

I Mina'trentai Ocho Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
28-38 (COR)	Sabina Flores Perez V. Anthony Ada	AN ACT TO <i>AMEND</i> § 28112(c) OF CHAPTER 28, TITLE 11 GUAM CODE ANNOTATED RELATIVE TO INCREASING GUAM ENVIRONMENTAL PROTECTION AGENCY'S COMPLIANCE AND ENFORCEMENT CAPACITY TO PROTECT THE HEALTH OF OUR ENVIRONMENT AND PEOPLE.	1/15/25 10:02 a.m.	1/24/25	Committee on Finance and Government Operations.	Request 1/24/25	4/17/25 9:00 a.m.	5/9/25	
				4/9/25	Re-Refered: Committee on Land, Environment, Housing, Agriculture, Parks, and Infrastructure.	2/27/25			



OFFICE OF THE VICE SPEAKER V. Anthony Ada

I Mina'trentai Ocho Na Liheslaturan Guåhan | 38th Guam Legislature

Chairperson - Committee on Land, Environment, Housing, Agriculture, Parks, and Infrastructure

May 7, 2025

Honorable Frank F. Blas, Jr
Speaker
Mina'trentai Ocho na Liheslaturan Guåhan
163 Chalan Santo Papa
Hagåtña, Guam 96910

VIA: Honorable V. Anthony Ada 
Chairperson, Committee on Rules

Re: Committee Report on Bill No. 28-38 (COR)

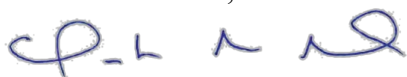
Håfa adai Speaker Blas:

Transmitted herewith is the Committee Report on the **Bill No. 28-38 (COR)** – Sabina Flores Perez, V. Anthony Ada – *“AN ACT TO AMEND § 28112(c) OF CHAPTER 28, TITLE 11 GUAM CODE ANNOTATED RELATIVE TO INCREASING GUAM ENVIRONMENTAL PROTECTION AGENCY’S COMPLIANCE AND ENFORCEMENT CAPACITY TO PROTECT THE HEALTH OF OUR ENVIRONMENT AND PEOPLE.”*

Committee votes are as follows:

3 TO DO PASS
0 TO NOT PASS
5 TO REPORT OUT ONLY
0 TO ABSTAIN
0 TO PLACE IN INACTIVE FILE

Si Yu'os ma'åse',



V. Anthony Ada



COMMITTEE ON RULES

RECEIVED:

May 7, 2025 10:09 a.m.
Marie Crisostomo



OFFICE OF THE VICE SPEAKER

V. Anthony Ada

I Mina'trentai Ocho Na Liheslaturan Guåhan | 38th Guam Legislature

Chairperson - Committee on Land, Environment, Housing, Agriculture, Parks, and Infrastructure

COMMITTEE REPORT

Bill No. 28-38 (COR)

Introduced by Sabina Flores Perez, V. Anthony Ada

*“AN ACT TO AMEND § 28112(c) OF CHAPTER 28,
TITLE 11 GUAM CODE ANNOTATED RELATIVE TO
INCREASING GUAM ENVIRONMENTAL
PROTECTION AGENCY’S COMPLIANCE AND
ENFORCEMENT CAPACITY TO PROTECT THE
HEALTH OF OUR ENVIRONMENT AND PEOPLE.”*

by Vice Speaker V. Anthony Ada



OFFICE OF THE VICE SPEAKER

V. Anthony Ada

I Mina'trentai Ocho Na Liheslaturan Guåhan | 38th Guam Legislature

Chairperson - Committee on Land, Environment, Housing, Agriculture, Parks, and Infrastructure

May 5, 2025

MEMORANDUM

To: All Members
Committee on Land, Environment, Housing, Agriculture, Parks and Infrastructure

From: Vice Speaker V. Anthony Ada 
Committee Chairperson

Subject: Committee Report on 28-38 (COR)

Transmitted herewith for your consideration is the Committee Report on **Bill No. 28-38 (COR)** – “*AN ACT TO AMEND § 28112(c) OF CHAPTER 28, TITLE 11 GUAM CODE ANNOTATED RELATIVE TO INCREASING GUAM ENVIRONMENTAL PROTECTION AGENCY'S COMPLIANCE AND ENFORCEMENT CAPACITY TO PROTECT THE HEALTH OF OUR ENVIRONMENT AND PEOPLE.*”
– Sabina Flores Perez, V. Anthony Ada

This report includes the following:

- Copy of COR Referral of Bill No. 28-38 (COR)
- Copy of Re-referral, funding availability note & funding availability checklist
- Notices of Public Hearing
- Copy of the Public Hearing Agenda
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimonies & Supporting Documents
- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 28-38 (COR)
- Copy of Fiscal Note
-

Please take the appropriate action on the attached vote sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Si Yu'os ma'åse'



COMMITTEE ON RULES

Vice Speaker V. Anthony Ada, Chairperson
I Mina'trentai Ocho Na Liheslaturan Guåhan
38th Guam Legislature

January 24, 2025

To: **Rennae V. C. Meno**
Clerk of the Legislature

Attorney Darleen Hiton
Legislative Legal Counsel

From: **Senator Christopher M. Dueñas** *CD*
Acting Chairperson, Committee on Rules

Subject: **Referral of Bill No. 28-38 (COR)**

Håfa Adai,

As per my authority as Acting Chairperson of the Committee on Rules and subject to §6.01(d)(1), Rule VI of our Standing Rules, I am forwarding the referral of **Bill No. 28-38 (COR)** – Sabina Flores Perez, V. Anthony Ada. – “AN ACT TO AMEND § 28112(c) OF CHAPTER 28, TITLE 11 GUAM CODE ANNOTATED RELATIVE TO INCREASING GUAM ENVIRONMENTAL PROTECTION AGENCY’S COMPLIANCE AND ENFORCEMENT CAPACITY TO PROTECT THE HEALTH OF OUR ENVIRONMENT AND PEOPLE.”

Please ensure that the subject bill is referred to the Committee on Finance and Government Operations chaired by Senator Christopher M. Dueñas. I also request that the same be forwarded to the Prime Sponsor of the subject bill and to Management Information Services (MIS) for posting on our website.

A copy of the bill is available on our legislative website.

Should you have any questions or concerns, please feel free to contact Kamarin Nelson, Committee on Rules Director at 671-472-2461.





Office of Senator Christopher M. Dueñas
CHAIRMAN, COMMITTEE ON FINANCE AND GOVERNMENT OPERATIONS

April 9, 2025

MEMORANDUM

Vice Speaker V. Anthony Ada
Chairperson, Committee on Land, Environment, Housing, Agriculture, Parks, and Infrastructure

RE: Re-Referral of Bill No. 28-38

Dear Vice Speaker Ada,

I am writing to inform you that Bill No. 28-38 (COR), titled *"AN ACT TO AMEND § 28112(c) OF CHAPTER 28, TITLE 11 GUAM CODE ANNOTATED RELATIVE TO INCREASING GUAM ENVIRONMENTAL PROTECTION AGENCY'S COMPLIANCE AND ENFORCEMENT CAPACITY TO PROTECT THE HEALTH OF OUR ENVIRONMENT AND PEOPLE."*, has been re-referred from the Committee on Finance and Government Operations to the Committee on Land, Environment, Housing, Agriculture, Parks, and Infrastructure for further consideration.

The decision to refer this bill to you was made after the review of the Funding Availability Note, which is attached for reference.

Thank you for your attention to this matter.

Sincerely,

Senator Christopher M. Dueñas

cc: COR



OFFICE OF FINANCE AND BUDGET
I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN

Funding Availability Checklist on Bill No. 28-38 (COR)

- 1. Does the Bill contain appropriations or authorizations for appropriations from any fund sources?**

Check all that apply.

☒ YES

☐ NO

- 2. Does the Bill contain an authorization to expend government funds?**

Check all that apply.

☒ YES

☐ NO

- 3. Does the Bill contain Provisions that have potential fiscal impacts on the government of Guam's budget?**

Check all that apply.

☒ YES

☐ NO

- 4. Completed by: (Name, Date and Time)**

**Llewelyn Terlaje, March 24, 2025, 10:01 AM*

☒ Approved

☐ Disapproved

Stephen J. Guerrero, Director



OFFICE OF FINANCE AND BUDGET
I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN

March 24, 2025

MEMORANDUM

To: Senator Christopher M. Duenas
Chairman, Committee on Finance and Government Operations.

