



Territory of Guam
Territorial Guam

OFFICE OF THE GOVERNOR
UFISINAN I MAGA'LAHI
AGANA, GUAM 96910 U.S.A.



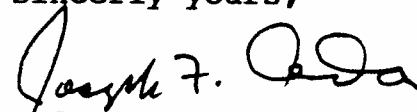
SEP 01 1989

The Honorable Joe T. San Agustin
Speaker, Twentieth Guam Legislature
Post Office Box CB-1
Agana, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 666, which I have signed into law this date as Public Law 20-32.

Sincerely yours,


JOSEPH F. ADA
Governor

Enclosure

TWENTIETH GUAM LEGISLATURE
1989 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

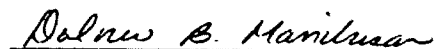
This is to certify that Substitute Bill No. 666 (COR), "AN ACT TO APPROPRIATE NINE HUNDRED THOUSAND DOLLARS (\$900,000) TO ASSIST PERSONS POISONED BY PCB BECAUSE OF THE 1987 TRANSFORMER EXPLOSION AT THE NAVY PUBLIC WORKS CENTER, GUAM, TO ESTABLISH A PCB RECOVERY FUND, TO APPROPRIATE FUNDS FOR TESTING CERTAIN EXPOSED AGANA HEIGHTS RESIDENTS, AND TO ENTITLE THE ACT AS THE "PCB RECOVERY FUND ACT OF 1989," was on the 28th day of August, 1989, duly and regularly passed.


JOE T. SAN AGUSTIN
Speaker

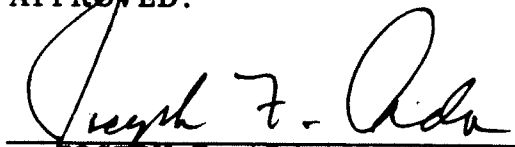
Attested:


PILAR C. LUSAN
Senator and Legislative Secretary

This Act was received by the Governor this 1st day of Sept., 1989,
at 8:58 o'clock a.m.


Dolores B. Hamilton
Assistant Staff Officer
Governor's Office

APPROVED:


JOSEPH F. ADA
Governor of Guam

Date: SEP 01 1989

Public Law No. 20-32

TWENTIETH GUAM LEGISLATURE
1989 (FIRST) Regular Session

Bill No. 666 (COR)
Substituted by the Committee on
Ways and Means and the Committee on
General Governmental Operations

Introduced by:

T. S. Nelson
C. T. C. Gutierrez
H. D. Dierking

J. T. San Agustin
F. R. Santos
E. P. Arriola
P. C. Lujan
D. Parkinson
G. Mailloux
M. Z. Bordallo
E. D. Reyes
J. G. Bamba
T. V. C. Tanaka
M. D. A. Manibusan
E. R. Duenas
D. F. Brooks
E. M. Espaldon
J. P. Aguon
M. C. Ruth
F. J. A. Quitugua
A. R. Unpingco

AN ACT TO APPROPRIATE NINE HUNDRED THOUSAND DOLLARS (\$900,000) TO ASSIST PERSONS POISONED BY PCB BECAUSE OF THE 1987 TRANSFORMER EXPLOSION AT THE NAVY PUBLIC WORKS CENTER, GUAM, TO ESTABLISH A PCB RECOVERY FUND, TO APPROPRIATE FUNDS FOR TESTING CERTAIN EXPOSED AGANA HEIGHTS RESIDENTS, AND TO ENTITLE THE ACT AS THE "PCB RECOVERY FUND ACT OF 1989."

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:
2 Section 1. Legislative Findings. The Legislature hereby finds and
3 determines that on or about May 26, 1987, approximately sixty (60) gallons
4 of polychlorinated biphenyls ("PCB"), a highly toxic substance which is
5 readily absorbed in the human body and accumulates until reaching harmful

1 levels, were released under pressure by a transformer explosion inside the
2 Piti Power Plant at the Navy Public Works Center, Guam, ("PWC") and, of
3 even greater concern to the PWC employees, such a release of PCB creates
4 even more potent toxins called dioxins and furans.

5 At the time of the explosion, twenty-nine (29) PWC employees were
6 directly exposed to the PCB-contaminated oil. While the Navy did initiate
7 cleanup efforts, it did not immediately test the contaminated area for
8 dioxins and furans. The Navy had not provided adequate personal
9 protective equipment, and had not provided hazardous materials management
10 training to all the plant operators or support personnel assisting in the
11 cleanup. According to the General Accounting Office Report dated
12 September 1988, entitled "Toxic Substances: PCB Spill at the Guam Naval
13 Power Generating Plant", the Navy had not taken all of the required
14 precautions necessary to properly protect its employees.

15 During the initial incident, when plant workers tried to contain the
16 spill, no personal protective equipment was worn. During emergency
17 response and cleanup, employees used personal protective equipment that
18 was not recommended for the use under the situation that occurred, and
19 the appropriate personal protective equipment was not available anywhere in
20 the Navy supply system.

21 On or about July 14, 1987, when the presence of dioxins and furans
22 was confirmed, the Navy discontinued the PCB cleanup. As a result, Navy
23 Hospital Guam was tasked with the responsibility of monitoring two hundred
24 fifty-one (251) employees who may have been affected or contaminated with
25 PCB. After consultation with the PWC's Safety Officer and the Hospital's
26 Occupational Safety and Health Preventive Medicine Personnel, PWC's
27 emergency response team and the cleanup crews entered the contaminated
28 area before determining whether there was a potential for dioxin and furan
29 contamination. As a result, the response team and the cleanup crews may
30 have unnecessarily been contaminated, all because of the lack of personal
31 protective equipment.

32 Furthermore, PWC officials did not recognize that pressurized release
33 of PCB's is considered a fire-related incident when heat is generated.
34 Navy instructions available in Guam indicated that such a pressurized

1 release could generate enough heat so that the more potent dioxins and
2 furans could be released.

3 Although some of the PWC employees on the emergency response team
4 received some training on the procedures to use during a PCB spill, other
5 individuals, including plant operators who helped during the cleanup, had
6 very little or no training on the dangers of PCBs and how to respond to a
7 PCB spill. Because these employees were not properly trained, they were
8 contaminated with PCB, and quite possibly may have been contaminated with
9 dioxin and furans.

10 PWC officials did not equip the employees with the personal protective
11 equipment recommended in Navy guidelines and regulations. Throughout
12 this period, the Navy constantly changed the requirements on the types of
13 respirators to be worn by employees. Furthermore, the Navy did not
14 immediately determine if dioxins and furans were present. This resulted in
15 employees being allowed to enter the contaminated area without wearing the
16 proper personal protective equipment.

17 Because the Navy did not have the required personal protective
18 equipment at the time of the spill and for a significant portion of the
19 cleanup, plant operators and cleanup crews may have been directly exposed
20 to PCB and to harmful levels of dioxins and furans.

21 The Legislature having stated its findings, hereby declares that the
22 purpose of this Act is to further and supplement the desires of those PWC
23 employees contaminated with PCB by declaring the following:

24 (a) That it is in the public interest to seek from the United
25 States or its agents, the creation of an adequate program of remedies
26 to the employees and their families contaminated with PCBs as a result
27 of the PCB spill at the Piti Power Plant;

28 (b) That it is in the public interest to investigate and pursue,
29 on behalf of these employees, the steps and procedures necessary to
30 secure adequate and just compensation; and

31 (c) That it is in the public interest for the employees to be
32 assisted in proceeding with the legal work, consultant and medical
33 support services necessary to allow such a settlement to take place.

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Section 2. Definitions. As used in this Act:

(a) 'Employee' means a person employed by the Public Works Center, by the government of Guam, or by the United States, who was assigned to assist in the PCB cleanup at the Piti Power Plant or who was involved in any other spills of toxic materials, and includes a person who has either resigned, retired or been terminated, either as a permanent or a temporary employee, who at one time or another rendered service to the Public Works Center in the course of the spill or cleanup of the PCBs or any other toxic material.

(b) 'Public Works Center' means the Navy Public Works Center, Guam.

(c) 'Federation' means the American Federation of Government Employees, Local 1689, Inc.

(d) 'Fund' means the Fund created by Section 3 of this Act.

Section 3. Employees' PCB Recovery Fund. There is hereby created the "Employees PCB Recovery Fund" whose purpose is to give financial assistance to employees and their families and to the Federation to assist employees, their families, and the Federation in obtaining the necessary legal, consultant, and medical support services needed to redress the injustice described in this Act. The Fund shall be utilized to give financial assistance to the employees, their families and the Federation to contract with attorneys and necessary non-attorney consultant and medical support staff, to further their aims in securing compensation and other remedies from the United States and its agents and from the manufacturers and suppliers of the transformer.

Section 4. Appropriation. (a) Nine Hundred Thousand Dollars (\$900,000) are hereby appropriated from the General Fund to the Fund for the uses specified in Section 3 of this Act.

(b) Three Hundred Thousand Dollars (\$300,000) are hereby authorized to be appropriated from the General Fund to the Fund for the uses specified in this Act.

Section 5. Administering Authority. The Public Defender Service Corporation (the "Corporation") shall be the administering authority of the Fund and shall administer the Fund and give the authorized financial

1 assistance. The Corporation shall promulgate rules and regulations
2 necessary for the operation of the Fund in accordance with this Act. In
3 the event the employees, their families, or the Federation recover monetary
4 damages, then the financial assistance given them shall be treated as loans
5 and be duly repaid, but in no event shall the interest on such loans exceed
6 three percent per annum.

7 Section 6. Short Title. This Act may be cited as "The Employees
8 PCB Recovery Fund Act of 1989."

9 Section 7. Ten Thousand Dollars (\$10,000) are appropriated from the
10 General Fund to the Department of Public Health and Social Services to
11 arrange for and pay for PCB testing of the Carmen I. Santos family,
12 Commissioner Frank Portusach of Agana Heights, Antonio C. Bayona of
13 Barrigada, and such other persons as may be determined resulting from the
14 October 31, 1980 transformer leak incident in Agana Heights. The Director
15 of Public Health and Social Services shall report to the Legislature the
16 results of these tests within ninety (90) days of the enactment of this Act.

