

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam.

MAY 11 2015

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Tres Na Liheslaturan Guahan
155 Hesler Street
Hagåtña, Guam 96910


2015 MAY 12 AM 9:59

Dear Madame Speaker:

Transmitted herewith is Bill No. 53-33 (COR) "AN ACT TO ADOPT THE RULES AND REGULATIONS GOVERNING THE SANITARY OPERATIONS AND INSPECTIONS OF TEMPORARY WORKFORCE HOUSING, PURSUANT TO §26A108 OF CHAPTER 26A, TITLE 10, GUAM CODE ANNOTATED, BY ADDING A NEW ARTICLE 17 TO CHAPTER 4 OF TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATIONS" which I signed into law on May 7, 2015, as Public Law 33-21.

Senseramente,


EDDIE BAZA CALVO

33-15-0436
Office of the Speaker
Judith T. Won Pat, Ed.D.
Date: 05-12-15
Time: 8:30 AM
Received by: 

0436



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam.

MAY 11 2015

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina' trentai Tres Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

Dear Madame Speaker:

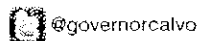
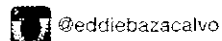
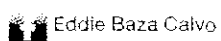
Transmitted herewith is Bill No. 53-33 (COR) "AN ACT TO ADOPT THE RULES AND REGULATIONS GOVERNING THE SANITARY OPERATIONS AND INSPECTIONS OF TEMPORARY WORKFORCE HOUSING, PURSUANT TO §26A108 OF CHAPTER 26A, TITLE 10, GUAM CODE ANNOTATED, BY ADDING A NEW ARTICLE 17 TO CHAPTER 4 OF TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATIONS" which I signed into law on May 7, 2015, as **Public Law 33-21**.

Senseramente,

EDDIE BAZA CALVO

P.O. Box 2950 • Hagatna, Guam 96932

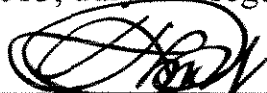
Tel: (671) 472-8931 • Fax: (671) 477-4826 • governor.guam.gov • calendar.guam.gov



I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2015 (FIRST) Regular Session

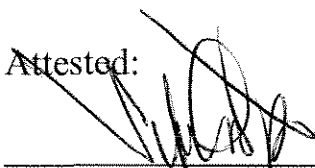
CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN*

This is to certify that **Substitute Bill No. 53-33 (COR)**, "AN ACT TO ADOPT THE RULES AND REGULATIONS GOVERNING THE SANITARY OPERATIONS AND INSPECTIONS OF TEMPORARY WORKFORCE HOUSING, PURSUANT TO §26A108 OF CHAPTER 26A, TITLE 10, GUAM CODE ANNOTATED, BY *ADDING* A NEW ARTICLE 17 TO CHAPTER 4 OF TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATIONS," was on the 1st day of May 2015, duly and regularly passed.



Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 1 day of May,
2015, at 8:30 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



EDWARD J.B. CALVO
I Maga'lahaen Guåhan

Date: MAY 07 2015

Public Law No. 33-21

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2015 (FIRST) Regular Session

Bill No. 53-33 (COR)

As substituted by the Committee on
Health, Economic Development,
Homeland Security and Senior Citizens;
and amended on the Floor.

Introduced by:

Dennis G. Rodriguez, Jr.
T. C. Ada
V. Anthony Ada
Frank F. Blas, Jr.
FRANK B. AGUON, JR.
B. J.F. Cruz
James V. Espaldon
Brant T. McCreadie
Tommy Morrison
T. R. Muña Barnes
R. J. Respicio
Michael F.Q. San Nicolas
Mary Camacho Torres
N. B. Underwood, Ph.D.
Judith T. Won Pat, Ed.D.