From: Stephen J. Guerrero
Director, Office of Finance and Budget

Re: Funding Availability Note: Bill No. 28-38 (COR)

Håfa Adai Chairman Duenas,

Pursuant to the Standing Rules of the 38th Guam Legislature, the Committee on Finance and Government Operations and/or the Office of Finance and Budget (OFB) shall determine in writing if the funding source cited in Appropriation or Authorization for Appropriations bills are sufficient.

The Office has received Bill No. 28-38 (COR), AN ACT TO AMEND § 28112(c) OF CHAPTER 28, TITLE 11 GUAM CODE ANNOTATED RELATIVE TO INCREASING GUAM ENVIRONMENTAL PROTECTION AGENCY'S COMPLIANCE AND ENFORCEMENT CAPACITY TO PROTECT THE HEALTH OF OUR ENVIRONMENT AND PEOPLE.

Bill No. 28-38 (COR) seeks to amend Section 28112(c) of Chapter 28, Title 11 of the Guam Code Annotated to enhance the Guam Environmental Protection Agency's (GEPA) capacity to enforce environmental laws and protect public health and natural resources. It aims to address regulatory demands, staffing shortages, and funding needs by ensuring that 20% of use taxes collected are continually appropriated to the Guam Environmental Trust Fund within 20 days following the end of the month that funds were collected. Currently, the law provides for 20% of the Use Tax collected in the previous fiscal year to be appropriated to the Guam Environmental Protection Agency Environmental Cleanup Fund.

Based on data provided by the Department of Administration's monthly revenue collection report as of February 2025, the following were collected in Use Tax in the past five months: \$237,567 (October), \$417,598 (November), \$484,700 (December), \$471,354 (January), and \$398,552 (February). This totals \$2,009,771, with an average monthly collection of \$401,954. If this bill is passed, 20% of the Use Tax revenue, which is averaging \$80,390 per month, would be transferred to the Guam Environmental Trust Fund. As a result, it is estimated that GEPA could receive approximately \$964,690 annually.

It should be noted that given the intent of this bill to provide continuous appropriation to the Guam Environmental Trust Fund, an amendment to the creation of the Guam



OFFICE OF FINANCE AND BUDGET

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN

Environment Trust Fund under Section 45200 of Chapter 45, Title 10 of the Guam Code Annotated is recommended to avoid conflict as this provision states the Guam Environmental Trust Fund is subject to legislative appropriation.

Respectfully,

Stephen J. Guerrero

Vice Speaker V. Anthony Ada <vicespeakertonyada@guamlegislature.gov>

FIRST NOTICE of Public Hearing: April 17, 2025

Vice Speaker V. Anthony Ada <vicespeakertonyada@guamlegislature.gov>

Thu, Apr 10, 2025 at 10:50 AM

Bcc: phnotice@guamlegislature.gov, [REDACTED] Michelle Lastimoza
<michelle.lastimoza@epa.guam.gov>, Arlene Acfalle <arlene.acfalle@epa.guam.gov>**FOR IMMEDIATE RELEASE**

April 10, 2025

MEMORANDUM**To: All Senators, Stakeholders, Media****From: Vice Speaker V. Anthony Ada****Re: FIRST NOTICE of Public Hearing: April 17, 2025**

The Committee on Land, Environment, Housing, Agriculture, Parks and Infrastructure will conduct a public hearing on **Thursday, April 17, 2025 at 9:00 am** in the Public Hearing Room of the Guam Congress Building. The agenda is as follows:

- The appointment of **Heather M. Quitugua, PC** as a Member of the Board of Directors of the Guam Environmental Protection Agency.
- **Bill No. 28-38 (COR)** - Sabina Flores Perez, V. Anthony Ada – AN ACT TO AMEND § 28112(c) OF CHAPTER 28, TITLE 11 GUAM CODE ANNOTATED RELATIVE TO INCREASING GUAM ENVIRONMENTAL PROTECTION AGENCY'S COMPLIANCE AND ENFORCEMENT CAPACITY TO PROTECT THE HEALTH OF OUR ENVIRONMENT AND PEOPLE.

If you are interested in participating in the Public Hearing to provide testimony, please contact the Office of Vice Speaker V. Anthony Ada at (671) 989-0855 or via electronic mail at vicespeakertonyada@guamlegislature.gov for further guidance.

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The Public Hearing will broadcast LIVE on local television (GTA Channel 21, Docomo Channel 117) and stream online via i Liheslaturan Guåhan's live feed. Written testimonies may be sent via email at vicespeakertonyada@guamlegislature.gov.

All government activities, programs, and services are accessible for people with disabilities in compliance with Title II of the Americans with Disabilities Act (ADA). Should you or interested parties require assistance or special accommodations to fully participate in this public hearing, please contact the Office of Vice Speaker V. Anthony Ada at (671) 989-0855 or via email at vicespeakertonyada@guamlegislature.gov.

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Office of Vice Speaker V. Anthony Ada



38th Guam Legislature
I Mina 'trentai Ocho Na Liheslaturan Guåhan
Guam Congress Building, 2nd Floor
163 Chalan Santo Papa
Hagåtña, Guam 96910
Phone: (671) 989-0855
Email: vicespeakertonyada@guamlegislature.gov

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2 attachments

 **2025-04-10 FIRST NOTICE of Public Hearing.pdf**
809K

 **Bill No. 28-38 (COR).pdf**
237K



OFFICE OF THE VICE SPEAKER

V. Anthony Ada

I Mina'trentai Ocho Na Liheslaturan Guåhan | 38th Guam Legislature

Chairperson - Committee on Land, Environment, Housing, Agriculture, Parks, and Infrastructure

FOR IMMEDIATE RELEASE

April 10, 2025

MEMORANDUM

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FIRST NOTICE of Public Hearing: April 17, 2025

FIRST NOTICE of Public Hearing: April 17, 2025

PUBLIC HEARING

 **Posted on:** 04/10/2025 12:30 PM

 **Posted by:** Erin Grajek, Committee Director

 **Public Hearing Date:** 04/17/2025 09:00 AM

 **Department(s):** GUAM LEGISLATURE (/notices?department_id=92)

 **Division(s):** OFFICE OF VICE SPEAKER V. ANTHONY ADA (/notices?division_id=261)

 **Notice Topic(s):** PUBLIC HEARING (/notices?topic_id=74)

 **Types of Notice:** PUBLIC HEARING (/notices?type_id=7)

 **For Audience(s):** PUBLIC (/notices?public=1)

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FOR IMMEDIATE RELEASE

April 10, 2025

MEMORANDUM

To: All Senators, Stakeholders, Media

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§ The appointment of **Heather M. Quitugua, PC**

(https://guamlegislature.gov/38th_Guam_Legislature/Mess_Comms_38th/Doc.%20No.%2038GL-25-0335.pdf) as a Member of the Board of Directors of the Guam Environmental Protection Agency.

§ **Bill No. 28-38 (COR)**

([https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%2028-38%20\(COR\).pdf](https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%2028-38%20(COR).pdf)) - Sabina Flores Perez, V. Anthony Ada – AN ACT TO AMEND § 28112(c) OF CHAPTER 28, TITLE 11 GUAM CODE ANNOTATED RELATIVE TO INCREASING GUAM ENVIRONMENTAL PROTECTION AGENCY'S COMPLIANCE AND ENFORCEMENT CAPACITY TO PROTECT THE HEALTH OF OUR ENVIRONMENT AND PEOPLE.

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AD SCRIPT – 04/10/2025

FIRST NOTICE OF PUBLIC HEARING: APRIL 17, 2025

April 10, 2025

FIRST NOTICE of Public Hearing: April 17, 2025

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INVOICE: I LIHESLATURAN GUAHAN-38TH GUAM LEGISLATURE



600 Harmon Loop Road Ste 102
Dededo, GU 96929
Tel: 671.637.5826
Mobile: [REDACTED]

To: I LIHESLATURAN GUAHAN
38TH GUAM LEGISLATURE
Attn: Accounting Department

DATE 4/9/2025
INVOICE NO. 2720-00011-0000M

PURCHASE ORDER 2538PO060

Date(s)	Service Details	Amount
4/9/2025	COMMITTEE ON LAND, ENVIROMENT, HOUSING AGRICULTURE, PARKS AND INFRASTRUCTURE PUBLIC HEARING NOTICE 1: 4.10.25 (4.17.25) Please make check payable to: KUAM PAYMENT IS DUE UPON RECEIPT OF INVOICE. THANK YOU.	\$ 160.00 \$ 160.00

Please pay
amount stated
above.