TWENTIETH GUAM LEGISLATURE
1989 (FIRST) Regular Session

ROLL CALL SHEET

Bill No. 6666

Date: 8/28/89

Resolution No. _____

QUESTION: _____

	<u>AYE</u>	<u>NAY</u>	<u>NOT VOTING</u>	<u>ABSENT</u>
J. P. Aguon	✓			
E. P. Arriola	✓			
J. G. Bamba	✓			
M. Z. Bordallo	✓			
D. F. Brooks	✓			
H. D. Dierking	✓			
E. R. Duenas	✓			
E. M. Espaldon	✓			
C. T. C. Gutierrez	✓			
P. C. Lujan	✓			
G. Mailloux	✓			
M. D. A. Manibusan	✓			
T. S. Nelson	✓			
D. Parkinson	✓			
F. J. A. Quitugua	✓			
E. D. Reyes	✓			
M. C. Ruth	✓			
J. T. San Agustin	✓			
F. R. Santos	✓			
T. V. C. Tanaka	✓			
A. R. Unpingco	✓			

21



Twentieth Guam Legislature

163 Chalan Santo Papa Street
 Agana, Guam 96910

August 7, 1989

The Honorable Joe T. San Agustin
 Speaker
 Twentieth Guam Legislature
 163 Chalan Santo Papa
 Agana, Guam 96910

Via: Chairman, Committee on Rules

Dear Mr. Speaker:

The Committees on General Governmental Operations; Ways and Means; Federal, Foreign and Legal Affairs; and Health, Welfare and Ecology; to which was referred

Bill No. 666 "An act to appropriate the sum of Nine Hundred Thousand Dollars (\$900,000) to assist Polychlorinated Biphenyls (PCB) affected employees resulting from a transformer explosion at the Navy Public Works Center, Guam: to establish an Employees' PCB Recovery Fund: to cite the Act as the Employees' PCB Recovery Fund Act of 1989",

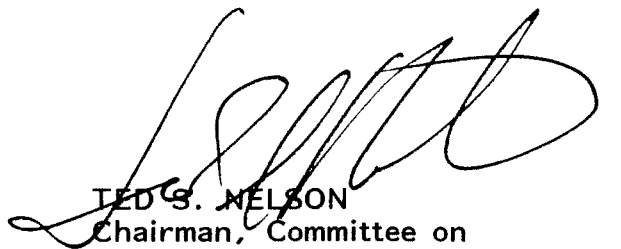
has had the same under consideration and now wishes to report back the same with the **recommendation to do pass as substituted.**

The votes of the Committees are as follows:

	Committee on General Govern- mental Operations	Committee on Ways and Means	Committee on Federal Foreign and Legal Affairs	Committee on Health Welfare & Ecology
To do pass	13	11	8	11
Not to pass	0	0	0	0
To report out	0	0	0	0
Off-island	1	1	2	0
Place in Inactive File	0	0	0	1
Other	0	0	0	0


The Honorable Joe T. San Agustin
Page 2
August 7, 1989

A Joint Report by the Committees and other pertinent documents are enclosed for your perusal.

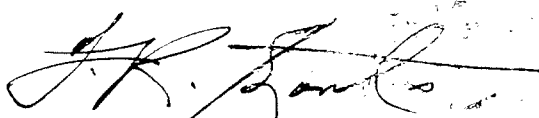


TED S. NELSON
Chairman, Committee on
General Governmental Operations,

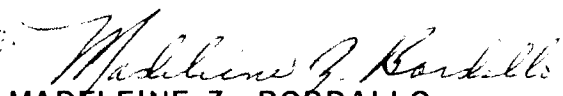
Sincerely,



CARL T.C. GUTIERREZ
Chairman
Committee on Ways & Means



FRANK R. SANTOS
Chairman, Committee on Federal
Foreign & Legal Affairs



MADELEINE Z. BORDALLO
Chairman, Committee on
Health, Welfare & Ecology

Enclosures

COMMITTEE ON GENERAL GOVERNMENTAL OPERATIONS
 VOTE SHEET ON SUBSTITUTE BILL NO. 666

AN ACT TO APPROPRIATE THE SUM OF NINE HUNDRED THOUSAND DOLLARS (\$900,000) TO ASSIST POLYCHLORINATED BIPHENYLS (PCB) AFFECTED EMPLOYEES RESULTING FROM A TRANSFORMER EXPLOSION AT THE NAVY PUBLIC WORKS CENTER, GUAM: TO ESTABLISH AN EMPLOYEES' PCB RECOVERY FUND: TO CITE THE ACT AS THE EMPLOYEES' PCB RECOVERY FUND ACT OF 1989.

RECOMMENDATION TO DO PASS

<u>COMMITTEE MEMBERS:</u>	<u>TO DO PASS:</u>	<u>NOT TO PASS:</u>	<u>REPORT OUT:</u>	<u>INACTIVE FILE:</u>
<i>T.S. Nelson</i> T. S. Nelson, Chairperson	✓			
<i>H.D. Dierking</i> H. D. Dierking, Vice-Chairperson	✓			
<i>E.P. Arriola</i> E. P. Arriola, Member	✓			
<i>M. G. Bardallo</i> M. G. Bardallo, Member	✓			
<i>C.T.C. Gutierrez</i> C. T.C. Gutierrez, Member	✓			
<i>P. C. Lujan</i> P. C. Lujan, Member	✓			
<i>G. Mailloux</i> G. Mailloux, Member	✓			
<i>D. Parkinson</i> D. Parkinson, Member	✓			
<i>E. D. Reyes</i> E. D. Reyes, Member	✓			
<i>F. R. Santos</i> F. R. Santos, Member	✓			
<i>J. T. San Agustin</i> J. T. San Agustin, Speaker & Ex-Officio	✓			
<i>J. G. Bamba</i> J. G. Bamba, Member	✓			
OFF-ISLAND				
<i>E. P. Dugas</i> E. P. Dugas, Member				
<i>T. V.C. Tanaka</i> T. V.C. Tanaka, Member	✓			

COMMITTEE ON WAYS AND MEANS
 VOTE SHEET ON SUBSTITUTE BILL NO. 666

AN ACT TO APPROPRIATE THE SUM OF NINE HUNDRED THOUSAND DOLLARS (\$900,000) TO ASSIST POLYCHLORINATED BIPHENYLS (PCB) AFFECTED EMPLOYEES RESULTING FROM A TRANSFORMER EXPLOSION AT THE NAVY PUBLIC WORKS CENTER, GUAM: TO ESTABLISH AN EMPLOYEES' PCB RECOVERY FUND: TO CITE THE ACT AS THE EMPLOYEES' PCB RECOVERY FUND ACT OF 1989.

RECOMMENDATION TO DO PASS

<u>COMMITTEE MEMBERS:</u>	<u>TO DO PASS:</u>	<u>NOT TO PASS:</u>	<u>REPORT OUT:</u>	<u>INACTIVE FILE:</u>
* <u>C. T. C. Gutierrez, Chairperson</u>	✓			
<u>H. D. Dierking, Vice-Chairperson</u>	✓			
<u>J. P. Aguon, Member</u>	✓			
<u>T. S. Nelson, Member</u>	✓			
<u>D. Parkinson, Member</u>	✓			
<u>F. J. A. Quituqua, Member</u>	✓			
<u>J. T. San Agustin, Speaker & Ex-Officio</u>	✓			
<u>J. G. Bamba, Member</u>	✓			
<u>D. F. Brooks, Member</u>	✓			
<u>E. M. Espalacion, Member</u>	✓			
<u>OFF-ISLAND</u>				
<u>M. D.A. Manibusan, Member</u>				
<u>M. C. Ruth, Member</u>				

7/7/89

COMMITTEE ON FEDERAL, FOREIGN & LEGAL AFFAIRS
 VOTE SHEET ON SUBSTITUTE BILL NO. 666

AN ACT TO APPROPRIATE THE SUM OF NINE HUNDRED THOUSAND DOLLARS (\$900,000) TO ASSIST POLYCHLORINATED BIPHENYLS (PCB) AFFECTED EMPLOYEES RESULTING FROM A TRANSFORMER EXPLOSION AT THE NAVY PUBLIC WORKS CENTER, GUAM: TO ESTABLISH AN EMPLOYEES' PCB RECOVERY FUND: TO CITE THE ACT AS THE EMPLOYEES' PCB RECOVERY FUND ACT OF 1989.

RECOMMENDATION TO DO PASS

<u>COMMITTEE MEMBERS:</u>	<u>TO DO PASS:</u>	<u>NOT TO PASS:</u>	<u>REPORT OUT:</u>	<u>INACTIVE FILE:</u>
<u><i>F. R. Santos</i></u> F. R. Santos, Chairman	✓			
<u><i>P. C. Injan</i></u> P. C. Injan, Vice-Chairperson	✓			
<u><i>E. P. Arriola</i></u> E. P. Arriola, Member	✓			
<u><i>H. D. Dierking</i></u> H. D. Dierking, Member	✓			
<u><i>T. S. Nelson</i></u> T. S. Nelson, Member	✓			
<u><i>E. D. Reyes</i></u> E. D. Reyes, Member	✓			
<u><i>J. T. San Agustin</i></u> J. T. San Agustin, Speaker & Ex-Officio	✓			
<u><i>J. G. Bamba</i></u> J. G. Bamba, Member	✓			
<u>OFF-ISLAND</u>				
<u>E. R. Duenas</u> , Member				
<u>OFF-ISLAND</u>				
<u>M. D.A. Manibusan</u> , Member				

COMMITTEE ON HEALTH, WELFARE & ECOLOGY
 VOTE SHEET ON SUBSTITUTE BILL NO. 666

AN ACT TO APPROPRIATE THE SUM OF NINE HUNDRED THOUSAND DOLLARS (\$900,000) TO ASSIST POLYCHLORINATED BIPHENYLS (PCB) AFFECTED EMPLOYEES RESULTING FROM A TRANSFORMER EXPLOSION AT THE NAVY PUBLIC WORKS CENTER, GUAM: TO ESTABLISH AN EMPLOYEES' PCB RECOVERY FUND: TO CITE THE ACT AS THE EMPLOYEES' PCB RECOVERY FUND ACT OF 1989.