**AN ACT TO ADOPT THE RULES AND REGULATIONS
GOVERNING THE SANITARY OPERATIONS AND
INSPECTIONS OF TEMPORARY WORKFORCE
HOUSING, PURSUANT TO §26A108 OF CHAPTER 26A,
TITLE 10, GUAM CODE ANNOTATED, BY *ADDING* A
NEW ARTICLE 17 TO CHAPTER 4 OF TITLE 26, GUAM
ADMINISTRATIVE RULES AND REGULATIONS.**

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

2 **Section 1. Legislative Findings and Intent.** Subject to public hearing and
3 legislative review, it is the intent of *I Liheslaturan Guåhan* to provide additional

EXHIBIT "A"

1 public scrutiny of the proposal governing the sanitary operations and inspections of
2 temporary workforce housing and for the eventual adoption of these rules and
3 regulations.

4 **Section 2.** A new Article 17 – Temporary Workforce Housing, is *added* to
5 Chapter 4 of Title 26, Guam Administrative Rules and Regulations.

6 **Section 3. Adoption of Rules and Regulations.** Notwithstanding any other
7 provision of law, rule, regulation and Executive Order, the Rules And Regulations
8 Governing the Sanitary Operations and Inspections of Temporary Workforce
9 Housing, pursuant to this Act, are adopted by *I Liheslaturan Guåhan*, and shall be
10 codified under Article 17 of Chapter 4 of Division 1, Title 26, Guam Administrative
11 Rules and Regulations.

12 **Section 4. Amendment of Rules.** The Director, Department of Public
13 Health and Social Services, Division of Environmental Health shall, pursuant to
14 Article 3 - Rule Making Procedures, of Chapter 9, Title 5, Guam Code Annotated,
15 review and amend, as may be necessary, the rules and regulations adopted pursuant
16 to this Act.

17 **Section 5. Severability.** If any provision of this Act or its application to any
18 person or circumstance is found to be invalid or contrary to law, such invalidity *shall*
19 *not* affect other provisions or applications of this Act which can be given effect
20 without the invalid provisions or application, and to this end the provisions of this
21 Act are severable.

EXHIBIT "A"

Title 26

Chapter 4

Article 17

**RULES AND REGULATIONS GOVERNING
SANITATION AND INSPECTIONS OF
TEMPORARY WORKFORCE HOUSING**

§41701. **Short Title.** These rules and regulations may also be known and cited as the "Temporary Workforce Housing Regulations."

§41702. **Authority.** Title 10, Guam Code Annotated, Chapter 26A, § 26A108 authorizes the Director to establish rules and regulations to conduct inspections of temporary workforce housing and carry out other provisions of Chapter 26.

§41703. **Purpose.** The purpose of these rules and regulations is to protect and promote the health and safety of occupants in a temporary workforce housing and those who may reside in the immediate vicinity of such premises.

§41704. **Definitions.**

(a) *Change of temporary workforce housing status* shall mean any significant variances to temporary workforce housing in relation to the most recent prior inspection.

(b) *Division of Environmental Health* or *DEH* shall mean the Division of the DPHSS established through Title 10 GCA, Chapter 20, §20103.

(c) *Department* shall mean the Guam Department of Public Health and Social Services (DPHSS).

(d) *Dining Hall* shall mean a cafeteria-type eating place with food furnished by and prepared under the direction of the operator for consumption, with or without charge.

EXHIBIT "A"

1 (e) *Director* shall mean the Director of Public Health and Social
2 Services or his/her designated representative.

3 (f) *Failed inspection* (also known as *unsatisfactory inspection*)
4 shall mean an inspection resulting in a demerit score of 11 or more.

5 (g) *Habitable room* shall mean a room or space in a structure with
6 a minimum seven foot ceiling used for living, eating, or cooking.
7 Bathrooms, toilet compartments, closets, halls, storage or utility space, and
8 similar areas are not considered habitable space.

9 (h) *Occupant* shall mean any person who uses a temporary
10 workforce housing for lodging purposes.

11 (i) *Operator* or *Temporary Workforce Housing Operator* shall
12 mean a person, or business entity, who owns, leases or manages, or proposes
13 to own, lease or manage, a temporary workforce housing, and includes any
14 person designated in the application for a Sanitary Permit to operate a
15 temporary workforce housing or having an authority to administer the day-
16 to-day operations of the facility, and to respond to complaints, orders, and
17 other matters as set forth in these rules and regulations.