Should you have any questions please contact: 671-687-8879 or 671-635-5836.

Vice Speaker V. Anthony Ada <vicespeakertonyada@guamlegislature.gov>

SECOND NOTICE of Public Hearing: April 17, 2025

Vice Speaker V. Anthony Ada <vicespeakertonyada@guamlegislature.gov>

Tue, Apr 15, 2025 at 8:34 AM

Bcc: phnotice@guamlegislature.gov, [REDACTED], Arlene Acfalle <arlene.acfalle@epa.guam.gov>, Michelle Lastimoza <michelle.lastimoza@epa.guam.gov>, ignacio.peredo@cqa.guam.gov, edward.birn@doa.guam.gov**FOR IMMEDIATE RELEASE**

April 15, 2025

MEMORANDUM

To: All Senators, Stakeholders, Media
From: Vice Speaker V. Anthony Ada
Re: SECOND NOTICE of Public Hearing: April 17, 2025

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Office of Vice Speaker V. Anthony Ada



38th Guam Legislature
I Mina 'trentai Ocho Na Liheslaturan Guåhan
Guam Congress Building, 2nd Floor
163 Chalan Santo Papa
Hagåtña, Guam 96910
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2 attachments

 **2025-04-15 SECOND NOTICE of Public Hearing.pdf**
809K

 **Bill No. 28-38 (COR).pdf**
237K



OFFICE OF THE VICE SPEAKER

V. Anthony Ada

I Mina'trentai Ocho Na Liheslaturan Guåhan | 38th Guam Legislature

Chairperson - Committee on Land, Environment, Housing, Agriculture, Parks, and Infrastructure

FOR IMMEDIATE RELEASE

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SECOND NOTICE of Public Hearing: April 17, 2025

SECOND NOTICE of Public Hearing: April 17, 2025

PUBLIC HEARING

 **Posted on:** 04/15/2025 08:54 AM

 **Posted by:** Erin Grajek, Committee Director

 **Public Hearing Date:** 04/17/2025 09:00 AM

 **Department(s):** GUAM LEGISLATURE (/notices?department_id=92)

 **Division(s):** OFFICE OF VICE SPEAKER V. ANTHONY ADA (/notices?division_id=261)

 **Notice Topic(s):** PUBLIC HEARING (/notices?topic_id=74)

 **Types of Notice:** PUBLIC HEARING (/notices?type_id=7)

 **For Audience(s):** PUBLIC (/notices?public=1)

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FOR IMMEDIATE RELEASE

April 15, 2025

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([https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%2028-38%20\(COR\).pdf](https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%2028-38%20(COR).pdf)) - Sabina Flores Perez, V. Anthony Ada – AN ACT TO AMEND § 28112(c) OF CHAPTER 28, TITLE 11 GUAM CODE ANNOTATED RELATIVE TO INCREASING GUAM ENVIRONMENTAL PROTECTION AGENCY'S COMPLIANCE AND ENFORCEMENT CAPACITY TO PROTECT THE HEALTH OF OUR ENVIRONMENT AND PEOPLE.

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AD SCRIPT – 04/15/2025

SECOND NOTICE OF PUBLIC HEARING: APRIL 17, 2025

April 15, 2025

SECOND NOTICE of Public Hearing: April 17, 2025

The Committee on Land, Environment, Housing, Agriculture, Parks and Infrastructure will conduct a public hearing on **Thursday, April 17, 2025 at 9:00 am** in the Public Hearing Room in the Guam Congress Building. The agenda is as follows:

- The appointment of **Heather M. Quitugua, PC** as a Member of the Board of Directors of the Guam Environmental Protection Agency.
- **Bill No. 28-38 (COR)** - Sabina Flores Perez, V. Anthony Ada – AN ACT TO AMEND § 28112(c) OF CHAPTER 28, TITLE 11 GUAM CODE ANNOTATED RELATIVE TO INCREASING GUAM ENVIRONMENTAL PROTECTION AGENCY’S COMPLIANCE AND ENFORCEMENT CAPACITY TO PROTECT THE HEALTH OF OUR ENVIRONMENT AND PEOPLE.

If you are interested in participating in the Public Hearing to provide testimony, please contact the Office of Vice Speaker V. Anthony Ada at (671) 989-0855 or via electronic mail at vicespeakertonyada@guamlegislature.gov for further guidance.

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The Public Hearing will broadcast LIVE on local television (GTA Channel 21, Docomo Channel 117) and stream online via i Liheslaturan Guåhan’s live feed. Written testimonies may be sent via email at vicespeakertonyada@guamlegislature.gov.

All government activities, programs, and services are accessible for people with disabilities in compliance with Title II of the Americans with Disabilities Act (ADA). Should you or interested parties require assistance or special accommodations to fully participate in this public hearing, please contact the Office of Vice Speaker V. Anthony Ada at (671) 989-0855 or via email at vicespeakertonyada@guamlegislature.gov.

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38TH GUAM LEGISLATURE
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DATE 4/11/2025
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OFFICE OF THE VICE SPEAKER

V. Anthony Ada

I Mina'trentai Ocho Na Liheslaturan Guåhan | 38th Guam Legislature

Chairperson - Committee on Land, Environment, Housing, Agriculture, Parks, and
Infrastructure

Public Hearing

Public Hearing Room · Guam Congress Building

Thursday, April 17, 2025 – 9:00 am

Agenda

The appointment of **Heather M. Quitugua, PC** as a Member of the Board of Directors of the Guam Environmental Protection Agency.

Bill No. 28-38 (COR) - Sabina Flores Perez, V. Anthony Ada - AN ACT TO AMEND § 28112(c) OF CHAPTER 28, TITLE 11 GUAM CODE ANNOTATED RELATIVE TO INCREASING GUAM ENVIRONMENTAL PROTECTION AGENCY'S COMPLIANCE AND ENFORCEMENT CAPACITY TO PROTECT THE HEALTH OF OUR ENVIRONMENT AND PEOPLE.

--

Written testimonies may be submitted to the Office of Vice Speaker V. Anthony Ada at (671) 989-0855 or via electronic mail at vicespeakertonyada@guamlegislature.gov.

The Public Hearing will broadcast LIVE on local television (GTA Channel 21, Docomo Channel 117) and stream online via i Liheslaturan Guåhan's YouTube live feed.



OFFICE OF THE VICE SPEAKER

V. Anthony Ada

I Mina'trentai Ocho Na Liheslaturan Guåhan | 38th Guam Legislature

Chairperson - Committee on Land, Environment, Housing, Agriculture, Parks, and Infrastructure

PUBLIC HEARING SIGN-IN SHEET

Thursday, April 17, 2025 - 9 am · Public Hearing Room, Guam Congress Building

Bill No. 28-38 (COR) - Sabina Flores Perez, V. Anthony Ada – AN ACT TO AMEND § 28112(c) OF CHAPTER 28, TITLE 11 GUAM CODE ANNOTATED RELATIVE TO INCREASING GUAM ENVIRONMENTAL PROTECTION AGENCY'S COMPLIANCE AND ENFORCEMENT CAPACITY TO PROTECT THE HEALTH OF OUR ENVIRONMENT AND PEOPLE.

NAME	AGENCY/ ORGANIZATION	POSITION	TESTIMONY	CONTACT INFO
1. Arlene Asfalle	Guam EPA	SUPPORT ☒ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
2. Michelle Lastimoza	GEPA	SUPPORT ☒ OPPOSE ☐	WRITTEN ☒ ORAL ☐	
3. Elizabeth DeGrange	Guam EPA	SUPPORT ☒ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
4. Heather M. Quitugua	Saf	SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
5. Theresa Arriola	DPHSS	SUPPORT ☒ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
6.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
7.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
8.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
9.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	



LOURDES A. LEON GUERRERO
MAGA'HA'GAN GU'AHAN
GOVERNOR OF GUAM

JOSHUA F. TENORIO
SEGUNDO MAGA'LAIBEN GU'AHAN
LT. GOVERNOR OF GUAM

GOVERNMENT OF GUAM

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



THERESA C. ARRIOLA, MBA
DIRECTOR

PETERJOHN D. CAMACHO, MPH
DEPUTY DIRECTOR

AMANDA LEE SHELTON, MPA
DEPUTY DIRECTOR

Honorable Vice Speaker V. Anthony Ada
Chairman on Committee on Land, Environment,
Housing, Agriculture, Parks, and Infrastructure
Guam Congress Building
163 Chalan Santo Papa
Hagatna, GU 96910
Via email: vicespeakertonyada@guamlegislature.gov

**RE: TESTIMONY ON BILL 28-38 (COR) AN ACT TO AMEND § 28112(c) OF
CHAPTER 28, TITLE 11 GUAM CODE ANNOTATED RELATIVE TO INCREASING
GUAM ENVIRONMENTAL PROTECTION AGENCY'S COMPLIANCE AND
ENFORCEMENT CAPACITY TO PROTECT THE HEALTH OF OUR
ENVIRONMENT AND PEOPLE.**

Hafa Adai Vice Speaker Ada and members of the 38th Guam Legislature. My name is Theresa C. Arriola, Director of the Department of Public Health and Social Services (DPHSS). Thank you for allowing us the opportunity to present testimony on Bill 28-38 (COR) "An Act to Amend § 28112(c) of Chapter 28, Title 11 Guam Code Annotated Relative to Increasing Guam Environmental Protection Agency's Compliance and Enforcement Capacity to Protect the Health of Our Environment and People.", introduced by Senator Sabina Perez.