RECOMMENDATION TO DO PASS

<u>COMMITTEE MEMBERS:</u>	<u>TO DO PASS:</u>	<u>NOT TO PASS:</u>	<u>REPORT OUT:</u>	<u>INACTIVE FILE:</u>
<u>M. B. Bordallo</u> M. B. Bordallo, Chairperson	✓			
<u>G. Mailloux</u> G. Mailloux, Vice-Chairperson	✓			
<u>E. P. Arriola</u> E. P. Arriola, Member	✓			
<u>H. D. Dierking</u> H. D. Dierking, Member	✓			
<u>P. C. Lujan</u> P. C. Lujan, Member	✓			
<u>T. S. Nelson</u> T. S. Nelson, Member	✓			
<u>E. D. Reyes</u> E. D. Reyes, Member	✓			
<u>J. T. San Agustin</u> J. T. San Agustin, Speaker & Ex-Officio	✓			
<u>E. M. Espaldon</u> E. M. Espaldon, Member				
OFF-ISLAND				
<u>M. D.A. Manibusan</u> M. D.A. Manibusan, Member				
<u>M. C. Ruth</u> M. C. Ruth, Member	ni 7/7/89			
<u>T. V. O. Tanaka</u> T. V. O. Tanaka, Member	✓			
<u>A. R. Unpingco</u> A. R. Unpingco, Member				

JOINT REPORT
COMMITTEE ON WAYS AND MEANS
AND THE
COMMITTEE ON GENERAL GOVERNMENTAL OPERATIONS
ON BILL NO. 666

AN ACT TO APPROPRIATE THE SUM OF ONE HUNDRED THOUSAND DOLLARS (\$100,000) TO ASSIST POLYCHLORINATED BIPHENYLS (PCB) AFFECTED EMPLOYEES AT THE PUBLIC WORKS CENTER, NAVY, GUAM, AND TO ESTABLISH AN EMPLOYEES' PCB RECOVERY FUND. [Attachment 1]

Introduced by Senators

Ted S. Nelson, Marilyn D.A. Manibusan, Carl T.C. Gutierrez,
Herminia D. Dierking, Joe T. San Agustin, and J. George Bamba

PREFACE:

The Chairman of the Committee on Ways and Means, to which was referred Bill No. 666, "An act to appropriate the sum of One Hundred Thousand Dollars (\$100,000) to assist Polychlorinated Biphenyls (PCB) affected employees at the Public Works Center, Navy, Guam, and to establish a PCB Employees' Recovery Fund," authorized the Chairman of the Committee on General Governmental Operations to conduct a public hearing on the above-captioned measure. [Attachment 2]

The Chairman of the Committee on General Governmental Operations, upon receipt of the appointment letter, scheduled a public hearing on Monday, June 12, 1989 at 4:30 p.m. in the Legislative Session Hall. [Attachment 3]

Committee members present at the hearing were Senator Ted S. Nelson, Chairman of the Committee on General Governmental Operations, Senator Herminia D. Dierking, Acting Chairman, Committee on Ways and Means, Senator Frank R. Santos, Chairman, Committee on Federal, Foreign and Legal Affairs. Also present were Senators Elizabeth P. Arriola, and Tommy V.C. Tanaka. [Attachment 4]

NOTIFICATION:

Letters [Attachment 5] of notification were sent to: Governor Joseph F. Ada; RADM Thomas J. Johnson, Commander, Naval Forces Marianas; CAPT Ralph M. Cugowski, Commanding Officer, PWC Guam; Mr. Manuel Q. Cruz, President, American Federation of Government Employees, Local No. 1689, Inc.; to all PCB-Affected Claimants; Mrs. Elizabeth Barrett-Anderson, Attorney General, Department of Law; Mr. Wilfred G. Aflague, Director of Administration; Mr. Michael J. Reidy, Director of the Bureau of Budget and Management Research; Mr. Raymond S. Laquana, President of the Commissioners Council; to the respective Committee members; and to the news media.

TESTIMONY:

Appearing before the Committee were Mr. Manuel Q. Cruz, President, American Federal of Government Employees, Local 1689, Inc., [Attachment 6] and Attorneys Alan C. Milstein, (Mesirov, Gelman, Jaffe, Cramer, and Jamieson), Bennet A. McConaughy, (Foster, Pepper, and Shefelman) and Randy Cunliff, (Cunliff and Cook). The Attorneys present represent the employees of Public Works Center who have filed claims against the Navy, General Electric and Monsanto.

In his testimony before the Committee, Mr. Cruz testified that the Federation supports the passage and enactment of Bill No. 666 with minor amendments. Mr. Cruz also said that the explosion that occurred at the Piti Power Plant resulted in the high pressure release of 50 to 60 gallons of nearly pure PCB. The Navy, according to Mr. Cruz, later discovered that the explosion also discharged dioxins and furans. He elaborated saying that dioxins and furans are among the most toxic chemicals known to man.

Mr. Cruz testified that there are over 200 employees and their families who were dangerously exposed to these deadly chemicals. He also said that the transformers that exploded were not labeled as containing PCB. Mr. Cruz recounted the incident saying that the employees rushed through a deadly fog to the site of the damaged transformer, without any protective gear, got down on hands and knees with rags and started to mop up and contain the PCB spill. The employees were later evacuated when the presence of PCB's was discovered. While employees were being evacuated, another was sent back in to retrieve the time cards.

For two (2) months following the explosion, employees were exposed on an intensive, daily basis to PCB's, dioxins and furans. Throughout this period, the employees were never provided with the proper protective gear or facilities. Instead, they were issued garbage bags to wrap over their shoes, half respirators, which left their eyes and face exposed, rubber gloves which melted in the solvents with which they were working.

Concluding his testimony, Mr. Cruz stated that the budget being requested is modest. It will allow the law firm representing the employees to assign two (2) paralegals and two (2) attorneys to work on the case. Furthermore, it can be expected that the United States and the private defendants will throw many more attorneys and much more money into defending these claims. On behalf of the PCB-affected claims, Mr. Cruz requested that the initial funding be increased to \$800,000, and urged passage and enactment of Bill No. 666.

At this time, Mr. Cruz asked that the testimony of Mr. Arnold Schecter, M.D., M.P.H. be read and made a part of the Committee Report. There being no objection, the Chairman ordered that Dr. Schecter's testimony be incorporated and labeled as Attachment 7.

For the information of the Committee, Mr. Cruz highlighted the career and involvement of Dr. Shecter. He informed the Committee that Dr. Schecter is currently a Professor in the Department of Preventive Medicine, College of Medicine, State University of New York, Health and Science Center in Binghamton, New York. Mr. Cruz also informed the Committee that Dr. Schecter taught at Harvard Medical School, the State University of New York, Downstate Medical Center and the New Jersey Medical School. A copy of Dr. Schecter's curriculum vitae is enclosed as Attachment 8.

According to Mr. Cruz, Dr. Schecter based his testimony on his review of the General Accounting Office Report on the PCB Spill at the Piti Power Plant. Dr. Schecter concluded that the employees called in to clean up the spill appear to have been exposed to dangerous levels of PCB's, dioxins and furans. Dr. Schecter also wrote that if these employees brought these dangerous and highly toxic substances home, it is quite possible that family members may have also been exposed to these toxic chemicals.

In his testimony, Dr. Schecter stated that with the Legislature's help, he is ready to attempt to determine the extent of the exposure of these toxic substances. According to him, many of the employees will suffer in the years to come. Dr. Schecter also wrote that he will prepare a thorough medical monitoring program to ensure, as best as medical science is capable of ensuring, that if any of the employees develop medical problems as a result of their exposure they can receive prompt medical attention along with appropriate care to decrease preventable deaths and to otherwise diminish suffering.

For the record, the Chairman announced that additional written testimony was received from Mr. James P. Castro [Attachment 9], who supports the passage and enactment of Bill No. 666, and RADM Thomas J. Johnson [Attachment 10], who informed the Committee that it would be inappropriate for the Navy to comment since legal action has been instituted against the Navy.

At this time, the Chairman asked if any of the employees present would like to submit testimony. In response to the Chairman's request, several employees testified. However, because of the pendency of their case in the District Court and the Navy, the Committee wishes not to make public or publicize the testimonies submitted by the employees except for that fact they all support passage and enactment of Bill No. 666.

There being no further witnesses, the Chairman, allowed the Committee members to query the primary witness.

In her opening statement, Senator Elizabeth P. Arriola stated that after reviewing the testimonies presented and the General Accounting Office Report, I am convinced that something must be done. "How unconscionable can the Navy be!" lamented Arriola. At this time she expressed her support for the bill and requested the Chairman that she be included as one of the sponsors.

Senator Herminia D. Dierking at this time expressed her concerns whether the amount being requested would jeopardize the passage and enactment of Bill No. 666. Attorney Randy Cunliff responded saying that the initial cost and intent of the legislation was to assist the employees. He went on to say that an increase in the funds would not jeopardize the passage and enactment of the legislation.

The Chairman of the Committee on Federal, Foreign and Legal Affairs, Senator Frank R. Santos was next to query the panel. He asked whether the coverage of the bill was limited only to employees at the Piti Power Plant. Mr. Manuel Cruz replied that the intent of the legislation was to assist all PCB-affected claimants. Senator Santos then asked if the employees who applied for a loan under the provisions of the bill would have to repay the fund should they not prevail in court. Attorney Cunliff and Mr. Cruz responded saying they support whatever the Committee decides and deems proper. In response, Senator Santos suggested to the Committee Chairman that the only time the employees should repay the fund, is when they prevail in court.

There being no objection, the Chairman noted the suggested amendment and instructed the Committee staff to insert the appropriate language. There being no further questions, the Chairman thanked the employees present, the president of the AFGE and the attorneys for taking time from their busy schedule to appear before the Committee.

At this time, Mr. Cruz interjected saying "all the employees are asking for is a helping hand...ayuda taotao'ta...they deserve it." On this note, Senator Santos informed the Chairman that he would also like to co-sponsor the legislation. There being no objection, the Chairman instructed the Committee staff to list Senator Santos as one of the co-sponsors of Bill No. 666.

The Legislature has an obligation to protect the health, and welfare of its people, Senator Nelson said. At this time, the Chairman presented a Summary of the General Accounting Office Report on the PCB Spill at Piti Power Plant.

There being no further witnesses, the Chairman called for the adjournment of the Committee hearing on Bill No. 666.

SUMMARY OF THE GENERAL ACCOUNTING OFFICE REPORT:

At the time of the explosion (May 26, 1987), approximately 29 employees were directly exposed to the PCB-contaminated oil. While the Navy initiated cleanup efforts, employees assigned to the emergency response crew, had received very little training on the proper procedures to use during the aftermath of a transformer explosion. Because of the Navy's lack of expertise, the Navy did not immediately test the contaminated area for dioxins and furans. Furthermore, they did not provide employees with the adequate personal protective equipment. Also, the Navy did not provide hazardous materials management training to all plant operators and other support personnel assisting in the cleanup.

The GAO Report also stated that the Navy did not take all of the required precautions to protect its employees. The Navy discontinued the PCB cleanup on July 14, 1987, when the presence of dioxins and furans were confirmed.

Emergency Response and Cleanup: On May 26, 1987, the Public Works Center emergency response team entered the plant to assess the extent of the contamination. After consultation with PWC's Safety Officer and the hospital's Occupational Health and Preventive Medicine Personnel, PWC's emergency response team and the cleanup crew were allowed to enter the contaminated area before determining whether or not there was a potential for dioxin and furan contamination. As a result, the emergency response team and the cleanup crew unnecessarily encountered contamination without proper protection.

Dioxins and Furans: Officials at PWC did not recognize that pressurized releases of PCB's are considered fire-related when heat is generated. Furthermore, Navy instructions, available in Guam, indicated that such a pressurized release could generate enough heat so that the more potent dioxins and furans could be generated.