18 (j) *Person* shall mean any owner, firm, corporation or
19 governmental agency operating a dormitory.

20 (k) *Sanitary Permit* shall mean the official document issued by the
21 DPHSS authorizing the establishment to operate its business.

22 (l) *Satisfactory* shall mean achieving a letter grade "A" at the
23 conclusion of a compliance inspection of temporary workforce housing.

24 (m) *Superficial floor area* shall mean the net area within the
25 enclosing walls of the room in which the ceiling height is not less than seven
26 feet (7'), excluding built-in equipment such as wardrobes, cabinets, kitchen
27 units, bathrooms, toilet rooms, or fixtures.

EXHIBIT "A"

1 (n) *Temporary worker* shall mean:

2 (1) A worker from a point of origin outside of Guam, who is
3 sponsored by an employer, or has come to Guam on his own to seek
4 employment for a specific work project; and

5 (2) is on Guam for the purpose of being employed for a
6 specific project expected to be completed in a specific period of time;
7 and

8 (3) will exit Guam upon completion of their work contract
9 on this specific project.

10 (o) *Temporary workforce housing*, also known as *dormitory*, shall
11 mean any enclosures of living spaces, reasonably contiguous, together with
12 the land appertaining thereto, established, operated or used as living quarters
13 and, at a minimum, fifty-one percent (51%) of the residents are temporary
14 workers, including, but not limited to, facilities known by varying
15 nomenclatures or designations as dormitories, hotels, motels, travel lodges,
16 or tourist homes.

17 (p) *Variance*, as used in the reference to *Change of Temporary*
18 *Workforce Housing* of these rules and regulations, shall include changes to
19 the number of occupants, structure, ownership, and any other changes or
20 deficiencies that impact the operation of the facility, safety or welfare of the
21 occupants, or otherwise contradicts the purpose of these rules and
22 regulations and other Department regulations that govern temporary
23 workforce housing.

24 (q) *Workers' dormitory permit* shall mean the official document
25 issued by the Department of Public Health and Social Services authorizing a
26 person or business entity to operate a temporary workers' dormitory.

EXHIBIT "A"

1 **§41705. Requirements to Obtain and Apply for a Workers'**
2 **Dormitory Permit.**

3 (a) No person shall directly or indirectly in any manner conduct,
4 control, manage, maintain, or operate a dormitory unless a valid Workers'
5 Dormitory Permit issued by the Department to operate such a facility has
6 been obtained and properly posted.

7 (b) An application for a Workers' Dormitory Permit to operate any
8 new or existing dormitory shall be made in writing on a form prescribed by
9 the Director, signed by the applicant or his/her authorized agent, and shall
10 contain such information that will determine that the facility and its
11 operation are in compliance with the applicable provisions of these rules and
12 regulations.

13 (c) Before the application for a Workers' Dormitory Permit shall
14 be approved, the Director shall verify that the establishment meets the
15 minimum requirements and standards of these rules and regulations. This
16 shall include the right of entry, inspection, and investigation.

17 (d) Before a pre-operation inspection is conducted, plans and
18 specifications shall be submitted to the Director in accordance with the
19 requirements established in these regulations which shall include the
20 following:

21 (1) the location of the proposed temporary workforce
22 housing (vicinity map) on a sheet of paper measuring 8½ inches by 11
23 inches, including the street names, building numbers, and easily
24 identifiable landmarks; and

25 (2) a floor plan on a sheet of paper measuring, at a minimum,
26 8½ inches by 11 inches, showing:

27 (A) the dimensions of the proposed establishment;

EXHIBIT "A"

1 (B) the location, number and type of plumbing
2 fixtures, including all water supply fixtures and toilet fixtures,
3 and other fixtures and equipment; and

4 (C) if a newly-constructed building, the general layout
5 of water supply lines, wastewater lines or methods of
6 wastewater disposal.

7 (e) If pre-operation inspection indicates that the establishment does
8 not meet the minimum requirements, the Workers' Dormitory Permit shall
9 not be issued until such time as the requirements are met.