DPHSS understands the intent of Bill 28-38, which aims to ensure sustainable funding for vital regulatory functions that safeguard our environment, specifically through the work of the Guam Environmental Protection Agency (GEPA). While the Department is **wholly supportive** of the mission of GEPA and recognizes that agency's challenges, DPHSS also wishes to share our own funding concerns and how this Department's Consumer Commodities Program is linked to the Use Tax Law of Chapter 28, Title 11 Guam Code Annotated. We **respectfully recommend** that this bill be further expanded to allocate the generated revenue to DPHSS so that we may strengthen our critical work in protecting the public from adulterated and misbranded food, drugs, cosmetics, and medical devices.

Our Division of Environmental Health (DEH) is known primarily for the sanitation inspections it is mandated to conduct of over 3,000 health-regulated establishments. However, that is only one of several responsibilities of DEH. In addition to issuing tens of thousands of regulatory permits and certificates and preventing the introduction and establishment of Dengue Fever and other mosquito-borne diseases on Guam, it is also tasked with enforcing Title 10 Guam Code Annotated, Chapter 40, otherwise known as the Guam Food, Drug, and Cosmetic Act (FDCA) to

ensure that all food, drugs, cosmetics, and medical devices imported, distributed, and sold on Guam are in compliance with the laws in order to protect the health and safety of our people. This includes the recently passed Public Law 38-5 (formerly Bill 35-38) prohibiting the importation of skincare products that pose a danger to Guam's coral reefs and marine life.

Nearly a decade ago, when the island began preparing for the massive military build-up of Guam, DEH was instructed to share its concerns and needs for the anticipated arrival of over 40,000 military personnel, their dependents, and other support staff. In addition to the increase in the need for inspections and permitting of regulated businesses, such as barracks for migrant workers, DEH commented on the expected increase of consumer commodities imported into the island and the need for the physical presence of U.S. Food and Drug Administration (FDA) to assist the Division in effectively monitoring these importations.

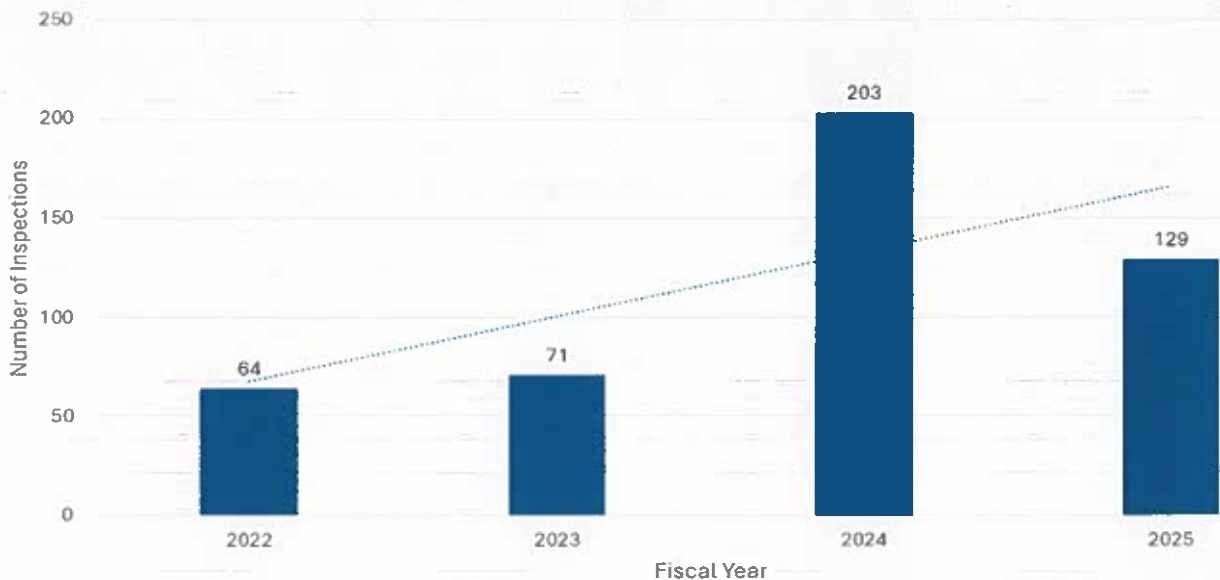
Fast forward to today, Guam is witnessing large military construction projects and the arrival of migrant workers and additional military personnel. However, what many are not witnessing is the positive effects of the Partnership Agreement (PA) between DPHSS and the FDA, which was signed in October of 2023, that have led to the presence of FDA inspectors on island to help Guam Customs and Quarantine Agency (CQA) and DEH identify violative food, drugs, cosmetics, and other consumer commodities. The PA has resulted in improved surveillance of imported commodities through manifest and shipment reviews at the ports of entry, market surveillance and samplings, and lab analyses.

In the last few years, DEH's regulatory responsibilities have expanded significantly due to:

- Increases in inspections of imported consumer goods with FDA and CQA;
- A rise in illegal and mislabeled products entering the market via e-commerce and small volume importers;
- New and emerging contaminants and substances requiring modern testing and surveillance infrastructure; and
- Greater public demand for transparency, accountability, and rapid response to health threats.

The graph below shows an increasing trend of commodities inspections conducted by DEH from FY 2022 to the first half of FY 2025. In FY 2024, when the PA was formalized, a total of 203 suspected violative importations, containing approximately 143,000 pieces of commodities, were referred by CQA and were investigated by DEH. This is a 286% increase from FY 2023, when DEH investigated 71 referred detainments. FY 2025 is on track to exceed FY 2024 detainment inspections, since it is already at 64% of FY 2024 numbers when we are just halfway through the current fiscal year.

Total Detainment Inspections Conducted by the Division of Environmental Health FY 2022 to FY 2025



Note: FY 2025 includes data as of 3/31/25 only.

While the proposed bill rightly supports the Guam Environmental Protection Agency (GEPA) in addressing broad environmental challenges, it is essential to recognize that imported commodities pose immediate and direct risks to human health – especially through consumption or topical use of adulterated or mislabeled products. These risks fall squarely within the regulatory purview of the Division of Environmental Health.

Considering that significant portions of all imported items that are taxed via the Use Tax Law are consumer commodities that are regulated by DEH, we respectfully propose that Bill 28-38 be amended to also include a new section D for the Division of Environmental Health:

- Add a new section, § 28112(d), to Chapter 28, Title 11 of the Guam Code Annotated, to read:

“(d) Sums based on twenty percent (20%) of the total Use Tax collected is continuously appropriated to the “Department of Public Health and Social Services Environmental Health Revolving Fund” to cover costs associated with inspection activities of all food, drugs, cosmetics, and medical devices imported, distributed, and sold on Guam. Notwithstanding any other provision of law, the monies appropriated by this section, supra, shall be placed in the Environmental Health Revolving Fund within twenty (20) days following the end of the month that the funds where collected.”

The additional funding will allow DEH to:

- Expand inspection capacity at ports of entry, warehouses, and retail stores;
- Modernize laboratory testing capabilities to detect emerging threats such as unapproved pharmaceutical ingredients, microplastic contamination, and carcinogenic compounds in food and cosmetics;
- Develop rapid response capabilities, targeted recall, and traceback investigations for public health emergencies tied to consumer products;
- Increase enforcement for repeat violators who import unsafe goods to deter bad actors and promote fair competition; and
- Increase consumer education efforts to raise awareness of the dangers of adulterated or misbranded goods.

