


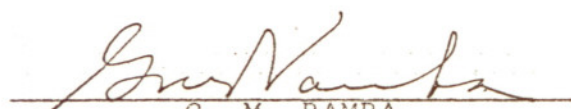
ELEVENTH GUAM LEGISLATURE  
1972 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 708, "An Act to add a Chapter II to Title XLVI of the Government Code of Guam to provide for the implementation of occupational safety and health standards; to amend Section 48057 of said Code to prevent advance warning of inspections; to add a Section 48059.1 to preserve the confidentiality of certain information; to amend Section 48064 of said Code to increase and provide for penalties; and to authorize an appropriation for staff additions to the Department of Labor", was on the 24th day of January, 1972, duly and regularly passed.

  
F. T. RAMIREZ  
Speaker

ATTESTED:

  
G. M. BAMBA  
Legislative Secretary

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This Act was received by the Governor this 2nd day  
of February, 1972 at 2:00 o'clock P.M.

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APPROVED:

/s/ Carlos G. Camacho  
CARLOS G. CAMACHO  
Governor of Guam

DATED: FEB 14 1972

1:32 P.M.

/s/ VINCENT T. PEREZ

VINCENT T. PEREZ  
Attorney General of Guam

*Public Law*

*11-117*

ELEVENTH GUAM LEGISLATURE  
1971 (FIRST) Regular Session

Bill No. 708

Introduced by

Committee on Labor  
and Industrial  
Relations.

AN ACT TO ADD A CHAPTER II TO TITLE XLVI  
OF THE GOVERNMENT CODE OF GUAM TO PROVIDE  
FOR THE IMPLEMENTATION OF OCCUPATIONAL  
SAFETY AND HEALTH STANDARDS; TO AMEND  
SECTION 48057 OF SAID CODE TO PREVENT  
ADVANCE WARNING OF INSPECTIONS; TO ADD A  
SECTION 48059.1 TO PRESERVE THE CONFIDEN-  
TIALITY OF CERTAIN INFORMATION; TO AMEND  
SECTION 48064 OF SAID CODE TO INCREASE  
AND PROVIDE FOR PENALTIES; AND TO AUTHORIZE  
AN APPROPRIATION FOR STAFF ADDITIONS TO THE  
DEPARTMENT OF LABOR.

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

2 Section 1. Chapter II is hereby added to Title XLVI of  
3 the Government Code of Guam to read as follows:

4 "CHAPTER II

5 Occupational Safety and Health Act of Guam

6 Section 48200. Title. This Chapter may be cited  
7 as the 'Occupational Safety and Health Act of Guam'.

8 Section 48201. Acknowledgment and declaration of  
9 intent. The government of Guam hereby acknowledges that  
10 the provisions of the Act of Congress of December 29,  
11 1970, as now in effect or as hereafter amended, referred  
12 to as the Williams-Steiger Occupational Safety and  
13 Health Act of 1970 (P.L. 91-596) are applicable to the  
14 territory of Guam and declares that the government of  
15 Guam shall observe and comply with the requirements of  
16 said Act. It is the intent of the Legislature that the  
17 territory of Guam shall, in accordance with Section 18(b)  
18 of said Act, assume responsibility for development and  
19 enforcement within the territory of Guam of occupational  
20 safety and health standards relating to any occupational



1 safety or health issue with respect to which a Federal  
2 standard has been or will be promulgated.

3 Section 48202. Agency responsible for occupational  
4 safety and health. The Department of Labor is hereby  
5 designated as the agency of Guam responsible for develop-  
6 ing and administering a plan in accordance with the  
7 provisions of Section 18(c) of said Act and in accordance  
8 with any rules, regulations, standards, or guidelines  
9 relating to such plans promulgated or published by the  
10 United States Department of Labor pursuant to said Act.

11 The Department is hereby vested with the authority  
12 to enter into an agreement with the United States  
13 Department of Labor which provides for interim enforce-  
14 ment of occupational health and safety standards by the  
15 territory of Guam pursuant to Section 18(h) of said Act.

16 Section 48203. Authority of Agency with respect to  
17 occupational safety and health. The Department is hereby  
18 vested with the authority to make and publish, for the  
19 purpose of Section 16(b) plan, occupational and health  
20 standards for the territory of Guam which meet the  
21 indices of equal effectiveness as published by the  
22 United States Department of Labor. With respect to such  
23 standards no notice and opportunity to be heard need be  
24 given in accordance with Section 48055(d) if such  
25 standard has been afforded the opportunity for a hearing  
26 at the Federal level before adoption as a Federal  
27 standard pursuant to Section 6 of the Williams-Steiger  
28 Occupational Safety and Health Act of 1970.

29 Nothing in this section shall be construed to limit  
30 the authority of the Department to make and publish  
31 additional standards for application in the territory of



1 Guam for such other occupational safety and health issues  
2 with respect to which no Federal standard is in effect;  
3 provided, however, that such additional standards must be  
4 given an opportunity for a hearing in accordance with  
5 the requirements of Section 48055(d).