10 (f) All Workers' Dormitory Permits shall be issued for a maximum
11 period of no more than twelve (12) months and renewed on June 30 of each
12 year. An application for a new or the renewal of a Workers' Dormitory
13 Permit shall be filed at least fifteen (15) days before a new establishment
14 intends to open, or before the current Workers' Dormitory Permit expires.

15 (g) Any person or establishment denied a Workers' Dormitory
16 Permit, or whose Workers' Dormitory Permit has been suspended or
17 revoked, may appeal the Director's action in accordance with the provisions
18 of the Administrative Adjudication Law.

19 **§41706. Requirements to Obtain and Maintain a Sanitary Permit.**

20 (a) If upon inspection the Director is satisfied that the
21 establishment meets the minimum requirements of these rules and
22 regulations as the Director may prescribe and a Workers' Dormitory Permit
23 is issued, a non-transferable Sanitary Permit designating the type and
24 location by physical address and lot number of establishment shall also be
25 issued.

26 (b) Failure to comply with any of the requirements listed below
27 shall be a reason to deny the issuance of a Sanitary Permit:

EXHIBIT "A"

- 1 (1) locking of doors during the presence of the Department
- 2 when conducting compliance inspections;
- 3 (2) unapproved or inadequate water supply or plumbing;
- 4 (3) denying access to inspectors;
- 5 (4) receiving demerit points of more than 40; or
- 6 (5) repeating a violation assigned 2, 4 or 6 demerit points.

7 **§41707. Maximum Occupancy.** The maximum capacity for
8 Temporary Workforce Housing shall be based on:

- 9 (a) the square footage of the housing facility; and
- 10 (b) the number of bathing, hand washing, laundry, and toilet
11 facilities.

12 **§41708. Location and Premises.**

13 (a) Facility sites used for a dormitory shall be adequately drained.
14 They shall not be subject for periodic flooding, nor located within two
15 hundred (200) feet of swamps, pools, sink-holes or other surface collections
16 of water, unless such quiescent water surfaces can be subjected to mosquito
17 control measures. The facility shall be located so the drainage from and
18 through the facility will not endanger any domestic or public water supply.

19 (b) Grounds within the facility site shall be maintained so as to be
20 free from debris, noxious plants, uncontrolled weeds, or brush.

21 (c) Facility sites shall be graded, ditched and rendered free from
22 depressions in which water may become a nuisance.

23 (d) Facility sites shall be adequate in size to prevent overcrowding
24 of necessary structures. The facility in which food is prepared and served
25 and where sleeping quarters are located must be at least five hundred (500)
26 feet from any area in which livestock is kept.

EXHIBIT "A"

1 (e) Grounds within the facility shall be maintained in a clean and
2 sanitary condition free from rubbish, debris, waste paper, garbage, or other
3 refuse.

4 **§41709. Shelter.**

5 (a) Every shelter in the dormitory shall be constructed in a manner
6 which will provide protection against the elements.

7 (b) Each room used for sleeping purposes shall contain at least fifty
8 (50) square feet of superficial floor area for each occupant. At least a seven
9 (7)-foot ceiling shall be provided.

10 (c) Sleeping arrangements (beds, metal frame cots, or bunks
11 complete with springs, mattresses, and mattress covers) in good repair shall
12 be provided for facility occupants. Sleeping arrangements shall be cleaned
13 and maintained in a sanitary condition. No bed shall be used by more than
14 two (2) occupants.

15 (d) Beds, cots, or bunks, and suitable storage facilities such as wall
16 lockers for clothing and personal articles shall be provided in every room
17 used for sleeping purposes. Such beds or similar facilities shall be spaced
18 not closer than thirty-six (36) inches both laterally and end to end, and shall
19 be elevated at least twelve (12) inches from the floor. If double-deck bunks
20 are used, they shall be spaced not less than forty-eight (48) inches laterally
21 and end to end. The minimum clear space between the lower and upper
22 bunk shall not be less than twenty-seven (27) inches. Triple-deck bunks are
23 prohibited.

24 (e) The floors of each shelter shall be constructed of wood,
25 concrete or other materials approved by the Department. Wooden floors
26 shall be smooth and of tight construction. The floor shall be of such

EXHIBIT "A"

1 construction as to be easily cleanable, and shall be kept clean and in good
2 repair.