Funding DEH through the Use Tax would be a strategic investment in preventing costly public health crises. Unsafe imported products can result in widespread foodborne illness outbreaks; long-term exposure to harmful chemicals; increased healthcare costs and burden on the healthcare system; and loss of consumer confidence and harm to local businesses selling legitimate goods.

DPHSS is a frontline agency in ensuring the health and safety of our communities. Our proposal to allocate Use Tax for GEPA and DPHSS-DEH is a win-win for both public health and environmental protection. While DEH ensures that imported products are safe for human use and consumption, the GEPA ensures that those products do not degrade our environment. This results in a stronger public health system, and a more integrated and comprehensive environmental regulatory approach.

We ask that the Legislature take into consideration the Department's recommendations and comments. Thank you very much and Si Yu'os Ma'ase.



THERESA C. ARRIOLA, MBA
Director

Cc: Senator Sabina Flores, Bill 28-38 Author

FRANK CRUZ
CHAIRPERSON



FRANK TOVES
CO-CHAIRPERSON

Guam Food Safety Advisory Group

APRIL 25, 2025

Honorable Vice Speaker V. Anthony Ada
38th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagatna, Guam 96910

Ref: Testimony on Bill 28-38

Dear Vice Speaker Ada and Members of the Committee on Land, Environment, Housing, Agriculture, Parks and Infrastructure:

Hafa Adai. My name is Frank Cruz, and I am the current Chairperson of the Guam Food Safety Advisory Group (GFSAG). GFSAG, formerly the Guam Food Safety Task Force, was originally established by an executive order in July 2000 to promote food safety on island through collaboration with the Department of Public Health and Social Service (DPHSS). The members of GFSAG include representatives from local and federal regulatory and non-regulatory agencies, island food establishments, a non-profit organization, the military, and the community. Over the last two decades we have been providing assistance and recommendations to DPHSS' Division of Environmental Health (DEH) in matters of food safety. Our group's efforts contributed to the adoption of the Guam Food Code in 2015 and the enactment of the Environmental Public Health Modernization and Revitalization Act of 2010.

We write this letter in support of Bill 28-38, which seeks to provide reliable funding to the Guam Environmental Protection Agency (GEPA). GEPA is a member of GFSAG, and their work help promote food safety through regulatory oversight of drinking water and pesticide use on local agricultural crops. Their valuable work and contribution in protecting our local water, fruits, and vegetables from contaminants aligns with GFSAG's mission.

In addition, it has come to our attention that the Department of Public Health and Social Services had also submitted a written testimony on Bill 28-38 seeking for the inclusion of the Division of Environmental Health as one of the recipients of the Use Tax revenue. GFSAG believes this is an excellent idea. Similar to GEPA, DEH has been challenged with staffing, especially inspectors to conduct sanitation inspections of restaurants, bars, food manufacturers, grocery stores, and other food facilities. Too often, the members of GFSAG have heard the lack of frequent inspections of our island's food establishments due to insufficient number of staff in DEH. Considering that DEH is also responsible for regulating consumer commodities, especially food, that are imported, distributed, and sold on island, they too should receive a

portion of the Use Tax revenue that are generated from the importation of these goods. Thus, we applaud and support their request as noted in their testimony on Bill 289-38

I thank you for giving the Guam Food Safety Advisory Group the time to submit this letter. For any questions, I may be contacted at 671-687-3734. *Dangkolo Na Si Yu'us Ma'ase!*

Very respectfully,



Frank Cruz
Chairman

Cc: Senator Sabina Perez, Member
Committee on Land, Environment, Housing, Agriculture, Parks and Infrastructure
Senator Sabrina Salas Matanane, Chairperson
Committee on Health and Veterans Affairs
Therese C. Arriola, MBA
Director, DPHSS
Michelle Lastimoza
Administrator, GEPA
Tom Nadeau
Chief EPHO, DEH/DPHSS



OFFICE OF THE VICE SPEAKER

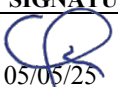
V. Anthony Ada

I Mina'trentai Ocho Na Liheslaturan Guåhan | 38th Guam Legislature

Chairperson - Committee on Land, Environment, Housing, Agriculture, Parks, and Infrastructure

COMMITTEE VOTE SHEET

Bill No. 28-38 (COR) – *“AN ACT TO AMEND § 28112(c) OF CHAPTER 28, TITLE 11 GUAM CODE ANNOTATED RELATIVE TO INCREASING GUAM ENVIRONMENTAL PROTECTION AGENCY’S COMPLIANCE AND ENFORCEMENT CAPACITY TO PROTECT THE HEALTH OF OUR ENVIRONMENT AND PEOPLE.”* – Sabina Flores Perez, V. Anthony Ada

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Senator Christopher M. Dueñas Vice Chairperson	EVOTE 05/05/25			✓		
Speaker Frank F. Blas, Jr. Member	EVOTE 05/06/25			✓		
Senator Sabrina Salas Matanane Member	EVOTE 05/05/25			✓		
Senator Shelly V. Calvo Member						
Senator Vincent A.V. Borja Member	EVOTE 05/05/25			✓		
Senator Sabina F. Perez Member	EVOTE 05/06/25	✓				
Senator Chris Barnett Member	EVOTE 05/05/25	✓				
Senator Tina Muña Barnes Member						
Senator Joe S. San Agustin Member	EVOTE 05/06/25			✓		

URGENT REQUEST for EVOTE: Committee Report Bill No. 28-38 (COR)

Senator Darrel Christopher Barnett <malafunkshun@guamlegislature.gov>

Mon, May 5, 2025 at 4:15 PM

To: Senator Chris Duenas <senator.duenas@guamlegislature.gov>

Cc: Senator Sabrina Salas Matanane <office.senatorbri@guamlegislature.gov>, "Vice Speaker V. Anthony Ada" <vicespeakertonyada@guamlegislature.gov>, "Speaker Frank F. Blas Jr." <speakerblas@guamlegislature.gov>, Office of Senator Shelly Calvo <officeofsenatorshellycalvo@guamlegislature.gov>, Senator Vince Borja <vince.borja@guamlegislature.gov>, Office Senator Perez <office.senatorperez@guamlegislature.gov>, Senator Tina Muna Barnes <senator.munabarnes@guamlegislature.gov>, "Senator Joe S. San Agustin" <senatorjoessanagustin@gmail.com>

To do pass.

Si Yu'us Ma'åse

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**The Office of Senator Chris Barnett***I Mina'trentai Ocho Na Liheslaturan Guåhan*

Suite 202 · Calvo- Arriola Building · 259 Martyr St. · Hagåtña, Guam 96910

(671)969-3586 · malafunkshun@guamlegislature.gov

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URGENT REQUEST for EVOTE: Committee Report Bill No. 28-38 (COR)

Senator Chris Duenas <senator.duenas@guamlegislature.gov>

Mon, May 5, 2025 at 4:03 PM

To: Senator Sabrina Salas Matanane <office.senatorbri@guamlegislature.gov>

Cc: "Vice Speaker V. Anthony Ada" <vicespeakertonyada@guamlegislature.gov>, "Speaker Frank F. Blas Jr." <speakerblas@guamlegislature.gov>, Office of Senator Shelly Calvo <officeofsenatorshellycalvo@guamlegislature.gov>, Senator Vince Borja <vince.borja@guamlegislature.gov>, Office Senator Perez <office.senatorperez@guamlegislature.gov>, Senator Tina Muna Barnes <senator.munabarnes@guamlegislature.gov>, Senator Darrel Christopher Barnett <malafunkshun@guamlegislature.gov>, "Senator Joe S. San Agustin" <senatorjoessanagustin@gmail.com>

To report out only

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**Office of Senator Christopher M. Dueñas***Chairman, Committee on Government Finance and Operations***259 Martyr St., Hagatna, Guam 96910****senator.duenas@guamlegislature.gov****(671) 989-9554**

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Vice Speaker V. Anthony Ada <vicespeakertonyada@guamlegislature.gov>

URGENT REQUEST for EVOTE: Committee Report Bill No. 28-38 (COR)

Speaker Frank Blas Jr. <speakerblas@guamlegislature.gov>

Tue, May 6, 2025 at 8:11 AM

To: Office Senator Perez <office.senatorperez@guamlegislature.gov>

Cc: "Vice Speaker V. Anthony Ada" <vicespeakertonyada@guamlegislature.gov>, Chris Duenas <senator.duenas@guamlegislature.gov>, Office Senator Bri <office.senatorbri@guamlegislature.gov>, Office of Senator Shelly Calvo <officeofsenatorshellycalvo@guamlegislature.gov>, Senator Vince Borja <vince.borja@guamlegislature.gov>, Senator Tina Muna Barnes <senator.munabarnes@guamlegislature.gov>, Senator Darrel Christopher Barnett <malafunkshun@guamlegislature.gov>, "Senator Joe S. San Agustin" <senatorjoessanagustin@gmail.com>

To Report Out Only



Speaker, Frank F. Blas, Jr.