Training: A majority of the workers on the emergency response team and the cleanup crew had received very little training on the procedures to use during a PCB spill. More importantly, other individuals, including plant operators who helped during the cleanup had very little or no training on the dangers of PCB's and how to respond to a PCB spill. Because of the Navy's negligence in not providing the proper training, the employees at Piti Power Plant were contaminated with PCB's, and it is quite possible that these employees may also have been contaminated with dioxins and furans.

Protective Equipment: The Navy did not have all of the recommended personal protective equipment in Guam at the time of the accident. The protective equipment worn varied widely from none at the time of the spill to full protection at the time of GAO's investigation. As the cleanup work continued, protective equipment was generally reduced for all workers except for the cleanup crew. However, when the more potent dioxin and furan were discovered, the equipment was changed back to full protection.

Occupational Safety and Health Administration officials and others expressed concern about the possibility that inadequate protection was provided by the type of equipment employees wore after the spill occurred until they started wearing full protective equipment.

Elimination of PCB Transformers: In May 1986, before the spill, the Chief of Naval Operations directed all major commands to replace PCB equipment in poor condition or with potential for serious health, environmental, or mission impact. As of December 1986, there were 65 PCB transformers at the Naval Complex in Guam. The transformer that exploded was one of the two (2) largest at the plant that were to be replaced in fiscal year 1989.

Medical Monitoring: After the accident, the Navy included in its medical monitoring program approximately 251 employees who were in the plant at the time of the explosion or who may have been contaminated in the cleaning activities or the continued operation of the plant. Of the 66 employees in the plant when the accident occurred and PCB-laden oil were released, 50 were examined within three (3) days at the Naval Hospital. The other sixteen (16) employees reported to the hospital at a later date.

OSHA regulations require that baseline medical examinations be given to all employees before they start work as part of the cleanup crew in a hazardous area designated for cleanup and annually thereafter and also at the time of an emergency, such as the explosion of the PCB transformer.

When the GAO conducted their investigation, they ascertained that 50 employees involved in the cleanup had not received medical examinations for over one (1) year before the accident occurred and did not receive baseline examinations until more than eighty (80) days after the accident.

The Navy did not know the medical conditions of their employees at the time of the accident. After the accident, the Navy established a medical monitoring program to include all employees who were directly exposed, participated in the cleanup or, in some way, may have been subsequently affected by the accident.

Toxic Substances Control Act: The Toxic Substances Control Act of 1976 regulates toxic substances including PCB's, dioxins and furans. The U.S Environmental Protection Agency has issued regulations for the use, management, disposal, and cleanup of PCB's. Furthermore, the Occupational Safety and Health Administration has issued rules covering employee protection requirements when working in hazardous areas or for cleaning up chemical spills.

PCB: What Is It; Effects: Polychlorinated Biphenyls, known as PCB, are a class of fire-resistant chlorinated hydrocarbon fluids that have been used mainly as insulators or heat transfer liquids in large electrical transformers and capacitors. Because of their chemical stability, PCB's tend to persist in the environment. PCB's are considered a chronic toxic hazard, since they are readily absorbed and retained by human and animal tissue. PCB's can be taken into the body through breathing, direct skin contact, or by ingesting food or drinking water.

The exposure of PCB vapors is the most dangerous mode of contact. PCB's accumulate in the body until they reach harmful levels. Short-term effect of PCB exposure may include development of skin problems such as chloracne and hyperpigmentation. Long-term, low level exposure to PCB has been observed to cause liver damage and possible impairment of the nervous system. Also, reproductive and carcinogenic effects have been found in animals. Because PCB's cause cancer in animals, they are considered a carcinogen.

A greater concern was the exposure of dioxins and furans which is more potent than PCB. Dioxins and furans are generated when there is a fire-related or pressurized release of PCB's in which heat is generated. These toxic chemicals also cause medical problems similar to, if not worse than PCB.

COMMITTEE FINDINGS:

The Committee on Ways and Means, together with the Committee on General Governmental Operations, to which was referred Bill No. 666, finds, that:

1. On May 26, 1987, a transformer exploded at the Piti Power Plant. As a result of the explosion, approximately 50 to 60 gallons of PCB's spilled throughout the plant. Also, substantial quantities of dioxins and furans were released.
2. Contrary to regulations issued by the U.S. Environmental Protection Agency, the transformer was not labeled as containing PCB's. Furthermore, the employees were not advised of the presence of PCB's, nor were they trained to handle such an explosion. Therefore, the consequences resulted in employees, and plant operators not knowing what appropriate action to take.
3. As a result, a number of employees were showered with PCB's, dioxins and furans, while others inhaled a deadly mist. These employees were exposed to PCB's, dioxins and furans, at a thousand times higher than levels permissible under EPA and OSHA regulations.
4. A majority of the employees directly exposed and showered with PCB were allowed to leave the compound without being decontaminated or monitored by hospital officials. These employees went home not knowing that they were spreading toxic substances and exposing their spouses and dependents to PCB's, dioxins and furans, either through contact, or by their clothing, and even the sharing of food.
5. Because of the Navy's failure to properly treat and provide adequate medical attention to these employees, they sought the help of Senator Ted S. Nelson. The Senator after hearing the horror stories, wrote to the General Accounting Office, the Surgeon General, and various U.S. Senators and Congressmen, requesting that an investigation be conducted on the PCB spill at the Piti Power Plant.
6. During the months of October 1987 to March 1988, the General Accounting Office conducted an investigation and obtained information from those involved. As a result, the GAO released its final report on September 22, 1988. The report responded to the requests that GAO evaluate the Department of the Navy's cleanup efforts of the PCB spill at the Piti Power Plant.

7. In 1985, the General Accounting Office issued a report to Congress stating that the Department of Defense has not adequately involved regulatory agencies in its program to cleanup inactive Department of Defense owned hazardous waste sites.
8. In May and December 1986, the General Accounting Office released two reports which stated that the Department of Defense has difficulties in complying with EPA and OSHA regulations. One of the reports revealed that Navy audits show ninety percent (90%) of Navy's hazardous waste generators examined were not in compliance with the Resource Conservation and Recovery Act (RCRA). This public law (RCRA) regulates the management of hazardous wastes.
9. On May 25, 1989, approximately 1,000 individuals filed suit against General Electric Company and Monsanto Company, in the District Court of Guam. This class action suit was filed by the employees of PWC to recover for personal damages, medical treatment, and exposure to PCB, dioxins and furans. On the same day, a second suit was filed against the Navy by the affected employees and their families. This suit alleged that the Navy was negligent and did not provide adequate protection, medical treatment and monitoring to the employees and their families.
10. The Guam Legislature has already established precedence in this area. In the Sixteenth and Seventeenth Guam Legislatures, a Landowners Recovery Fund was established to assist land claimants secure just compensation from the United States Government.
11. Having reviewed all the documents submitted, the Committee recommends that Bill No. 666 be substituted to reflect the various amendments offered and to change the amount appropriated in the original bill.

SECTION ANALYSIS:

Please refer to Page 9, "Profile on Substitute Bill No. 666."

COMMITTEE RECOMMENDATION:

The Committee on Ways and Means, together with the Committee on General Governmental Operations, to which was referred Bill No. 666, "An act to appropriate the sum of Nine Hundred Thousand Dollars (\$900,000) to assist Polychlorinated Biphenyls (PCB) affected employees as a result of a transformer explosion at the Navy Public Works Center, Guam, and to establish an Employees' PCB Recovery Fund," has had the same under consideration, and now wishes to report back the same with the recommendation to do pass as substituted.

PROFILE ON SUBSTITUTE BILL NO. 666

Brief Title: "Employees' PCB Recovery Fund Act."

Main Sponsors: Senators Ted S. Nelson, Carl T.C. Gutierrez, and Herminia D. Dierking.

Date Introduced: Submitted to the Legal Office on May 11, 1989. Introduced and read for the first time on May 23, 1989.

Assigned Committee: Referred to the Committee on Ways and Means, the Committee on Federal, Foreign and Legal Affairs, and to the Committee on Health, Welfare and Ecology.

Assignment: The Chairman, Committee on Ways and Means, on Thursday, June 1, 1989, appointed Senator Ted S. Nelson the main sponsor of the bill, to coordinate and conduct the necessary public hearing on Bill No. 666.

Public Hearing: Pursuant to the appointment, the Chairman, Committee on General Governmental Operations scheduled a public hearing for Monday, June 12, 1989, at 4:30 p.m. in the Legislative Session Hall.

Official Title: "An Act to appropriate the sum of Nine Hundred Thousand Dollars (\$900,000) to Assist Polychlorinated Biphenyls (PCB) Affected Employees, Resulting from a Transformer Explosion at the Navy Public Works Center, Guam, and to Establish an Employees' PCB Recovery Fund."

Co-Sponsors: Senators Joe T. San Agustin, Frank R. Santos, Elizabeth P. Arriola, Pilar C. Lujan, Don Parkinson, Gordon Mailloux, Madeleine Z. Bordallo, Eddie D. Reyes, J. George Bamba, Marilyn D.A. Manibusan, Tommy V.C. Tanaka and Eddie R. Duenas.

BILL DIGEST

Section 1. States the findings of the Guam Legislature that the Navy was negligent in protecting the employees at the Piti Power Plant when a transformer exploded and spilled polychlorinated biphenyls (PCB), a toxic substance. Based on a GAO investigation, the report revealed that 29 employees were directly exposed to PCB. The report went on to say that while the Navy did initiate cleanup efforts, they did not immediately test the area for dioxins and furans. The report also condemns the Navy saying that the Navy did not take all of the required precautions to protect the employees.

Furthermore, Bill No. 666 declares that its main purpose and intent is to assist those employees affected and/or contaminated with PCB. The bill also states three (3) basic principles: (1) that it is in the best interest of the employees to seek adequate remedies from the United States Government; (2) to assist the employees and their families in securing just compensation from the manufactures and the Navy; and (3) to assist the employees and their families with the necessary legal proceedings to adjudicate a fair and just settlement.

Section 2. Defines certain terms used throughout the Act to ensure clarity and specitivity.

Section 3. Creates the Employees' PCB Recovery Fund. It provides that the purpose of the Fund is to grant loans to the American Federation of Government Employees, to assist those employees and their families in securing adequate remedies from the United States Government and the manufactures of the PCB transformers. The loan is designed to assist the employees in the procurement of necessary legal, consultant and medical support staff services, needed to successfully argue and present a case against the United States Government and the manufactures.

Section 4. Appropriates \$900,000 from the General Fund to the Employees' PCB Recovery Fund. It also states that the Legislature is committed to continue making appropriations to the Fund when requested or deemed necessary by the Legislature.

Section 5. Provides that the Public Defenders Office shall be the custodian of the Fund. It also authorizes the Office to promulgate the necessary rules and regulations to govern the Fund. A three percent (3%) interest rate has been applied, and shall take effect only when the employees prevail in either the District Court or with the United State Government.