3 (f) All wooden floors shall be elevated not less than one (1) foot
4 above the ground level at all points to prevent dampness and to permit free
5 circulation of air beneath.

6 (g) All living quarters shall be provided with windows in which the
7 total area shall not be less than one-tenth of the total floor area. At least one-
8 half of each window shall be so constructed that it can be opened for
9 purposes of ventilation.

10 (h) All exterior openings shall be effectively screened with sixteen
11 (16)-mesh to the inch material. All screen doors shall be equipped with self-
12 closing devices.

13 (i) In a room where occupants cook, live, and sleep a minimum of
14 one hundred (100) square feet of superficial floor area per person shall be
15 provided. Adequate facilities and proper methods for the preparation,
16 refrigeration, and storage of food shall be provided.

17 (j) In a dormitory where cooking facilities are used in common,
18 stoves (in a ratio of one (1) stove to ten (10) persons) shall be provided in an
19 enclosed and screened shelter, and shall be equipped with an electric exhaust
20 fan connected to the outside air. Adequate facilities and proper methods for
21 the preparation, refrigeration, and storage of food shall be provided.

22 (k) All communal kitchens shall have a floor area of at least one
23 hundred (100) square feet (10 ft. x10 ft. rooms).

24 (l) All heating, cooking, and water heating equipment shall be
25 installed in accordance with applicable laws of Guam and rules and
26 regulations governing such installations.

EXHIBIT "A"

1 (m) All rooms shall have sufficient ventilation to keep them free of
2 excessive heat, carbon dioxide, steam, condensation, vapors, obnoxious
3 odors, smoke, and fumes. A ventilation system shall be installed and
4 operated according to applicable laws of Guam, and when vented to the
5 outside, shall not create an unsightly, harmful, or unlawful discharge.

6 **§41710. Water Supply.**

7 (a) An adequate supply of potable water from an approved source
8 and under pressure shall be provided at all times in each dormitory for
9 drinking, cooking, bathing and laundry purposes.

10 (b) Drinking water dispensed by means of drinking fountains, cups,
11 and water coolers shall conform to the following:

12 (1) Drinking fountains shall be kept clean and in good repair
13 and conform to the latest editions of the International Plumbing Code
14 and the International Building Code adopted on Guam.

15 (2) Single service cups shall be used for water dispensed
16 from bottled water or water coolers. Single service cups shall be
17 stored, handled, and dispensed in a sanitary manner.

18 (3) Water coolers used for dispensing drinking water shall be
19 provided with a cover, and shall be kept clean. Dipping the cups into
20 the water cooler is prohibited. Water coolers shall be adequately
21 protected to prevent any contamination.

22 (4) Other cups, such as individually owned cups, shall be
23 used by only one owner.

24 (c) All water outlets shall be protected from backflow either by air
25 gap or backflow prevention devices. There shall be no existing or potential
26 cross-connection or back-siphonage problems anywhere in the building or its
27 premises.

EXHIBIT "A"

1 (d) Any water outlets with a threaded, serrated, or quick coupling
2 nozzle shall be provided with a vacuum breaker.

3 **§41711. Toilet Facilities.**

4 (a) Toilet facilities shall be of adequate capacity based on latest
5 applicable codes.

6 (b) Each toilet shall be located so as to be accessible without any
7 individual passing through any sleeping room. Toilet rooms shall have
8 windows not less than six (6) square feet in area opening directly to the
9 outside area or otherwise be satisfactorily ventilated. All outside openings
10 shall be screened with sixteen (16)-mesh to the inch material. No toilet
11 fixtures shall be located in a room used for other than toilet purposes.

12 (c) A toilet room shall be located not more than two hundred (200)
13 feet of travel distance from the door of each sleeping room.

14 (d) Where the toilet rooms are shared, such as in barracks type
15 facilities, separate toilet rooms shall be provided for each sex. These rooms
16 shall be distinctly marked for "Men" and "Women" by signs printed in
17 English and in the language of the persons occupying the camp, or marked
18 with easily understood pictures or symbols. If the facilities for each sex are
19 in the same building, they shall be separated by solid walls or partitions
20 extending from the floor to the roof or ceiling.