I Mina'trentai Ocho na Liheslaturan Guåhan 38th Guam Legislature

Guam Congress Building, 163 Chalan Santo Papa, Hagatña

(671)969-6456

speakerblas@guamlegislature.gov

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URGENT REQUEST for EVOTE: Committee Report Bill No. 28-38 (COR)

Joe S. San Agustin <senatorjoessanagustin@gmail.com>

Tue, May 6, 2025 at 9:15 AM

To: "Vice Speaker V. Anthony Ada" <vicespeakertonyada@guamlegislature.gov>

Cc: Chris Duenas <senator.duenas@guamlegislature.gov>, "Speaker Frank F. Blas Jr."

<speakerblas@guamlegislature.gov>, Office Senator Bri <office.senatorbri@guamlegislature.gov>, Office of Senator Shelly Calvo <officeofsenatorshellycalvo@guamlegislature.gov>, Senator Vince Borja

<vince.borja@guamlegislature.gov>, Office Senator Perez <office.senatorperez@guamlegislature.gov>, Senator Tina

Muna Barnes <senator.munabarnes@guamlegislature.gov>, Senator Darrel Christopher Barnett

<malafunkshun@guamlegislature.gov>

To Report Out Only

The Office of Senator Joe S. San Agustin

I Mina'trentai Ocho na Liheslaturan Guåhan

38th Guam Legislature

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

T: (671) 989-5445 F: (671) 969-6737 E: senatorjoessanagustin@gmail.com

Website: www.senatorjoessanagustin.com

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Vice Speaker V. Anthony Ada <vicespeakertonyada@guamlegislature.gov>

URGENT REQUEST for EVOTE: Committee Report Bill No. 28-38 (COR)

Office Senator Perez <office.senatorperez@guamlegislature.gov>

Tue, May 6, 2025 at 8:07 AM

To: "Vice Speaker V. Anthony Ada" <vicespeakertonyada@guamlegislature.gov>

Cc: Chris Duenas <senator.duenas@guamlegislature.gov>, "Speaker Frank F. Blas Jr."

<speakerblas@guamlegislature.gov>, Office Senator Bri <office.senatorbri@guamlegislature.gov>, Office of Senator

Shelly Calvo <officeofsenatorshellycalvo@guamlegislature.gov>, Senator Vince Borja

<vince.borja@guamlegislature.gov>, Senator Tina Muna Barnes <senator.munabarnes@guamlegislature.gov>, Senator

Darrel Christopher Barnett <malafunkshun@guamlegislature.gov>, "Senator Joe S. San Agustin"

<senatorjoessanagustin@gmail.com>

To do pass.

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URGENT REQUEST for EVOTE: Committee Report Bill No. 28-38 (COR)

Senator Sabrina Salas Matanane <office.senatorbri@guamlegislature.gov>

Mon, May 5, 2025 at 2:28 PM

To: "Vice Speaker V. Anthony Ada" <vicespeakertonyada@guamlegislature.gov>Cc: Chris Duenas <senator.duenas@guamlegislature.gov>, "Speaker Frank F. Blas Jr."<speakerblas@guamlegislature.gov>, Office of Senator Shelly Calvo <officeofsenatorshellycalvo@guamlegislature.gov>,Senator Vince Borja <vince.borja@guamlegislature.gov>, Office Senator Perez<office.senatorperez@guamlegislature.gov>, Senator Tina Muna Barnes <senator.munabarnes@guamlegislature.gov>,Senator Darrel Christopher Barnett <malafunkshun@guamlegislature.gov>, "Senator Joe S. San Agustin"<senatorjoessanagustin@gmail.com>

To report out only.

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—

All the best,

Isaiah Aguon

Director of Strategic Communications

**Office of Legislative Secretary****SENATOR SABRINA SALAS MATANANE***I Mina'trentai Ocho Na Liheslaturan Guåhan* | 38th Guam Legislature

Chairperson, Committee on Health and Veterans Affairs

163 W. Chalan Santo Papa, Hagåtña, Guam 96910

☎ office.senatorbri@guamlegislature.gov

☎ 671-989-2572

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Vice Speaker V. Anthony Ada <vicespeakertonyada@guamlegislature.gov>

URGENT REQUEST for EVOTE: Committee Report Bill No. 28-38 (COR)

Office of Senator Vince Borja <contact@senatorvinceborja.com>

Mon, May 5, 2025 at 4:21 PM

Reply-To: Office of Senator Vince Borja <contact@senatorvinceborja.com>

To: vicespeakertonyada@guamlegislature.gov

Cc: senator.duenas@guamlegislature.gov, speakerblas@guamlegislature.gov, office.senatorbri@guamlegislature.gov, officeofsenatorshellycalvo@guamlegislature.gov, office.senatorperez@guamlegislature.gov, senator.munabarnes@guamlegislature.gov, malafunkshun@guamlegislature.gov, senatorjoessanagustin@gmail.com, vicespeakertonyada@guamlegislature.gov

To report out only.



Office of Senator Vincent A.V. Borja

Committee on Education, Libraries, & Public Broadcasting

38th Guam Legislature

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T +1 (671) 969-8423

E contact@senatorvinceborja.com

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OFFICE OF THE VICE SPEAKER

V. Anthony Ada

I Mina'trentai Ocho Na Liheslaturan Guåhan | 38th Guam Legislature

Chairperson - Committee on Land, Environment, Housing, Agriculture, Parks, and Infrastructure

COMMITTEE REPORT DIGEST

I. OVERVIEW

Bill No. 28-38 (COR) was introduced on **January 15, 2025**, by Senator Sabina F. Perez and was subsequently referred to the Committee on Finance and Government Operations on **January 24, 2025**. It was then re-referred to the Committee on Land, Environment, Housing, Agriculture, Parks and Infrastructure on **April 9, 2025**.

The Committee on Land, Environment, Housing, Agriculture, Parks and Infrastructure convened a public hearing on April 17, 2025, at 9:00 am at the Public Hearing Room of the Guam Congress Building.

Public Notice Requirements

Public Hearing notices were disseminated via **e-mail** to all senators and all main media broadcasting outlets on **April 10, 2025** (5-Day Notice), and again on **April 15, 2025** (48-Hour Notice).

Senators Present

Vice Speaker V. Anthony Ada – Chairperson
Christopher M. Dueñas – Vice Chairperson
Sabina Flores Perez – Primary Sponsor
Chris Barnett- Committee Member
Therese M. Terlaje

Attendees

Michelle Lastimoza, Director – Guam Environmental Protection Agency
Theresa Arriola, Director – Department of Public Health and Social Services
Elizabeth DeGrange, Senior Science Advisor – Guam Environmental Protection Agency
Arlene Acfalle – Guam Environmental Protection Agency
Tom Nadeau – Department of Public Health and Social Services

Written Testimony Provided by

Michelle Lastimoza, Director – Guam Environmental Protection Agency
Theresa Arriola, Director – Department of Public Health and Social Services

II. SUMMARY OF TESTIMONY & DISCUSSION

The public hearing was called to order at **9:01 AM**

[See testimony proceedings on the appointment of Heather M. Quitugua to the Board of Directors of the Guam Environmental Protection Agency]

Senator Sabina F. Perez – Primary Sponsor: Thank you Chairman Tony for this opportunity and for scheduling this hearing. Bill 28-38 clarifies and streamlines funding for Guam EPA by continual appropriations of 20% use tax to Guam EPA that is already authorized by law and this measure would allow for such funds to be deposited twenty days following the end of every month to what is states in the laws. The environmental trust fund to be deposited in twenty days following the end of every month to the environmental trust fund in lieu of a non-existent “agency” environmental cleanup fund. Bill 28-38 is an updated version of a measure introduced in the 36th Guam Legislature, Bill 55-36 in which was created in response to the Marbo Cave environmental disaster in which critical staffing shortage was identified as one of the factors that could have prevented it. Currently, Guam EPA faces significant challenges in this area. In 2022 and 2023 articles by local news noted that Guam EPA lacked the resources and staff necessary to regulate soil erosion hazardous waste and wastewater and was completely overwhelmed by trying to enforce on-base construction regulations. At the time the agency had only forty-one staff on board out of ninety-four full-time positions available with the upcoming retirement of key employees. This may further exacerbate the issues in the next three years. By activating an existing funding sources, Guam EPA can solidify its regulatory operations and fulfill the implementation of its multitude of mandates that safeguards our natural environment through protecting Guam’s drinking water from hazardous contaminants, permitting and enforcing responsible development enforcing violations for the abatement of junk vehicles and illegal dumping, the remediation of brownfields with programs including such as the air pollution control, solid waste, hazardous waste, pesticide control, non-point source pollution, water pollution control, water resource management, safe drinking water and others that span fifteen chapters in Guam’s code as our community and environmental faces increasing threats due to overconsumption, climate change and military buildup and construction projects outside the fence. There is a growing need for increased and consistent environmental protections, enforcement, mitigation tactics necessary to protect the health and safety of our people and island. I would like to thank my co-sponsor Vice Speaker Tony Ada for his support on this bill and I look forward to the support of my colleagues as well as dialogue and testimony.

