



Office of the Governor of Guam

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

13 AUG 2008

08 AUG 18 PM 3:57

CRUZ

The Honorable Judith T. Won Pat, Ed.D.
Speaker
Mina' Bente Nuebi Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Transmitted herewith is Bill No. 349(LS), "AN ACT TO APPROPRIATE TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000) FROM THE ENVIRONMENTAL HEALTH FUND TO THE GUAM ENVIRONMENTAL PROTECTION AGENCY, FOR AN INDEPENDENT INVESTIGATION AND STUDY OF THE LEAKAGE OF RADIOACTIVE MATERIAL INTO APRA HARBOR BY A UNITED STATES NAVY NUCLEAR SUBMARINE, AND TO REQUIRE THAT A PERMANENT MONITORING DEVICE BE LOCATED AT THE ENTRANCE TO APRA HARBOR TO DETECT AND PROVIDE THE PEOPLE OF GUAM WITH AN EARLY WARNING OF THE PRESENCE OF RADIOACTIVE CONTAMINANTS THAT HAVE DISCHARGED INTO GUAM'S WATERS; AND TO APPROPRIATE TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000) TO THE COCONUT RHINOCEROS BEETLE ERADICATION PROGRAM" which I signed into law on August 12, 2008 as **Public Law 29-104**.

Sinseru yan Magåhet,

MICHAEL W. CRUZ, M.D.
I Maga'låhen Guåhan, para pa'go
Acting Governor of Guam

Attachment: copy of Bill

cc: The Honorable Tina Rose Muña Barnes,
Senator and Legislative Secretary

29-08-0629
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 8/13/08
Time 3:57
Received by [Signature]

I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session

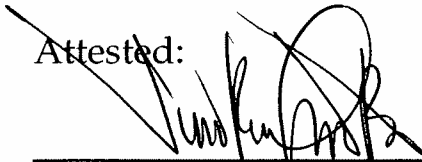
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 349 (LS), "AN ACT TO APPROPRIATE TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000) FROM THE ENVIRONMENTAL HEALTH FUND TO THE GUAM ENVIRONMENTAL PROTECTION AGENCY, FOR AN INDEPENDENT INVESTIGATION AND STUDY OF THE LEAKAGE OF RADIOACTIVE MATERIAL INTO APRA HARBOR BY A UNITED STATES NAVY NUCLEAR SUBMARINE, AND TO REQUIRE THAT A PERMANENT MONITORING DEVICE BE LOCATED AT THE ENTRANCE OF APRA HARBOR TO DETECT AND PROVIDE THE PEOPLE OF GUAM WITH AN EARLY WARNING OF THE PRESENCE OF RADIOACTIVE CONTAMINANTS THAT HAVE DISCHARGED INTO GUAM'S WATERS; AND TO APPROPRIATE TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000) TO THE COCONUT RHINOCEROS BEETLE ERADICATION PROGRAM," was on the 9th day of August, 2008, duly and regularly passed.



Judith T. Won Pat
Speaker

Attested:

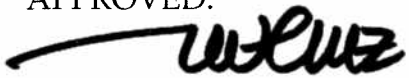


Tina Rose Muña Barnes
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahaen Guåhan* this _____ day of _____, 2008, at
_____ o'clock _____.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:



MIKE W. CRUZ, MD
GOVERNOR OF GUAM ACTING

Date: _____

12 AUG '08

Public Law No. 29-104

I MINA'BENTE NUEBI NA LIHESLATURAN GUÁHAN
2008 (SECOND) Regular Session

Bill No. 349 (LS)

As amended on the Floor.

Introduced by:

B. J.F. Cruz
Judith P. Guthertz, DPA
R. J. Respicio
Tina Rose Muña Barnes
Frank F. Blas, Jr.
Edward J.B. Calvo
James V. Espaldon
Mark Forbes
Frank T. Ishizaki
J. A. Lujan
A. B. Palacios, Sr.
v. c. pangelinan
Dr. David L.G. Shimizu
Ray Tenorio
J. T. Won Pat, Ed.D.