21 (e) Where toilets facilities are shared, the number of water closets
22 provided for each sex shall be based on the maximum number of persons of
23 that sex which camp is designed to house at any one time, in the ratio of one
24 (1) such unit to each ten (10) persons, with a minimum of two (2) units for
25 any shared facility.

26 (f) Each toilet facility shall be completely enclosed and shall have
27 a tight fitting, self-closing door. Toilet partitions shall begin not more than

EXHIBIT "A"

1 one (1) foot from the floor and extend to a height of not less than five (5)
2 feet.

3 (g) Urinals shall be provided on the basis of one (1) unit to each ten
4 (10) men. The floor, from the wall and for a distance of not less than fifteen
5 (15) inches measured from the outward edge of the urinals, shall be
6 constructed of materials impervious to moisture. Where water under
7 pressure is available, urinals shall be provided with adequate water flush.

8 (h) Each toilet room shall be lighted naturally or artificially by a
9 safe lighting at all hours of the day and night.

10 (i) Floors shall be of impervious material, and floor drains shall be
11 provided.

12 (j) Walls, ceilings, and floors shall be impervious to moisture and
13 have smooth surfaces.

14 (k) Walls and ceilings shall be light colored as determined by the
15 Department to aid in the distribution of light to facilitate thorough cleaning,
16 and the observation of general sanitary procedures.

17 (l) Each toilet facility shall be completely enclosed and shall have
18 a tight-fitting, self-closing door.

19 (m) An adequate supply of toilet paper in a dispenser shall be
20 provided in each water closet.

21 (n) All toilet rooms shall be provided with an approved trash
22 container.

23 (o) Toilet rooms shall be kept in a sanitary condition. They shall
24 be cleaned at least daily.

25 **§41712. Sewage Disposal.** An approved sewage disposal system which
26 is located, constructed, and operated in conformance with the standards established

EXHIBIT "A"

1 for such systems by the Guam Environmental Protection Agency and the Guam
2 Waterworks Authority.

3 **§41713. Laundry, Hand-Washing, Bathing and Cleaning Facilities.**

4 (a) Laundry, hand-washing, bathing, and cleaning facilities shall be
5 provided in the following ratio:

6 (1) one (1) lavatory to each ten (10) persons in shared
7 facilities;

8 (2) one (1) shower head to each eight (8) persons;

9 (3) a laundry tray or tub for every thirty (30) persons if a
10 centralized laundry facility is not provided; and

11 (4) a utility sink (also known as mop sink) in each building
12 used; the number and placement of utility sinks shall be determined
13 by DPHSS.

14 (b) Floors shall be of a smooth finish but not of slippery materials;
15 they shall be impervious to moisture. Floor drains shall be provided in all
16 shower baths, shower rooms, or laundry rooms to remove wastewater and
17 facilitate cleaning. All junctions of the curbing and the floor shall be covered.

18 (c) The walls and partitions of shower rooms shall be smooth and
19 impervious to the height of the splash.

20 (d) An adequate supply of hot and cold running water shall be
21 provided for bathing and laundry purposes.

22 **§41714. Lighting.**

23 (a) Each habitable room in a dormitory shall be provided with at
24 least one (1) ceiling-type light fixture and at least one (1) separate floor - or
25 wall-type convenience outlet.

26 (b) Laundry and toilet rooms and rooms where people congregate
27 shall contain at least one (1) ceiling - or wall-type fixture.

EXHIBIT "A"

1 (c) Light levels in toilet and storage rooms shall be at least 20 foot-
2 candles at thirty (30) inches from the floor.

3 (d) Other rooms, including kitchens and living quarters, shall be at
4 least thirty (30) foot-candles at thirty (30) inches from the floor.

5 **§41715. Refuse Disposal.**

6 (a) All refuse shall be disposed of as often as necessary and in such
7 a manner as to prevent a public health nuisance.

8 (b) Fly-tight, rodent-tight, impervious and easily cleanable
9 containers shall be provided for the storage of garbage and rubbish.