Michelle Lastimoza, Director – Guam Environmental Protection Agency: [Written testimony presented orally.]

Theresa Arriola, Director – Department of Public Health and Social Services: [Written testimony presented orally.]

Senator Perez asked if the language encompasses all the mandates that Guam EPA has; if this particular fund is a catchall; if the new language will provide the flexibility they need; that she agrees with GEPA’s testimony on emergency declaration referencing how they updated the procurement law so that there isn’t a need to require the government declaration for emergencies; that she received comments that the use tax can fluctuate which would make the percentage fluctuate; that the bill may have to be delayed to the start of the fiscal year to accommodate projections for use tax; asked what Ms. Lastimoza thinks is a proper amount for EPA referencing audits showing an under collection of \$60 million; asked if they are still experiencing “poaching” from the federal government; asked about the employee classifications of new recruits at GEPA and how many positions they are filling; asked what kind of employee shortages they are experiencing; if the environmental trust fund could go to solid waste; if they have a contract for toxins in the environment;

Ms. Lastimoza said that the current law is specifically for cleanup of hazardous materials so it does not encompass any other programs except for 25% that gives a bit of a broad scope using for other programs; that the emergency response could require a cleanup or mitigation effort; that importers are already importing goods that are hazardous and pay a 4% tax but as a result of importing that or byproduct of that commodity, they do not have mitigation monies to remedy the environmental consequences but if part of that money goes to Guam EPA, they’d have mitigation funds; they try to

live within their means and salaries take priority and that they've had the same staffing and vacancies for the past thirty years and there is employee poaching between GEPA and DPHSS and the federal government because there are a limited number of people on Guam with the same skillset; the recruits will be permanent classified employees; they have the chief engineer, three engineers, they interviewed for environmental health specialist, they just selected the environmental inspector supervisor position, environmental tech; there is a need for additional staff for all of their programs and build a new laboratory; that their federal consolidated grant does not support solid waste management and it is locally funded so this could be used to help clean up illegal dumpsites; that with the new lab they can incorporate soil samples and that they could increase training and capability in that area

Elizabeth DeGrange – Guam Environmental Protection Agency said that their goals in being able to use the funding would increase training, more staff to be able to conduct the work done with the laboratory; that they use several million dollars of federal grant funding just to pay for shipping of samples and they'd like to be able to test more in Guam.

Senator Chris Barnett asked Guam EPA to explain to the public why they didn't receive this funding and if they'd undertaken any efforts with customs to receive their portion of the use tax; if they secure this funding source, could that get us to where we need to be to address environmental threats; asked when they became aware of the funding; asked if they planned on submitting a detailed budget or just wait for the bill to go through; asked if it's still practice to use the SEP where violators pay off the violation by providing services; asked DPHSS to talk about the process of helping customs with inspections; asked what DPHSS would do with funds they would receive; if funding would be used to hire more inspectors;

Ms. Lastimoza said that they don't go before the legislature for funding as 95% of their funding is from their federal partner thus, they never submitted a detailed budget report for their approval; said that whether they get \$1.8 million or upwards of \$12 million, it will help mitigate areas of concern and will make good use of the funding; they were aware of the funding a couple of years ago when Senator Perez asked if they'd be interested in the use tax; that they still use the SEP program but the SEP has to be consistent with the violation so if it's a water violation, the SEP must be the equivalent;

Tom Nadeau – Department of Public Health and Social Services said that when customs inspects items they feel are in violation of the Guam Food and Cosmetics Act, specifically food, cosmetics and medical devices, they respond by examining the product and if it warrants detention or refusal of entry and the process can take from a few days to a couple weeks; said their breakdown includes close to 70% are misbranded products and that varies from food products to medical devices; 60% are actually items that are what's on the FDA's import alert that are products the FDA has already determined to be unapproved for importation to the US, a significant number of those particularly with food.

Ms. Arriola said that they are always challenged, and they would like to keep people in place as employees jump around, seeking promotions.

Senator Therese M. Terlaje asked if public health has any costs in the partnership with customs; asked if public health has access to customs' electronic systems; does public health have the discretion to override things tagged by customs; if GEPA partners with customs; asked GEPA has not submitted a budget in the last few years; asked if they could help create policy on the front end to catch things.

Mr. Nadeau said there is no cost, it started as a pilot program between FDA na public health; that they have been discussing a system like that including with BSP for decades; that they have released

products tagged by customs.

Ms. Lastimoza said they work with customs for pesticides program and motor vehicles that are not compliant with air pollution standards, aggregate products and noted that funding is also to provide rental lab space; that the previous administration did not submit a budget.

Chairman Ada closed by saying that the use tax is currently a general funding source so any bill or existing law is implemented, it will result in a reduction of the general fund revenue for the remainder of the fiscal year.

The public hearing was adjourned at **11:13 AM.**

III. FINDINGS & RECOMMENDATIONS

The committee finds that main goal of the bill is to designate and appropriate fund of the Guam Environmental Protection Agency's (GEPA) continuing appropriation from Use Taxes pursuant to § 28112(c), 11 GCA (as enacted by PL 31-77). This law continually appropriates 20% of the Use Taxes collected to the GEPA's Environmental Cleanup Fund which no longer exists. The bill changes the designated fund to the GEPA "Guam Environmental Trust Fund." The bill additionally requires the Department of Administration to transfer the appropriated funds collected on a monthly basis.

The Committee further finds, that Use Taxes, at least since the enactment of PL 31-77, has been a used as a General Fund revenue source. Therefore, as each budget law supersedes the original law, the continuing appropriation has never been funded. If this bill is enacted, then it is possible that going forward from the date of enactment, the continuing appropriation of § 28112(c), 11 GCA will be valid. In the event that a subsequent budget law designates Use Taxes as a General Fund revenue source, then § 28112(c), 11 GCA will not be funded for that fiscal year.

The Committee on Land, Environment, Housing, Agriculture, Parks and Infrastructure hereby reports out **Bill No. 28-38 (COR)** – Sabina Flores Perez, V. Anthony Ada. – “AN ACT TO AMEND § 28112(c) OF CHAPTER 28, TITLE 11 GUAM CODE ANNOTATED RELATIVE TO INCREASING GUAM ENVIRONMENTAL PROTECTION AGENCY'S COMPLIANCE AND ENFORCEMENT CAPACITY TO PROTECT THE HEALTH OF OUR ENVIRONMENT AND PEOPLE,” with the recommendation **TO REPORT OUT ONLY.**

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2025 (FIRST) Regular Session

Bill No. 28-38 (COR)

Introduced by:

Sabina Flores Perez 
V. Anthony Ada 

**AN ACT TO *AMEND* § 28112(c) OF CHAPTER 28, TITLE
11 GUAM CODE ANNOTATED RELATIVE TO
INCREASING GUAM ENVIRONMENTAL
PROTECTION AGENCY'S COMPLIANCE AND
ENFORCEMENT CAPACITY TO PROTECT THE
HEALTH OF OUR ENVIRONMENT AND PEOPLE.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds
the regulatory demands of the Guam Environmental Protection Agency to enforce
laws that ensure the protection of the health of our environment and people have
increased significantly due to expansion of environmental laws, increased permitting
applications for construction projects and increased incidences of violations, such as
illegal dumping.

I Liheslaturan Guåhan further finds that GEPA is experiencing a critical
staffing shortage that will be exacerbated by the anticipated retirement of key
employees within the next three years. The lack of new workers combined with the
loss of institutional knowledge poses a serious threat to our environmental
protections.