Section 6. Provides that the Act may be cited or referred to as "The Employees' PCB Recovery Fund Act of 1989."



Committee on General Governmental Operations

Twentieth Guam Legislature

TED S. NELSON Chairman

Member

Committee on Rules

Committee on Economic Development

Committee on Energy, Utilities &
Consumer Protection

Committee on Federal, Foreign &
Legal Affairs

Committee on Health, Welfare &
Ecology

Committee on Housing & Community
Development

Committee on Judiciary & Criminal
Justice

Committee on Ways & Means

Committee on Youth, Senior Citizens,
Cultural Affairs & Human Resources

Committee on General
Governmental Operations

Members

Elizabeth P. Arriola

J. George Bamba

Madeline Z. Bortello

Hermine D. Dierling

Edward R. Duenes

Gustav G. Gubierrez

Pilar C. Lujan

Gordon Mailoux

Don Parkinson

Edward D. Reyes

Frank R. Santos

Tommy V.C. Tanaka

Ex-Officio Member

Joe T. San Agustin
Speaker

June 2, 1989

MEMORANDUM

To: All PCB-Affected Claimants

From: Senator Ted S. Nelson

Subject: Public Hearing, Bill No. 666

This is to inform you that the Committee on General Governmental Operations will conduct a public on Bill No. 666, "An act to appropriate the sum of One Hundred Thousand Dollars to assist PCB affected employees at the Public Works Center, Navy, Guam, and to establish an Employees' PCB Recovery Fund."

For your information, the public hearing is scheduled for Monday, June 12, 1989 at 4:30 p.m. in the Legislative Session Hall. As this measure directly affects you and your family, I am inviting you to attend and submit testimony. In addition, I would appreciate it if you would disseminate this information to your co-workers.

Should you have any questions, please feel free to call on me or Mr. James P. Castro, my Deputy Chief of Staff.



TED S. NELSON

Attachment:



Committee on General Governmental Operations

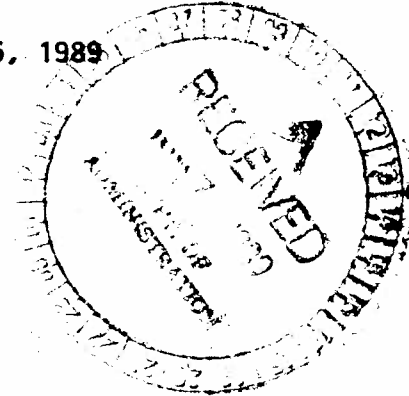
Twentieth Guam Legislature

TED S. NELSON Chairman

Member

- Committee on Rules
- Committee on Economic Development
- Committee on Energy, Utilities & Consumer Protection
- Committee on Federal, Foreign & Legal Affairs
- Committee on Health, Welfare & Ecology
- Committee on Housing & Community Development
- Committee on Judiciary & Criminal
- Committee on Ways & Means
- Committee on Youth, Senior Citizens, Cultural Affairs & Human Resources

June 6, 1989



Mr. Wilfred G. Aflague
Director
Department of Administration
Agana, Guam

Dear Mr. Aflague:

The Committee on General Governmental Operations will hold a public hearing on **Monday, June 12, 1989** in the **Legislative Session Hall**. We invite you to attend and to present the Department's position on the following bills and appointment:

Committee on General Governmental Operations

Members

- Elizabeth P. Arriso
- J. George Basilio
- Madeleine Z. Bordallo
- T. Darling
- Estrellita R. Dumas
- Carl T.C. Gutierrez
- Peter C. Lujan
- Gordon Mailles
- Don Parkinson
- Edward D. Reyes
- Frank R. Santos
- Tommy V.C. Tanaka

Ex-Officio Member
Joe T. San Agustin
Speaker

9:30 a.m. Bill No. 120 An act relative to amending the title of Commissioner to Mayor.

Bill No. 195 An act to appropriate the sum of One Hundred Thousand Dollars (\$100,000) to the Department of Public Works for the re-alignment of easement and just compensation for a portion of land taken from the late Francisco F. Perez, described as Lot No. 3329-3-R1, Chalan Pago, Municipality of Sinajana.

Bill No. 717 An act to appropriate the sum of One Hundred Seventy-Five Thousand Dollars (\$175,000) from the General Fund to the Land Survey Revolving Fund for the Pigua Subdivision in Merizo.

Bill No. 739 An act to appropriate funds to the Land Survey Revolving Fund for the purpose of subdividing government-owned real property and to cite the Act as the Surveying and Mapping of Government Subdivisions Act of 1989.

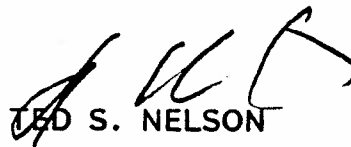
2:30 p.m. Appointment of Manuel S. Chargualaf to serve as a member of the Civil Service Commission.

Mr. Wilfred G. Aflague
Page 2
June 6, 1989

4:30 p.m. **Bill No. 666** An act to appropriate the sum of One Hundred Thousand Dollars to assist PCB-affected employees at the Public Works Center, Navy, Guam, and to establish an Employees' PCB Recovery Fund."

We trust that you or your designee will join us at this hearing.

Sincerely,



TED S. NELSON

rtlg
Enclosures



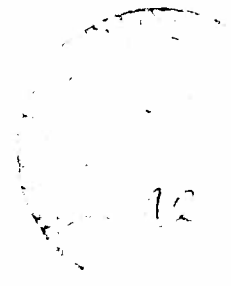
Committee on General Governmental Operations

Twentieth Guam Legislature

TED S. NELSON Chairman

- Member
- Committee on Rules
- Committee on Economic Development
- Committee on Energy, Utilities & Consumer Protection
- Committee on Federal, Foreign & Legal Affairs
- Committee on Health, Welfare & Ecology
- Committee on Housing & Community Development
- Committee on Judiciary & Criminal Justice
- Committee on Ways & Means
- Committee on Youth, Senior Citizens, Cultural Affairs & Human Resources

June 6, 1989



Mr. Michael J. Reidy
Director
Bureau of Budget and Management
Research
Agana, Guam

Dear Mr. Reidy:

The Committee on General Governmental Operations will hold a public hearing on **Monday, June 12, 1989** in the **Legislative Session Hall**. We invite you to attend and to present the Bureau's position on the following bills and appointment:

Committee on General Governmental Operations

- Members
- Elizabeth P. Arriola
- J. George Bando
- Madelaine Z. Borealis
- Charles D. Clark
- Edward R. Duenas
- Carl T.C. Guzman
- Pilar C. Lujan
- Gerardo Mulliken
- Don Parkinson
- Edward D. Reyes
- Frank R. Santos
- Tommy V.C. Tavelle
- Ex-Officio Member
- Joe T. San Agustin
Speaker

9:30 a.m. Bill No. 120 An act relative to amending the title of Commissioner to Mayor.

Bill No. 195 An act to appropriate the sum of One Hundred Thousand Dollars (\$100,000) to the Department of Public Works for the re-alignment of easement and just compensation for a portion of land taken from the late Francisco F. Perez, described as Lot No. 3329-3-R1, Chalan Pago, Municipality of Sinajana.

Bill No. 717 An act to appropriate the sum of One Hundred Seventy-Five Thousand Dollars (\$175,000) from the General Fund to the Land Survey Revolving Fund for the Pigua Subdivision in Merizo.

Bill No. 739 An act to appropriate funds to the Land Survey Revolving Fund for the purpose of subdividing government-owned real property and to cite the Act as the Surveying and Mapping of Government Subdivisions Act of 1989.

2:30 p.m. Appointment of Manuel S. Chargualaf to serve as a member of the Civil Service Commission.

Mr. Michael J. Reidy
Page 2
June 6, 1989

4:30 p.m. **Bill No. 666** An act to appropriate the sum of One Hundred Thousand Dollars to assist PCB-affected employees at the Public Works Center, Navy, Guam, and to establish an Employees' PCB Recovery Fund."

We trust that you or your designee will join us at this hearing.

Sincerely



TED S. NELSON

rtlg
Enclosures



Committee on General Governmental Operations

Twentieth Guam Legislature

Received by June

TED S. NELSON Chairman

June 6, 1989

- Member
- Committee on Rules
- Committee on Economic Development
- Committee on Energy, Utilities & Consumer Protection
- Committee on Federal, Foreign & Legal Affairs
- Committee on Health, Welfare & Ecology
- Committee on Housing & Community Development
- Committee on Judiciary & Criminal Justice
- Committee on Ways & Means
- Committee on Youth, Senior Citizens, Cultural Affairs & Human Resources

Memorandum

To: Executive Director
 From: Chairman
 Subject: Public Hearing Notice

The Committee on General Governmental Operations will hold a public hearing on **Monday, June 12, 1989** in the **Legislative Session Hall** on the following bills and appointment:

9:30 a.m. Bill No. 120 An act relative to amending the title of Commissioner to Mayor.

Bill No. 195 An act to appropriate the sum of One Hundred Thousand Dollars (\$100,000) to the Department of Public Works for the re-alignment of easement and just compensation for a portion of land taken from the late Francisco F. Perez, described as Lot No. 3329-3-R1, Chalan Pago, Municipality of Sinajana.

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Bill No. 739 An act to appropriate funds to the Land Survey Revolving Fund for the purpose of subdividing government-owned real property and to cite the Act as the Surveying and Mapping of Government Subdivisions Act of 1989.

2:30 p.m. Appointment of Mr. Manuel S. Chargualaf to serve as a member of the Civil Service Commission.

Please send notices to the appropriate media and charge the cost of the paid announcement to the Committee. In addition, please make the Legislative Photographer and Audio Technician available at this hearing.

Your assistance and cooperation is appreciated.

Ted S. Nelson
TED S. NELSON

Committee on General Governmental Operations

- Members
- Elizabeth P. Arriola
- J. George Bamba
- Madeline Z. Bardsley
- James D. Darling
- William R. Dumas
- Carl T.C. Gutierrez
- Peter C. Lujan
- Gordon Mathews
- Don Partee
- Edward O. Reyes
- Frank R. Santos
- Tommy V.C. Taniel

Ex-Office Member
Joe T. San Agustin
Speaker

1. Testimony from Mr. Manuel O. Cruz,
President, American Federation of
Government Employees, Local 1689
2. Testimony from Dr. Arnold J. Schecter
3. Curriculum Vitae of Dr. Schecter
4. Testimony from James P. Castro
5. Letters from RAD, Thomas J. Johnson
to Senator Ted S. Nelson
6. Letter from Vice-Speaker Ted S. Nelson
to RADM Thomas J. Johnson
7. Witness Sheet

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES

LOCAL 1689, INC..