10 (c) Refuse containers shall be elevated to at least twelve (12)
11 inches from the ground surface and the area around the containers shall be
12 kept clean so as not serve as harborage for vermin. Bulk refuse containers
13 shall be located on impervious asphalt or concrete. At least one (1) such
14 refuse container shall be provided for each shelter and shall be located
15 within one hundred (100) feet of each shelter on a metal or concrete surface.

16 (d) Refuse containers shall be emptied when full, and no less than
17 once a week.

18 **§41716. Construction and Operation of Kitchen, Dining Halls, and** 19 **Feeding Facilities.**

20 (a) In a dormitory where central dining or feeding operations are
21 permitted and provided, adequate facilities and proper methods for the
22 preparation, serving, refrigeration, and storage of food shall be provided in
23 conformance with applicable Department rules and regulations governing
24 food facilities.

25 (b) A properly constructed kitchen and dining hall adequate in size,
26 and separate from the sleeping quarters, shall be provided in connection with

EXHIBIT "A"

1 all food handling facilities. There shall be no direct opening from living or
2 sleeping quarters into a kitchen or dining hall.

3 (c) No person with any communicable disease may be employed or
4 permitted to work in the preparation, cooking, serving or other handling of
5 food, foodstuffs or materials used in any kitchen or dining room operated in
6 connection with a camp or regularly used by persons living in a camp.

7 **§41717. Insect and Rodent Control.**

8 (a) Effective measures shall be taken to prevent infestation by and
9 harborage of animal or insect vectors or pests.

10 (b) Every door opening directly to outdoor space shall be equipped
11 with a self-closing device for protection against mosquitoes, flies, and other
12 insects. If a screen door is provided it must have a self-closing device, and
13 screening shall not be less than sixteen (16)-mesh to the inch material.

14 (c) Every window or other device with openings to outdoor space,
15 used or intended to be used for ventilation shall likewise be equipped with
16 screening not less than sixteen (16)-mesh to the inch material.

17 **§41718. Safety and First Aid.**

18 (a) Approved first aid supplies shall be provided and be accessible
19 at all times. The supplies shall be equivalent to the sixteen (16) unit first aid
20 kit recommended by the American Red Cross, and shall be provided in the
21 ratio of one (1) to each fifty (50) persons. First aid kits shall be distributed
22 and placed conspicuously throughout the temporary workforce housing.

23 (b) Flammable or volatile liquids or materials, except those needed
24 for household use other than use as fuel, shall not be stored in or adjacent to
25 rooms used for living purposes.

26 (c) Pesticides and toxic chemicals other than those commonly
27 regarded as being used for household use, such as cleaning agents, shall not

EXHIBIT "A"

1 be stored within the temporary workforce housing site. Any pesticide or
2 other toxic materials, and any potentially hazardous materials or equipment
3 kept within five hundred (500) feet of the facility site shall be stored in a
4 secure, locked enclosure.

5 **§41719. Animals and Poultry.** No cats, dogs, livestock, or poultry
6 shall be permitted in the dormitory, kitchen, dining or other buildings used for
7 housing purposes.

8 **§41720. Reporting of Communicable Disease.**

9 (a) It is the duty of the owner or operator to report immediately to
10 the Department the name and address of any individual in the facility known
11 to have or suspected of having a communicable disease.

12 (b) Whenever there occurs in any temporary workforce housing a
13 case of suspected food poisoning or an unusual prevalence of any illness in
14 which fever, diarrhea, sore throat, vomiting, or jaundice is a prominent
15 symptom, it will be the duty of the operator to report immediately the
16 existence of the outbreak to the Department by telephone, electronic mail or
17 any method that is equally fast.

18 **§41721. Compliance.**

19 (a) All new temporary workforce housing shall be in compliance
20 with these rules and regulations. The owner shall designate a responsible
21 employee to manage the daily operations of the establishment.

22 (b) All temporary workforce housing shall comply with these rules
23 and regulations upon renovation, extension or remodeling of an existing
24 building. Temporary workforce housing in existence at the time these rules
25 and regulations take effect shall be deemed acceptable if it is determined by
26 the Director that no serious health hazard or discomfort will occur that
27 would affect the occupants of such facility.