1 *I Liheslaturan Guåhan* finds that increasing regulatory capacity is urgently
2 needed through recruitment and retention of qualified staff and evaluating pay scales
3 to determine equity within the agency and to match those in the private sector or
4 federal government.

5 *I Liheslaturan Guåhan* further finds greater funding for GEPA is needed to
6 match the increased regulatory demand. Additionally, greater funding can be
7 obtained through efficient collection of use taxes mandated by statute for GEPA.
8 According to 11 GCA Ch. 28 § 28112 “20% of use tax collected in the previous
9 fiscal year shall be appropriated to the Guam environmental Protection Agency,
10 Environmental Cleanup Fund to cover the costs associated with preserving Guam’s
11 natural resources.”

12 *I Liheslaturan Guåhan* therefore intends to facilitate the transfer of use taxes
13 currently mandated to fund GEPA in order to protect our aquifer, ensure compliance
14 and bolster enforcement of our environmental laws that protects the health of our
15 people and environment for ours and future generations.

16 **Section 2.** § 28112(c) of Chapter 28, Title 11 Guam Code Annotated is
17 *amended* to read as follows:

18 “(c) Sums based on twenty percent (20%) of the total Use Tax collected ~~in the~~
19 ~~previous fiscal year shall be~~ is continually appropriated to the “Guam Environmental
20 ~~Trust Protection Agency Environmental Cleanup~~ Fund” to cover costs associated
21 with preserving Guam’s natural resources. ~~This appropriation is continuous, but is~~
22 ~~contingent on the annual submission of a detailed budget to I Liheslaturan Guåhan~~
23 ~~by the Director of the GEPA.~~ Notwithstanding any other provision of law, the
24 monies appropriated by this section, *supra*, shall be placed in the Guam
25 Environmental Trust Fund within twenty (20) days following the end of the month
26 that the funds where collected.”

27 **Section 3. Enactment Date.** This act shall be effective upon enactment.

1 **Section 4. Severability.** If any provision of this Act or its application
2 to any person or circumstance is found to be invalid or inorganic, such
3 invalidity shall not affect other provisions or applications of this Act that can
4 be given effect without the invalid provision or application, and to this end
5 the provisions of this Act are severable.



COMMITTEE ON RULES

Vice Speaker V. Anthony Ada, Chairperson

I Mina'trentai Ocho Na Liheslaturan Guåhan

38th Guam Legislature

February 27, 2025

To: **Rennae V. C. Meno**
Clerk of the Legislature

From: **Vice Speaker V. Anthony Ada** 
Chairperson, Committee on Rules

Subject: **Fiscal Note for Bill No. 28-38 (COR)**

Håfa Adai!

Find the attached, Fiscal Note for the following bill:

Bill No. 28-38 (COR).

I also request that the same be sent to the respective Chairperson of the Standing Committee, to which this bill has been referred. Kindly forward the same to Management Information Services (MIS) for posting on our website.



Bureau of Budget & Management Research
Fiscal Note of Bill No. 28-38 (COR)

AN ACT TO AMEND § 28112(c) OF CHAPTER 28, TITLE 11 GUAM CODE ANNOTATED RELATIVE TO INCREASING GUAM ENVIRONMENTAL PROTECTION AGENCY'S COMPLIANCE AND ENFORCEMENT CAPACITY TO PROTECT THE HEALTH OF OUR ENVIRONMENT AND PEOPLE.

Department/Agency Appropriation Information

Dept./Agency Affected: Guam Environmental Protection Agency (GEPA)		Dept./Agency Head: Michelle Lastimoza, Administrator	
Department's General Fund (GF) appropriation(s) to date: Operations (\$422,741); Beach Monitoring (\$46,903)			469,644
Department's Other Fund (Specify) appropriation(s) to date: Guam Environmental Trust Fund (\$492,444); Water Research and Development Fund (\$80,999); Solid Waste Operations Fund (\$202,992)			776,435
			\$1,246,079

Fund Source Information of Proposed Appropriation

	General Fund:	(Specify Special Fund):	Total:
FY 2024 Unreserved Fund Balance		\$0	\$0
FY 2025 Adopted Revenues	\$0	\$0	\$0
FY 2025 Appro. (P.L. 37-125)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill

	One Full Fiscal Year	For Remainder of FY 2025 (if applicable)	FY 2026	FY 2027	FY 2028	FY 2029
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Guam Environmental Trust Fund 1/	\$0	1/	1/	1/	1/	1/
Total	\$0	1/	1/	1/	1/	1/

- | | | |
|---|------------|----------|
| 1. Does the bill contain "revenue generating" provisions? | / / Yes | / X / No |
| If Yes, see Attachment. | | |
| 2. Is amount appropriated adequate to fund the intent of the appropriation? | / X / N/A | / / Yes |
| If no, what is the additional amount required? \$ _____ | / / N/A | / / No |
| 3. Does the Bill establish a new program/agency? | / / Yes | / X / No |
| If yes, will the program duplicate existing programs/agencies? | / X / N/A | / / No |
| Is there a federal mandate to establish the program/agency? | / / Yes | / X / No |
| 4. Will the enactment of this Bill require new physical facilities? | / / Yes | / X / No |
| 5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: | / X / Yes | / / No |
| /X / Requested agency comments not received by due date | / / Other: | |

Analyst: William P. Taitungong Date: 2/21/25 Director: Lester L. Carlson, Jr. Date: **FEB 27 2025**

Comments:

1/ See attached comments on Bill 28-38 (COR).

Bureau of Budget and Management Research
Comments on Bill No. 28-38 (COR)

The proposed legislation is an act to *amend* § 28112(c) of Chapter 28, Title 11 Guam Code Annotated (GCA) relative to increasing Guam Environmental Protection Agency's (GEPA's) compliance and enforcement capacity to protect the health of our environment and people.

The intent of the Bill is to provide GEPA greater funding to match the increased regulatory demand through efficient collection of use taxes mandated by statute. According to 11 GCA Chapter 28 § 28112, 20% of use tax collected in the previous fiscal year shall be appropriated to the GEPA Environmental Cleanup Fund to cover the costs associated with preserving Guam's natural resources. As such the proposed amendment is to facilitate the transfer of use taxes currently mandated to GEPA.

The proposed amendment to § 28112(c) will change and make the sums based on 20% of the total Use Tax collected be continually appropriated to the Guam Environmental Trust Fund instead of the GEPA Environmental Cleanup Fund to cover costs associated with preserving Guam's natural resources. It also eliminates the requirement of the annual submission of a detailed budget to *Liheslaturan Guåhan* by the Administrator of GEPA. Additionally, the Bill adds that monies appropriated by this section be placed in the Guam Environmental Trust Fund within 20 days following the end of the month that the funds were collected rather than the current appropriation of use tax collected in the previous fiscal year.

It should be noted that the Bureau had sought input on the proposed Bill 28-38 from the GEPA on January 28, 2025 and follow-up requests on February 17 and February 20, 2025 and has not received any official comments as of the date of this fiscal note.

The Bureau provides information on the following table as to the actual Use Tax collections for the first quarter of Fiscal Year 2025:

Other Taxes: Use Tax - FY2025 Actual Collections ^{1/}									
First Quarter (October 2024 - December 2024)									
Other Taxes	Oct-24	20% of Collection	Nov-24	20% of Collection	Dec-24	20% of Collection	3 Month Actual Collection	20% of Total Collection	3 Month Average Collection
Use Tax	\$237,842	\$47,568	\$417,748	\$83,550	\$484,900	\$96,980	\$1,140,490	\$228,098	\$76,033
Total	\$237,842	\$47,568	\$417,748	\$83,550	\$484,900	\$96,980	\$1,140,490	\$ 228,098	\$76,033

1/ Source: Consolidated Revenue/Expenditure Report for month ending October 2024, November 2024, December 2024

Based on the information provided and should Bill 28-38 be enacted, an estimated average collection of \$76,003 in Use Tax revenues would then be transferred and deposited into the Guam Environmental Trust Fund within 20 days following the end of the month or an estimated \$912,036 annually to be expended by GEPA for the authorized expenditures under the Fund. The Bureau also notes that if the intent of the proposed amendment is to provide for the continuing

appropriation of Use Tax revenues to the Guam Environmental Trust Fund and to eliminate the requirement of the annual submission of a detailed budget to *I Liheslaturan Guåhan*, it is then recommended that §45200 (a) of Chapter 10, GCA which created the Guam Environmental Trust Fund be amended as well to delete the “subject to legislative appropriation” requirement noted in the section of that law, to avoid any conflict on whether monies in the Fund be continually or legislatively appropriated.