*Affiliated with the AFL-CIO*DRAWER DK, AGANA, GUAM 96910
TEL: (671) 332-2290/3149

TESTIMONY

OF

In Reply Refer To:

MANUEL Q. CRUZ

BEFORE THE

COMMITTEE ON GENERAL GOVERNMENTAL OPERATIONS

20TH GUAM LEGISLATURE

MONDAY, 12 JUNE 1989

Mr. Chairman and Members of the Committee:

My name is Manuel Q. Cruz. I am the President of the American Federation of Government Employees (AFGE), Local 1689, Inc. My labor organization represents approximately 6,000 bargaining unit members in thirteen (13) Navy Commands and Activities on Guam, the Air Force at Andersen Air Force Base, and the Navy and Air Force Exchanges.

I am here today to testify in support of an amended version of draft Bill No. 666, "an Act to appropriate the sum of one hundred thousand dollars (\$100,000.00) to assist polychlorinated biphenyls (PCB) affected employees at the Public Works Center, Navy, Guam, and to establish an Employees' PCB Recovery Fund". This bill, in amended form, will provide much needed assistance to certain of our members and their families.

I will not recount in detail the circumstances of the explosion of the transformer at the Piti Power Plant on 26 May 1987. The explosion resulted in the high pressure release of 50 to 60 gallons of nearly pure PCBs. As the Navy discovered later, the explosion also discharged dioxins and furans. These are among the most toxic chemicals known to man. At present, we believe over 200 employees and their families were dangerously exposed to these deadly chemicals. In many cases, this exposure was the result of the failure of the Navy to follow government regulations regarding the toxic spill procedures, such as testing and personal protective equipment (PPE) requirements. On the other hand, the manufacturers of the transformer and the PCBs had not taken the proper steps to insure safe operation or handling of their products.

In addition, we believe the transformer that exploded at the Piti Power Plant was not labeled as containing PCBs.

Employees at the plant were not told that the transformer contained PCBs; nor of the dangers of PCBs and dioxins and furans. As a result, following the accident, employees rushed through a deadly fog to the site of the damaged transformer, without any protective gear, and got down on their hands and knees with rags to mop up and contain the PCB spill. They were eventually evacuated when the presence of PCBs was discovered, but another employee was sent into the plant --without any protective gear--to pick up time cards.

The story grows more tragic. Over the next two (2) months, the clean up crew and the plant operators were exposed on an intensive, daily basis to the deadly chemicals of PCB, dioxins and furans. Throughout this period of time, they were never provided with proper protective gear or facilities. They instead wore garbage bags over their shoes, half-respirators (which left their eyes and face exposed) and rubber gloves which melted in the solvents with which they were working.

The Navy continued to operate the power plant during this period of time, and beyond, further exposing the employees. This was not because of the need for the electrical power---it was because of the political dispute with the Government of Guam over the transfer of the power plant.

As a result of these conditions, some of these people were exposed to levels of PCBs, dioxins and furans at hundreds of thousands of times the maximum legal levels. Because of inadequate safety procedures, the employees went home without having been adequately cleaned, and with contaminated clothing---thereby exposing their families to the same deadly materials.

These employees earned perhaps \$8.00 per hour to do this for two months in question and four or five months thereafter. The best indication of the seriousness of these materials is that after these employees had scrubbed down the plant for two months--removing virtually all of the toxic wastes---the Navy hired a private contractor--at a cost of about \$6 million--to "finish up". That contract cost \$6 million because of the risks, hazards, and intensive protective procedures encountered by the contractor. Unfortunately, our Navy employees who were exposed to much higher levels of PCBs, dioxins and PCBs did not have the same protection.

The Navy has provided a haphazard response to the medical needs of these employees. One example will make this clear. PCBs are accumulated in the fatty tissues of the body. To measure exposure to PCBs, a fat biopsy should be taken and analyzed. Instead, the Navy took blood tests. (The Navy stored the blood on the island for many months before having it analyzed off-island.) Using a blood test to measure PCB

exposure several months before is like taking a blood test to measure alcohol several months before--it does not give an accurate picture.

The Navy does not have the expertise to provide medical care and monitoring to these employees. Furthermore, it does not have the incentive to provide good medical care. Putting the Navy in charge of medical care in this case is like putting the fox in charge of the henhouse.

As a result of their exposure to these life threatening chemicals, our employees and their families face an uncertain and troublesome future. Exposure to these chemicals causes greatly increased risks of cancer and other life threatening medical problems, skin and liver disorders, and reproductive problems, as well as the fear and emotional distress of living with these increased risks and uncertainties. At a minimum, these employees and their families will require many years of thorough, competent medical monitoring.

Because of the Navy's lack of expertise and incentive to help these people, they have turned to us. Our Union has made substantial efforts to evaluate and to find competent legal counsel to represent them in pursuing these claims. The lawyers have also contacted one of the leading doctors in the area of exposure to PCBs.

Pursuing these legal claims, and providing the medical services necessary, will be expensive. On the medical side, the experts advise us that the initial battery of tests will cost \$1,000-2,000 per person. A schedule for monitoring over the next five years will cost several thousand dollars per year per person. A lifetime of medical monitoring can run \$100,000 per person. Accordingly, an initial appropriation of \$250,000 appears necessary.

The legal side is similar. The United States and the manufacturers can be expected to fight any claims vigorously. They will have a staff of high-priced lawyers who will attempt to grind our employee down. The lawyers we have found are willing to meet the challenge. Because of the difficulty of winning cases such as these, law firms usually handle these cases on a contingent fee basis, where the law firm gets a percentage of up to 50% of any amount recovered for their clients. Under the laws of Guam, any contingent fee a law firm could recover is too limited to allow them to fight the kind of battle we expect. In order to cover the risk of taking this case on and yet at the same time increase the amounts ultimately received by these injured people, the lawyers are willing to take the case partly on an hourly fee basis, and partly on a contingency. They will charge 2/3 of their regular hourly rates, subject to a maximum of \$250,000 per year. They will also earn 10%

of any recovery. An additional appropriation of \$500,000 will fund them for two years of this battle.

This budget is modest, it will allow the law firms representing the employees to assign two paralegals and two lawyers to work half-time on the case. It can be expected that the United States and the private defendants will throw many more attorneys and much more money into defending these claims.

Thus, we request that the initial amount appropriated in Bill 666 be increased to \$750,000.

On behalf of my organization and the affected employees and their families, I wish to publicly thank Senator Ted Nelson for his continuing and unwaivering support of the PCB issue here on Guam. He has truly been a guiding light for all of us.

And to all the other co-sponsors of Bill No. 666, we thank you. We also appreciate your support.

Chairman and members of the Committee, thank you for the opportunity to testify on Bill No. 666. We urge its speedy passage. This concludes my prepared testimony. I am happy to answer any questions.

To The Honorable Members of the Guam Legislature

My name is Arnold J. Schecter, M.D., M.P.H. I am currently a Professor in the Department of Preventive Medicine, College of Medicine of the State University of New York Health Science Center in Binghamton, New York. I have previously taught at the Harvard Medical School, the State University of New York, Downstate Medical Center and the New Jersey Medical School. I am a graduate of the College of the University of Chicago, of Howard University Medical School, Columbia University School of Public Health, and was a Post Doctoral Research Fellow at the Harvard Medical School.

I was a Major in the United States Army and served in the Army Medical Corp. during the Vietnam War.

At the present time, and for most of this decade, since 1981, I have focused my medical research and clinical activities on human health effects of the dioxins, dibenzofurans, PCBs and similar chemicals.

I have conducted a significant amount of research on the effects of toxic substances, particularly polychlorinated biphenyls, dibenzofurans and dioxins, on the human body and have published the results in scientific journals. For example, I am currently coordinating a research effort in Vietnam to follow up the effects on the population of exposure to Agent Orange and dioxins. I was an advisor to the World Health Organization with respect to dioxins in human breast milk. I also served as an expert consultant to the United States Environmental Protection

Agency on the human health effects of exposure to polychlorinated dibenzofurans, and I directed several Agent Orange studies on U.S. Vietnam Veterans for the Commonwealth of Massachusetts.

In 1981, after a PCB transformer fire in the city of Binghamton, New York, my colleagues and I were the first to discover that such fires and explosions could lead to contamination of the work place with PCBs, dioxins, and polychlorinated dibenzofurans and we were the first to measure the fat and blood dioxin and dibenzofuran levels after such exposure on American workers, especially including determination of elevated levels of dioxins and dibenzofurans in workers' blood and fat tissue as compared with the general population. I have published a number of papers on our scientific and medical findings in the journals listed in my curriculum vitae.

Additional examples, and a list of the articles I have published, are listed in my C.V., which I have attached to this letter.

I have reviewed the Government Accounting Office Report to Congress on the PCB spill at the Guam Naval Power Generating Plant. Based on that review, and based on my professional judgment, it seems to me that at least some of the citizens of Guam who were called in to clean up the results of that spill appear to have been exposed to dangerous levels of PCBs, dioxins and polychlorinated dibenzofurans. Further, if these individuals brought these dangerous and highly toxic substances home to their families on their work clothes and shoes, which is quite

possible, family members may have also been exposed to these toxic chemicals.

Exposure to PCBs, dioxins, and polychlorinated dibenzofurans can lead to serious health problems. These include:

1. Cancers of various types;
2. Reproductive system damage including spontaneous abortions and congenital malformations (malformed babies);
3. Damage to the immune system, leading to the inability to fight infections or cancer;
4. Liver damage;
5. Nervous system damage, which may include neurobehavioral changes, learning disabilities and personality alterations;
6. Altered lipid metabolism and elevated triglyceride and cholesterol levels, which, in turn, may lead to increased incidence of myocardial infarctions (heart attacks) or cerebrovascular accidents (strokes);
7. Bleeding disorders; and
8. Skin reactions of greater or lesser severity, sometimes with severe pruritus or itching.

I have been asked and have agreed to serve as a medical consultant and an expert witness with respect to the effects of exposure in this instance on the individual workers and their families. In order to do that properly, both for the medical well being of these individuals and for the purposes of

litigation, I will need to conduct a thorough medical screening on the exposed individuals. Particularly because of the expense of determining the levels of dioxins and dibenzofurans and also PCBs in individuals, I estimate that the cost of this initial screening will be somewhat over two thousand dollars (\$2,000.00) per individual. In addition, I will need to determine the extent to which each individual requires periodic, such as yearly, medical monitoring so that the harmful medical effects of such exposure can be identified in a timely fashion in order to decrease the rate of mortality, morbidity, or suffering. Such medical monitoring can run to fifty thousand dollars (\$50,000.00) or higher over the course of an individual's lifetime, depending on the extent of exposure.