6 Section 48204. Division of Occupational Safety and  
7 Health. (a) There is hereby established within the Depart-  
8 ment a Division of Occupational Safety and Health whose  
9 function it shall be to investigate and inquire into the  
10 causes of injuries or sickness arising out of and in the  
11 course of employment and to assist in the preparation of  
12 such occupational safety and health standards as are  
13 necessary to aid in the prevention of such injuries or  
14 sickness. Further, the Division of Occupational Safety  
15 and Health shall be responsible for distributing to  
16 employers in the territory of Guam information regarding  
17 any occupational safety and health standards and the duties  
18 of the employers with respect to reporting to the Department  
19 all information required to assist the Department in  
20 administering and enforcing such occupational safety and  
21 health standards. The Division of Occupational Safety and  
22 Health shall also be responsible for assisting in the  
23 preparation of any reports the Department is required to  
24 file with the United States Department of Labor.

25 (b) The Director may appoint an Industrial Hygenist,  
26 a Safety Officer, Safety Inspectors, an Administrative  
27 Assistant, and such additional officers and personnel in  
28 the Division of Occupational Safety and Health as may be  
29 required to perform its functions. Such officers and  
30 personnel shall have full authority to act in the name  
31 of the Director to the extent authorized by him."



1 Section 2. Section 48057 of the Government Code of Guam  
2 is hereby amended to read as follows:

3 "Section 48057. Power to enter, inspect places and  
4 prohibition of advance notice. (a) The Director or his  
5 authorized representatives may enter and inspect such  
6 places and such records (and make such transcriptions  
7 thereof), question such employees or other persons,  
8 inspect and investigate any machines, apparatus, devices,  
9 equipment or materials therein, and investigate such facts,  
10 conditions, practices, or matters as he may deem necessary  
11 or appropriate to carry out his functions, power, and  
12 duties prescribed by this Title and by any other laws  
13 within the jurisdiction of the Department.

14 (b) When inspecting places and records subject to  
15 Federal security restrictions, the Director or his  
16 authorized representative may, on application of the  
17 Federal agency enforcing such restrictions, be accompanied  
18 by an authorized representative of such Federal agency.

19 (c) No person shall give advance notice of any  
20 inspection to be conducted under this Title, without  
21 authority from the Director or his authorized representa-  
22 tives. Any person who gives such advance notice shall,  
23 upon conviction, be punished by a fine of not more than  
24 One Thousand Dollars (\$1,000.00) or by imprisonment for  
25 not more than six (6) months, or both."

26 Section 3. Section 48059.1 is hereby added to the Government  
27 Code of Guam to read as follows:

28 "Section 48059.1. Confidentiality of trade secrets.  
29 All information reported to or otherwise obtained by the  
30 Director or his authorized representative in connection  
31 with any inspection or proceeding under this Title which



1 contains or which might reveal a trade secret shall be  
2 considered confidential except that such information may  
3 be disclosed to other officers or employees concerned  
4 with carrying out this Title or when relevant in any  
5 proceeding under this Title. In any such proceeding the  
6 Director, the Department, or the court shall issue such  
7 orders as may be appropriate to protect the confidentiality  
8 of trade secrets."

9 Section 4. Section 48064 of the Government Code of Guam  
10 is hereby amended to read as follows:

11 "Section 48064. Penalties. (a) It shall be unlawful  
12 for any employer, employee or other person to hinder the  
13 Director or his authorized representative in the perfor-  
14 mance of his functions, powers or duties or to otherwise  
15 violate any provision of this Title, any regulation or  
16 standard prescribed or adopted pursuant to this Title, or  
17 of any other law within the jurisdiction of the Department.

18 (b) Any person who commits an unlawful act as  
19 defined by Subparagraph (a) for which no penalty is  
20 otherwise provided, may be assessed a civil penalty of  
21 not more than One Thousand Dollars (\$1,000.00) for each  
22 violation.

23 (c) The Director shall have authority to assess  
24 all civil penalties provided in this section, giving due  
25 consideration the appropriateness of the penalty with  
26 respect to the size of the business of any employer being  
27 charged, the gravity of the violation; the good faith of  
28 the person charged, and any history of previous violations.

29 (d) Civil penalties owed under this Title shall be  
30 paid to the Director for deposit in the General Fund and  
31 may be recovered in a civil action brought in the Island

1 Court of Guam by the Director or the Attorney General of  
2 Guam, but all such litigation shall be subject to the  
3 control of the Attorney General.

4 (e) Notwithstanding the provisions of Section 3369 of  
5 the Civil Code of Guam, the Director may bring an action  
6 in the Island Court of Guam to restrain and prevent any  
7 person from committing an unlawful act as defined by Sub-  
8 paragraph (a)."

9 Section 5. There are hereby authorized to be appropriated  
10 such sums as may be necessary to carry out the provisions of  
11 this Act.