AN ACT TO APPROPRIATE TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000) FROM THE ENVIRONMENTAL HEALTH FUND TO THE GUAM ENVIRONMENTAL PROTECTION AGENCY, FOR AN INDEPENDENT INVESTIGATION AND STUDY OF THE LEAKAGE OF RADIOACTIVE MATERIAL INTO APRA HARBOR BY A UNITED STATES NAVY NUCLEAR SUBMARINE, AND TO REQUIRE THAT A PERMANENT MONITORING DEVICE BE LOCATED AT THE ENTRANCE OF APRA HARBOR TO DETECT AND PROVIDE THE PEOPLE OF GUAM WITH AN EARLY WARNING OF THE PRESENCE OF RADIOACTIVE CONTAMINANTS THAT HAVE DISCHARGED INTO GUAM'S WATERS; AND TO APPROPRIATE TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000) TO THE COCONUT RHINOCEROS BEETLE ERADICATION PROGRAM.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that one of the common goals of the various military branches of the United States
4 government is to maintain secrecy and deniability over various matters that are
5 considered by the military hierarchy to be confidential, and for which they deem
6 the general public need not be informed.

7 *I Liheslatura* finds that Guam has been affected, sometimes negatively, by
8 the military's tight-lipped stance on topics that may and have caused unnecessary
9 endangerment and injury to some of the American citizens who live and work in
10 Guam. The military's actions have ranged from total denial, to neglecting to warn
11 local residents of possible hazards, to downplaying the effects of any possible
12 hazards.

13 The latest example is that of the U.S.S. Houston, a nuclear powered fast
14 attack submarine stationed in Guam, which we now know through news reports,
15 leaked what has been called a small amount of radiation into Guam's waters. The
16 leaky valve in the vessel was not discovered until the ship was dry-docked at Pear
17 Harbor Naval Shipyard in Hawaii last month, and it could have leaked radioactive
18 material in Japan as well.

19 There is a long history of the Federal Government and its various entities,
20 particularly the United States Armed Forces, withholding valuable information on
21 potential life-threatening dangers from an innocent public in Guam. Examples
22 include:

23 **Agent Orange.** While the United States government has acknowledged that
24 there exists a correlation between herbicide agents containing dioxin *or* 2,4-
25 dichlorophenoxyacetic acid, more commonly referred to as Agent Orange, they
26 have never acknowledged that this powerful herbicide was ever used in Guam.

1 In spite of this lack of confirmation, in 2005 the U.S. Court of Appeals for
2 Veterans ruled in favor of an airman who developed diabetes mellitus after
3 exposure to defoliants while on duty at Andersen Air Force Base (AAFB) from
4 1966 to 1968. In another case that was concluded in March of 2007, the Veterans
5 Administration approved the claim of another Vietnam War veteran who
6 developed cancer because of his exposure to Agent Orange at AAFB between 1968
7 and 1969.

8 **Nuclear Fallout.** Between 1946 and 1962, the United States conducted tests
9 on a total of sixty-seven (67) atomic and thermonuclear bombs on Enewetok and
10 Bikini Atolls in the Marshall Islands, with a total yield of one hundred eight
11 thousand four hundred ninety-two (108,492) kilotons, causing radiation fallout
12 across a wide area of the Pacific, including Guam.

13 Shortly after the first hydrogen bomb test in 1952, the Radiological Safety
14 Officer for Headquarters Command, Guam, detected a large amount of
15 radioactivity in the air and his first thought was that Guam had been subjected to
16 some kind of radioactive dust attack. That National Research Council has
17 corroborated the Safety Officer's report of airborne radioactive fallout reaching
18 Guam, one thousand two hundred (1,200) miles from the test site.

19 In addition, U.S. Navy ships present during the nuclear testing were
20 decontaminated in Guam harbors with acidic detergents, with the runoff going
21 directly into the local fishing and reef environments. Aircraft present during the
22 testing were also brought to Guam and washed down here, with the runoff going
23 into the earth.

24 The people of Guam were never warned about the testing *or* the potential
25 hazards of radiation exposure. Although Guam now meets the eligibility criteria
26 for Claims by Onsite Participants, it is because of the wash-down of ships and
27 aircraft here. The possibility of airborne radioactivity contamination has *not* been

1 acknowledged by the military *or* the Federal Government.