What happened at the PITI Power Plant was extremely unfortunate and unnecessary. The individual citizens of Guam, who were paid eight dollars (\$8.00) an hour to clean up this very serious toxic chemical incident, and their families, should not have been exposed to these highly toxic substances. Many of them may well suffer from this exposure in the years to come. With your help, I am ready to attempt to determine the extent of their exposure and the possible harmful effects each of them will face. I will also attempt to determine which persons have high, medium, or low to absent increased body burdens of these chemicals. This should allow classification of some persons where medical surveillance should be most rigorous as well as some where further medical surveillance may not be indicated due to high,

low or absent exposure and intake, respectively, of the toxic chemicals involved in this incident. I will then prepare a thorough medical monitoring program to ensure, as best as medical science is capable of ensuring, that if any of these individuals develop medical problems as a result of their exposure they can receive prompt medical attention with appropriate care to decrease preventable deaths and to otherwise diminish suffering.

Arnold Schecter

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State University of New York
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ARNOLD J. SCHECTER, M.D., M.P.H.

CURRICULUM VITAE

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Home Address: 88 Aldrich Avenue
Binghamton, NY 13903
(607) 772-6067

Marital Status: Married, three children

Fellow: American College of Preventive Medicine
American College of Physicians

Diplomate: American Board of Preventive Medicine, 1976

Medical Licensure: Kentucky (License #5276)
New York (License #115690)
New Jersey (License #32199)

Academic Position: Professor
Department of Preventive Medicine
SUNY Health Science Center
College of Medicine
Clinical Campus at Binghamton

Medical Staff Positions: Our Lady of Lourdes Hospital
169 Riverside Drive
Binghamton, NY 13905

United Health Services:
Wilson Memorial Hospital
Harrison Street
Johnson City, NY 13790
and
Binghamton General Hospital
Mitchell Avenue
Binghamton, NY 13903

April 1989

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**Educational & Professional
Chronology:**

- 1951 - 1953 Shimer College of the University of Chicago
Mount Carroll, Illinois
- 1954 - 1957 University of Chicago, Chicago, Illinois
B.A. (Liberal Arts) 1954
B.S. (Physiology - Neurophysiology) 1957
- 1958 - 1962 Howard University Medical School,
Washington, D.C.
M.D. 1962
- 1962 - 1966 Postdoctoral Research Fellow,
Harvard Medical School, Boston,
Massachusetts, 1962-64 National Institute
of Health Department of Anatomy (Renal
Ultrastructure with Dr. Don Wayne Fawcett)
- 1964 - 1965 Instructor, Department of Medicine, Renal
Unit and Clinical and Research Fellow
Harvard Medical School and Massachusetts
General Hospital, Boston, Massachusetts
(with Dr. Alexander Leaf)
- 1966 Beth Israel Hospital, Boston, Massachusetts
Surgical Intern, (January 1 - December 31
Dr. Jacob Fine, Chairman)
- 1967 - 1969 Captain, then Major, United States Army,
Fort Knox, Kentucky Aviation Medical
Officer, Course in Aviation Medicine, 1968
- 1969 - 1970 General Practitioner, West Point, Kentucky
and Senior Aviation Medical Examiner
(Federal Aviation Administration designee)
- 1970 - 1971 Executive Director
Floyd County Comprehensive Health Services
Program, Inc., Floyd County, Kentucky,
- 1971 - 1972 Director, Inpatient Rehabilitation Center,
Drug and Alcohol Rehabilitation Program,
Kentucky Region Eight Mental Health and
Mental Retardation Board, Inc., Louisville,
Kentucky
- 1972 - 1975 Assistant Professor, Division of Alcoholism
and Drug Dependence, Dept. of Psychiatry,
Drug and Alcohol Abuse Treatment Programs
State University of New York, Downstate
Medical Center (State University of New
York Health Science Center at Brooklyn and
Kings County Addictive Disease Hospital,
Brooklyn, New York

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**Educational & Professional
Chronology (continued):**

- 1972 - 1975
(continued) Director of Clinical Research in Drug Abuse
Coordinator and Faculty Member, Career
Teacher Training Center in Drug and Alcohol
Dependence Career Teacher Training Center
- 1974 - 1975 Student, Columbia University School of
Public Health, M.P.H., 1975
- 1975 - 1979 Clinical Associate Professor, Department of
Preventive Medicine and Community Health,
College of Medicine and Dentistry of New
Jersey, New Jersey Medical School,
Associate Director, Office of Primary
Health Care Education, Office of the Dean,
1976-79
- 1978 Student, Occupational Medicine Course,
Asbestos, Mt. Sinai Medical Center, New
York, New York
- 1979 Student, Environmental Medicine and
Environmental Health Course, Postgraduate
School, New York University Medical Center
- 1979 Student, Occupational Medicine Course,
University of Illinois Medical Center,
Chicago, Illinois
- 1979 - Professor, Department of Preventive
Medicine, Clinical Campus at Binghamton,
SUNY Health Science Center/Syracuse,
College of Medicine, Binghamton, New York
- 1979 - 1981 Commissioner of Health, Broome County
Health Department, Binghamton, New York,
Medical Director, Home Health Nursing
Service, Acting Director of Nursing Homes,
Broome County Nursing Homes, Binghamton,
New York
- 1982 Student, Occupational Medicine Courses:
University of Illinois Medical School,
Chicago, Illinois and Mt. Sinai Medical
Center, New York, New York

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Recent National and International Scientific Panels

Planning Committee, International Symposium on Dioxins and Related Chemicals, 1984, 1985.

Contributor to "Bioavailability of Dioxins," U.S. Environmental Protection Agency 1984 Workshop Proceedings, Government Printing Office, 1985.

Peer Review Committee (Expert Panel), Biological Health Assessment Document, Polychlorinated Dibenzofurans, draft document 1986; final document pending 1988.

Advisor to the World Health Organization of the United Nations on Chlorinated Dioxins and Related Chemicals in Human Breast Milk; Meeting at Oslo, Norway, October 1986, Copenhagen, Denmark, November 1986 and February 1988.

Principle Investigator

Methadone Maintenance Program (Co-investigator), Louisville, Kentucky, 1971-72

Naltrexone, Endo Laboratory, F.D.A. IND #9301, 1972-78

Naltrexone, National Institute on Drug Abuse, F.D.A. IND #10,134, 1973-75

1-alpha-acetyl methadol, U.S. Special Action Office for Drug Abuse Prevention, IND #10,064, 1973-75

Bismuth Subsalicylate in the Treatment of Gastro-Intestinal Distress Related to "Flu Like" Illness, 1982

Recent Academic Committees

Research Committee, 1979 - present

Student Appraisal and Promotions Committee, 1979 - 1980

Search Committee, Department of Preventive Medicine, 1977 - 1980

Educational Policy Committee, 1979 - 1981

Coordinator's Committee, 1979 - 1983

Library Committee, 1982 - 1987

Television Health Feature Advisory Council, SUNY Binghamton, 1980 - 1981

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Academic/Professional Memberships

Association of Teachers of Preventive Medicine
American College of Epidemiology
American College of Preventive Medicine (Fellow)
American College of Physicians (Fellow)
Association of American Medical Colleges
American Association for the Advancement of Science
American Public Health Association
New York Academy of Sciences
Electron Microscopy Society of America
American Society for Cell Biology
American Occupational Medicine Association
New York State Occupational Medicine Association
Broome County Medical Society
New York State Medical Society
Society for Epidemiology Research
Society for Neuroscience
International Narcotics Research Association

Recent Civic Activities

Broome County Nursing Home Advisory Board ad hoc
Broome County Mental Health Advisory Board
Broome County Mental Health Advisory Board Subcommittee and Drug Abuse
and Alcohol Abuse
Broome County Health Department: Home Health Advisory Committee ad hoc
Broome County Health Department: Medical Advisory Committee ad hoc
Broome County Health Department: Advisory Board of Health ad hoc
Broome County Health Department: Medical Director, Home Health Agency
Broome County Medical Society: Board of Directors
Broome County Medical Society: Public Health Committee
Broome County Water Resources Commission, ad hoc appointee
New York-Pennsylvania Health System Agency Board of Directors
New York-Pennsylvania Health System Agency Planning Committee
Our Lady of Lourdes Hospital Hospice Advisory Board
Our Lady of Lourdes Hospital Hospice Finance Committee

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Civic Activities (continued)

Central New York Affiliate of the New York State Public Health Association

Planned Parenthood of Broome and Chenango Counties, Inc., Medical Advisory Committee

Broome County Chamber of Commerce

Broome County Chamber of Commerce Professional Committee

State University of New York, Binghamton, Speakers' Bureau

Twin Tiers Home Health Nursing Service Board of Directors

Journals Edited

Cofounder and Associate Editor, The American Journal of Drug and Alcohol Abuse. New York, New York: Marcel Dekker, Inc., 1973-1978.

Editorial Board, The American Journal of Drug and Alcohol Abuse. New York, New York: Marcel Dekker, Inc., 1978-present.

Editorial Advisory Board, Substance and Alcohol Actions/Misuse. Elmsford, New York: Pergamon Press, Inc., 1979-present.

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Books

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Schecter, A. (ed.). Treatment Aspects of Drug Dependence. West Palm Beach, Florida: CRC Press, 1978.

Schecter, A., Alksne, H. and Kaufman, E. (eds.). Drug Abuse: Modern Trends, Issues and Perspectives. New York, New York: Marcel Dekker, Inc., 1978.

Schecter, A., Alksne, H., and Kaufman, E. (eds.). Critical Concerns in the Field of Drug Abuse. New York, New York: Marcel Dekker, Inc., 1978.

Schecter, A. (ed.). Biomedical Issues in Drug Abuse. Volume I, Proceedings 1978 National Drug Abuse Conference. New York, New York: Plenum Publishing Co., 1981.

Schecter, A. (ed.). Sociocultural Issues in Drug Abuse. Volume II, Proceedings 1978 National Drug Abuse Conference. New York, New York: Plenum Publishing Co., 1981.

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Articles

1. Schecter, A.J. and D.W. Fawcett. (Abstract) "Intracellular microtubules in mammalian podocytes," In: Anat. Record, 148:2, 332, 1964.
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3. Schantz, A. and A.J. Schecter. (Abstract) "Iron hematoxylin and safranin O staining of epon embedded sections," In: Anat. Record, 151:3, 454, 1965.
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5. Schantz, A. and A.J. Schecter. "Iron hematoxylin and safranin O as a polychrome stain for epon sections," Stain Tech., 40:27, 1965.
6. Schecter, A.J. and M.J. Schecter. (Abstract) "A possible variation in unit membrane substructure," In: J. Applied Physics, 37:329, 1966.
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11. Schecter, A.J. "The inpatient unit reconsidered," Proceedings, National Conference on Methadone Treatment, I:476-481, 1973.
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41. Loekle, D.M., A.J. Schecter and J.J. Christian. "Effects of chloroform, tetrachloro-ethylene and trichloroethylene on survival, growth and liver of poecillia sphenops," Bulletin Environm. Contam. Toxicol., 30:199-205, 1983.
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Articles

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JPC

james p. castro

P.O. Box 20731
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(671) 472-3429

June 12, 1989

Honorable Ted S. Nelson
Chairman, Committee on
General Governmental Operations
Twentieth Guam Legislature
163 Chalan Santo Papa Street
Agana, Guam 96910

Re: Testimony in Support of Bill No. 666

Dear Mr. Chairman:

For the record, my name is James P. Castro, a resident of Barrigada and a member of the Barrigada Municipal Planning Council. I am here to submit testimony in support of Bill No. 666, "An act to appropriate funds and establish an Employees' PCB Recovery Fund."

