforce housing, assessments of its inspection reports, and any other means
15 deemed necessary by the DPHSS.

16 **§42116. Potential EH Company to Enter Permitted Facility.** If instructed by
17 the DPHSS, a temporary workforce housing operator shall authorize the entry and
18 presence of businesses or individuals in the process of obtaining certification as a
19 Potential EH Company during their training and evaluation, provided:

20 (a) A representative of DPHSS is present and accompanies the individual or
21 business attempting to become a Potential EH Company, and

22 (b) Their presence is limited to the scope of DPHSS' authorization to inspect
23 the facility.

1 **§42117. Severability.** If any provision of these rules and regulations, its
2 application to any person, or circumstance are found to be invalid or contrary to law, such
3 invalidity shall not affect other provisions or applications of these rules and regulations
4 which can be given effect without the invalid provisions or applications, and to this end
5 the provisions of these rules and regulations are severable.