2 *I Liheslatura* finds that other examples exist (such as the burial of tons of
3 polychlorinated biphenyls (PCBs) in Guam by the United States military) in which
4 the Federal Government *or* their agents have kept important health and safety
5 information from the people of Guam in order to serve what they believe to be
6 national security interests. While we are loyal Americans and understand the need
7 for cooperation, secrecy and patriotism, we also recognize that in situations in
8 which the health and safety of our island and people are threatened, we may need
9 to act independently of our Federal Government.

10 It is, therefore, the intent of *I Liheslatura* to require that an independent
11 investigation and test of the waters in Apra Harbor be conducted to ensure that
12 radiation levels are indeed as low as the military suggests. It is further the intent of
13 *I Liheslatura* that a permanent monitoring device be placed near the mouth of Apra
14 Harbor in order for the people of Guam to have an early warning should vessels
15 leaking nuclear radiation enter our harbor.

16 **Section 2. Appropriation for Independent Study and Investigation.**
17 Notwithstanding §22107 of Chapter 2, Title 10, Guam Code Annotated, the sum of
18 Two Hundred Fifty Thousand Dollars (\$250,000) is appropriated from the
19 Environmental Health Fund to the Guam Environmental Protection Agency, to
20 conduct *or* cause to be conducted an independent study and investigation into the
21 contamination of Guam water's located in the inner and outer Apra Harbor, as well
22 as the area utilized by the United States Navy for the berthing of the USS Houston.
23 The findings of the study and investigation *shall* be reported to *I Maga'laha*
24 *Guåhan* and *I Liheslaturan Guåhan* within one hundred eighty (180) days of the
25 effective date of this Act.

1 *I Maga'lahi* may, as an alternative to this appropriation, utilize his transfer
2 authority to fund this independent study and investigation. *If* another source of
3 funds is used, this Section *shall* be null and void.

4 **Section 3. Monitoring Device.** Guam Environmental Protection Agency,
5 *shall* determine the cost, feasibility and time frame to install a radioactivity
6 monitoring device at *or* near the entrance to Apra Harbor, either on a buoy *or* on
7 the floor of the harbor, that will monitor and report any sign of an increase in
8 radioactivity in the waters of Guam's harbor, and the possible source *or* sources
9 and reasons for such increase.

10 The findings of this study *shall* be reported to *I Maga'lahaen Guåhan* and *I*
11 *Liheslaturan Guåhan* within one hundred eighty (180) days of the effective date of
12 this Act.

13 **Section 4. Authorization to Expend General Fund Revenues in Excess**
14 **of Fiscal Year 2008 Projections for Eradication of the Coconut Rhinoceros**
15 **Beetle. (a) Statement of Intent.** The Coconut Rhinoceros Beetle (CRB) was
16 first detected on Guam in September of 2007 in the Tumon Bay area. Since then,
17 efforts have been made to control its spread through the distribution of pheromone
18 bucket traps, a restriction on the disposal of coconut tree leaves from the
19 quarantine area, and surveillance of adjacent areas to determine if the control
20 methods were effective. Initially, these traps were put in place to ring the Tumon
21 Bay quarantine area in the hopes of limiting the spread of the infestation.
22 However, a July 13, 2008 report from the University of Guam Cooperative
23 Extension Service (GCES), notes that there have been verified reports of beetle
24 activity outside the quarantine area, including sightings in Adelup and Piti to the
25 south and in Yigo to the north.

26 The Guam CRB Eradication Program is currently in a holding pattern due to
27 budgetary issues. The delay of account establishment, payment and processing

1 within the government of Guam has resulted in the sanitation contractor stopping
2 all work. Federal funds designated to the Guam Department of Agriculture have
3 been redirected to the GCES to carry out the remainder of the work for Fiscal Year
4 2008. This shift in funds has set the eradication efforts back sixty (60) days due to
5 new paper work and the need to hire and retrain personnel. The CRB Incident
6 Command is currently trying to secure federal funding to carry out most of the
7 project work, but local funding must be released in a timely manner to cover the
8 costs of the current operations.

9 As of July 2008, scouting and rapid response crews have been redeployed to
10 sanitation and treatment, putting the quarantine area at risk of being breached.
11 Newly discovered infestation reveals a new generation of beetle is ready to emerge
12 within thirty to forty-five (30-45) days.