Although I am not an employee of the Navy Public Works Center, I had the opportunity to tour under strict supervision the Piti Power Plant. This tour, Mr. Chairman, occurred sometime in August of 1987. The experience I went through I will never forget. This supervised tour proved that the Piti Power Plant was indeed contaminated, and that employees were not being properly informed, nor were they properly trained to respond to such a cleanup program.

Through your efforts and that of others, a General Accounting Office team was finally assigned to investigate the PCB accident at the Piti Power Plant. The specific concerns at the time was the fact that Navy lacked the necessary personal protective equipment (PPE) for use by the employees, and, Navy's adequacy to properly manage and supervise the cleanup efforts.

In 1976 Congress recognized that employees must be protected from exposure to toxic substances. For this reason, Congress enacted the Toxic Substances Control Act. The intent of this Act was to regulate toxic substances including PCBs, dioxins, and furans. Furthermore, the U.S. Environmental Protection Agency (U.S. EPA) has, on many occasions implemented regulations for the use, management, disposal, and cleanup of PCBs. Also, the Occupational Safety and Health Administration (OSHA) has issued rules covering employee protection requirements when working in hazardous areas or for cleaning up of chemical spills. Another rule promulgated by OSHA is the Hazardous Waste Operations and Emergency Response Rules, this, Mr. Chairman, can be found in (29 C.F.R. 1910) under the Superfund Amendments and Reauthorizations Act of 1986 (P.L. 99-499).

Senator Ted S. Nelson
June 12, 1989
Page 2

More importantly, let me point out that the interim final rule, covering employee protection requirements for workers engaged in hazardous waste operations, including emergency and post-emergency response to hazardous substance incidents, was issued on December 19, 1986 and became effective on March 16, 1987.

Federal agencies including Department of Defense components such as the Navy, must comply with the OSHA rules and regulations.

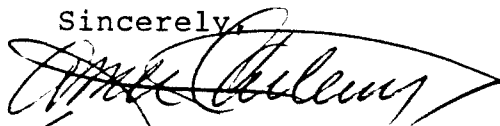
At this time, I would like to quote a paragraph from the GAO Report:

"The Navy did not have all of the recommended personal protective equipment in Guam at the time of the accident. The protective equipment worn varied widely from none at the time of the spill to full protection at the time of GAO's review. As cleanup work continued, protective equipment was generally reduced for all workers except cleanup personnel. However, when the more potent dioxins and furans were discovered, the equipment was changed back to full protection. Occupational Safety and Health Administration officials and others expressed concern about the possibility that inadequate protection was provided by the type of equipment employees wore after the spill occurred until they started wearing full-protective equipment."

In closing, Mr. Chairman, let just say that this legislation directly impacts on the general welfare of these employees and their families and for this reason I recommend that the amount to be appropriated be changed to reflect the seriousness of this problem. Personally, I would suggest that this Legislature appropriate \$1 million to the Fund. I commend you and the co-sponsors of this legislation, and respectfully request that the members of this Committee act favorably and submit your report to the Legislature recommending passage of Bill No. 666 as soon as possible.

Thank you for the opportunity, and should you have any questions, I will be more than happy to respond to them.

Sincerely,



JAMES P. CASTRO



U.S. PACIFIC FLEET
COMMANDER NAVAL FORCES MARIANAS
FPO SAN FRANCISCO 96630-0051

23 MAY 1989

Dear Senator Nelson:

I note with great concern the matter raised in your May 18, 1989, letter that there may be employees at the Navy Public Works Center, Guam, who have been exposed to hazardous substances without benefit of medical monitoring. For a number of years we have made available a medical monitoring program under such circumstances to all of our employees. As you know, there are currently over 251 PWC employees in this program.

I do need your help in identifying any employees who may not taken advantage of this well-publicized program for whatever reason. Please provide me the names and work centers of these people so that I may have each one of them contacted and again made aware of the ongoing medical screening program and their entitlement to use it. Additionally, please provide the names and addresses of any individuals outside the Navy employment system who currently believe they may have been exposed to hazardous substances while employed by the Navy.

Thank you for your assistance.

Sincerely,

T. J. JOHNSON
Rear Admiral, U. S. Navy

Senator Ted S. Nelson
163 Chalan Santo Papa
Agana, Guam 96910



U.S. PACIFIC FLEET
COMMANDER NAVAL FORCES MARIANAS
FPO SAN FRANCISCO 96630-0051

0 8 JUN 1989

Dear Senator Nelson:

Thank you for your letter of June 2, 1989, informing me of the public hearing to be held on Guam Bill No. 666. As you may know, a claim against the United States has been filed by various employees of the Public Works Center for alleged damages resulting from the May 26, 1987, PCB spill at the Piti Power Plant. It would be inappropriate for me or any other Navy official to comment on that incident during the pendency of the claim. Accordingly, no Navy official will attend the public hearing, nor will any written comments be submitted.

I am concerned that you have not responded to my May 23, 1989, letter requesting identification of those employees of whom you claim to be aware who allegedly have not participated in the on-going PCB medical monitoring program. If there are such individuals it is vitally important you identify them at once. My staff has repeatedly called your office without response. Please give this matter your personal attention.

Sincerely,



T.J. JOHNSON
Rear Admiral, U.S. Navy

Senator Ted S. Nelson
Guam Legislature
163 Chalan Santo Papa
Agana, Guam 96910

Per [unclear] [unclear]



TED S. NELSON
Vice-Speaker
Twentieth Guam Legislature

CHAIRMAN
Committee on General
Governmental Operations

183 Chalan Santo Pape, Agaña,
Guam 96910
Telephone: (671) 472-3428/29/30

May 18, 1989

ACKNOWLEDGEMENT RECEIPT

Received By B. Chase

Time 0850

Date 22 May 89

RADM Thomas J. Johnson
Commander
Naval Forces Marianas
United States Navy
FPO San Francisco 96630-0051

Dear Admiral Johnson:

In my continuing research on the issues relating to the handling of PCB's and other hazardous materials by the Navy Public Works Center, Guam, I have learned that there are other groups of employees who have been handling such hazardous materials for a period of years that were not involved in the clean-up of the spillage at the Piti Power Plant. I refer specifically to those employees who are assigned to the transformer and maintenance units of PWC.

These employees were tasked with the work of removing and draining PCB-contaminated oil from Navy transformers even prior to the problems confronted at the Piti Power Plant. Because these employees were not involved with the accident and clean-up efforts at the Plant, they did not receive the benefits of the medical examinations and continuous monitoring program provided for those employees who were involved in efforts at the Plant.

In discussions with these individuals, I have learned that there have been health related problems, including tragedies such as death resulting from cancer and related ailments within their families. These individuals have never suspected that these health problems may have been caused by or related to exposure to the carcinogenic agents in PCB-contaminated oil used as cooling fluid for power transformers. I have received information indicating that the handling of PCB contaminated oil in the maintenance and transformer shops, prior to the accident at the Piti Power Plant and prior to Navy being required to provide and enforce personal protective equipment requirements and procedures, was performed as if there were no health hazards or dangers involved.

Because of the findings of the General Accounting Office's study and because of the health hazards related to the handling of PCB's, dioxins and furans, I am requesting that the employees of PWC who were

RADM Thomas J. Johnson
May 19, 1989
Page 2

exposed to PCB (dioxins and furans) even prior to the problems experienced at Piti Power Plant, and their families be given the benefit of complete medical examinations and the continuous monitoring programs now being afforded the employees involved with the accident at the power plant. I am further requesting that this program be initiated immediately as the emotional stress and tension being caused by this problem is quickly becoming problematic.

In talking with many of the individuals involved with the Piti Power Plant problem, I have noticed that as valiantly as these employees try to hide it, there is fear and feelings of uncertainty among themselves. They do not deserve this and their many years of service to the Navy must dictate that they be provided with whatever may be necessary to allay their fears and consternation; human compassion demands no less.

Sincerely,



TED S. NELSON

cc: Governor of Guam
Congressman Ben Blaz
Congresswoman Pat Schroeder

TWENTIETH GUAM LEGISLATURE
 COMMITTEE ON GENERAL GOVERNMENTAL OPERATIONS
 WITNESS SHEET

Bill No. 666 - An act to appropriate the sum of One Hundred Thousand Dollars to assist PCB-affected employees at the Public Works Center, Navy, Guam, and to establish an Employees' PCB Fund.
 4:30 a.m.; Monday, June 12, 1989; Legislative Session Hall

NAME OF WITNESS (Please print clearly)	AGENCY/DEPT. REPRESENTING (if representing Self, a Firm, etc., please indicate)	STATEMENT (W or O)*	TESTIMONY [Check (✓) if] For or Against	
<u>Manuel Q. Cruz</u>	<u>AFGE Local 1689, Inc.</u>	<u>W/O</u>	<input checked="" type="checkbox"/>	
<u>Dr. Arnold J. Schecter, M.D., M.P.H.</u>	<u>Self</u>	<u>W</u>	<input checked="" type="checkbox"/>	
<u>Atty. Randy Cunliffe</u>		<u>O</u>	<input checked="" type="checkbox"/>	
<u>Eladio T. Figueroa</u>	<u>Employee, PWC</u>	<u>O</u>	<input checked="" type="checkbox"/>	
<u>Henry Goss</u>	<u>PWC Transportation</u>	<u>O</u>	<input checked="" type="checkbox"/>	
<u>Alan C. Milslein, Atty</u>	<u>Messing Gelman, Jaffe Cramer & Jamieson</u>	<u>O</u>	<input checked="" type="checkbox"/>	
<u>Ben McConaughy</u>	<u>Fowler, Peppercorn & Shefelman</u>	<u>O</u>	<input checked="" type="checkbox"/>	
<u>Manuel Tenorio</u>	<u>PWC Transportation</u>	<u>O</u>	<input checked="" type="checkbox"/>	
<u>Joaquin J.D. Lujan</u>	<u>PWC Utilities Dept.</u>	<u>O</u>	<input checked="" type="checkbox"/>	
<u>Joseph Garrido</u>	<u>PWC Maintenance</u>	<u>O</u>	<input checked="" type="checkbox"/>	

* Written or Oral

Adjournment: 6:30 p.m.