13 (b) Two Hundred Fifty Thousand Dollars (\$250,000) is hereby
14 appropriated from Fiscal Year 2008 General Fund revenues that are in excess of
15 the General Fund revenues, as adopted in P.L. 29-19, to the University of Guam
16 Cooperative Extension Service for the funding of the Guam Coconut Rhinoceros
17 Beetle (GCRB) Eradication Program. This funding *shall* continue to be available
18 until expended, shall *not* be subject to *I Maga'lahi's* transfer authority, and is
19 *exempt* from the Bureau of Budget and Management Research's allotment control.

20 (c) **Reporting Requirement.** The Guam CES *shall* submit quarterly
21 reports to *I Maga'lahen Guåhan* and *I Liheslaturan Guåhan* detailing the
22 expenditure of funds authorized in this Act.



**OFFICE OF THE SPEAKER
29th GUAM LEGISLATURE
JUDITH T. WON PAT, Ed.D**

August 8, 2008

To: *I Mina'Bente Nuebi Na Liheslaturan Guahan*

RE: Emergency Certification of Bill 349

After careful evaluation for a request to waive the requirements for a public hearing on bill 349;

Bill No. 349 (LS) - B.J.F. Cruz / J.P. Guthertz, DPA / R.J. Respicio / T.R. Muña-Barnes - An act to appropriate One Hundred Thousand Dollars (\$100,000) from the General Fund to the Department of Public Health & Social Services, Environmental Health Division, for an independent investigation and study of the leakage of radioactive material into Apra Harbor by a United States Navy Nuclear Submarine, and to require that a permanent monitoring device be located at the entrance of Apra Harbor to detect and provide the people of Guam with an early warning of the presence of radioactive contaminants that have discharged into Guam's waters.

I certify, pursuant to 2 GCA §2103, that an emergency condition exists and that the requirements for a public hearing on bill 349 is accordingly waived.

Senseramente,

Judith T. Won Pat, Ed.D.
Speaker

cc: Senator Benjamin J.F. Cruz
Clerk of the Legislature

Senator Benjamin J. F. Cruz

ADA PLAZA CENTER

E-MAIL: cjbjcruz@aol.com

PHONE: (671)472-5546/48 • FAX: (671)472-5547



I Mina Bente Nuebi Na Libeslaturan Guåban

29th Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910

OFFICE: Suite 205 Aspinal Avenue, Hagåtña, Guam 96910

August 8, 2008

TO: Judith T. Won Pat, Ed.D.
Speaker

SUBJECT: Request for Emergency Certification of Bill No. 349 (LS)

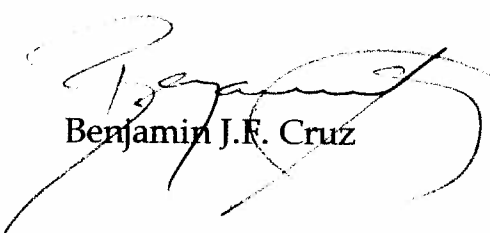
I am requesting that Bill No. 349 (LS) be declared an emergency for the purpose of waiving the public hearing requirements.

Bill No. 349 seeks to appropriate \$100,000 from the General Fund to the Environmental Health Division of the Department of Public Health & Social Services to conduct an independent investigation and study of the leakage of radioactive material into Apra Harbor by a U.S. Navy Nuclear Submarine. The Bill also requires that a permanent monitoring device be located at the entrance of Apra Harbor to provide an early warning of the presence of radioactive contaminants discharged into Guam's waters.

As we were shocked to learn on August 7, the vessel has been leaking radioactive material for at least two years, and it has been in and out of Apra Harbor a number of times since 2006, spending more than a year of that time berthed in Guam. There is great concern in our community that the Navy and the Federal Government have not been totally forthcoming about this issue, and Lt. Governor Mike Cruz has said that the U.S. EPA will be examining the Navy's findings.

Lt. Governor Cruz has also directed government of Guam agencies to identify resources to begin independent testing of the waters in and around Apra Harbor as well as long-term environmental monitoring. This is the exact intent and purpose of Bill No. 349, and with the passage of this Bill, the resources will be made available and the process of long-term monitoring can begin.

I look forward to your consideration of this important request, and look forward to swift passage of the Bill.


Benjamin J. F. Cruz