EXHIBIT "A"

1 **§41722. Inspections.**

2 (a) Sanitary Inspections, Phases: For the purposes of sanitary
3 regulation, and pursuant to Title 10 GCA, Chapter 26A, permitting of
4 temporary workforce housing shall be required during each of the following
5 phases:

6 (1) Primary Inspection Phase

7 (A) During the Primary Inspection Phase, sanitary
8 inspections shall be conducted quarterly following the issuance
9 of the initial Sanitary Permit.

10 (B) The Primary Inspection shall apply to all
11 temporary workforce housing, new or currently existing, and
12 shall endure and achieve four (4) consecutive quarters of
13 satisfactory inspections.

14 (C) Inspection during the Primary Inspection Phase
15 shall be performed no sooner than forty-five (45) days of the
16 previous inspection conducted. If an inspection occurs sooner
17 than forty-five (45) days of the previous inspection conducted,
18 the inspection shall not qualify as one of the quarterly
19 inspections required.

20 (D) A Secondary Inspection Phase shall be applied
21 following successful completion of the Primary Inspection
22 Phase.

23 (E) During the Secondary Inspection Phase,
24 inspections shall be conducted on a semiannual basis.

25 (F) Inspection during the Secondary Inspection Phase
26 shall be performed no sooner than ninety (90) days from the
27 previous inspection conducted. If an inspection occurs sooner

EXHIBIT "A"

1 than ninety (90) days of the previous inspection conducted, the
2 inspection shall not qualify as one of the semiannual
3 inspections required.

4 (G) Successful completion of the Secondary Inspection
5 Phase shall consist of two (2) consecutive semiannual
6 inspections that were rated satisfactory.

7 (H) Following a failed inspection or Change of
8 Temporary Workforce Housing Status, the temporary
9 workforce housing in question shall return to the Primary
10 Inspection Phase.

11 (2) Tertiary Inspection Phase

12 (A) During the Tertiary Inspection Phase, inspections
13 will be conducted on an annual basis.

14 (B) Inspection during the Tertiary Phase shall be
15 performed no sooner than one hundred eighty (180) days of the
16 previous inspection conducted. If an inspection occurs sooner
17 than one hundred eighty (180) days from the previous
18 inspection conducted, the inspection will not qualify as one of
19 the annual inspections required.

20 (C) Following a failed inspection or Change of
21 Temporary Workforce Housing Status, the temporary
22 workforce housing in question shall return to the Primary
23 Inspection Phase.

24 (b) Access.

25 An employee or representative of the Department shall, after proper
26 presentation of credentials, have access to any temporary workforce housing
27 at any reasonable time for the purpose of making inspections to determine

EXHIBIT "A"

1 compliance with these rules and regulations. Denial of access shall be cause
2 for suspension of the Sanitary Permit.

3 (c) Report of Inspections.

4 Whenever an inspection of a temporary workforce housing is
5 conducted, the findings shall be recorded on a form authorized by the
6 Director, and shall summarize the requirements of these rules and
7 regulations, and shall set forth a demerit value for each requirement.
8 Inspection remarks shall be written to reference, by section number, the
9 Section violated and shall state the correction to be made. The rating score
10 of the establishment shall be the total of the demerit values for all violations.
11 A copy of the completed inspection report form shall be issued to the
12 operator of the establishment at the conclusion of the inspection. The
13 completed form is a public document that shall be made available for public
14 disclosure to any person who requests it according to law.

15 (d) Appeal.

16 The report of inspection of a temporary workforce housing shall state
17 that an opportunity for appeal from any notice or inspection findings will be
18 provided if a written request for a hearing is filed with the Director within
19 the period of time established in the notice for correction.

20 (e) Grading.

21 (1) Grades of temporary workforce housing shall be
22 determined using the demerit point system referenced in §21106 of
23 Title 10 GCA, Chapter 21, which shall be as follows:

24 (A) Grade A: An establishment having a demerit score
25 of not more than ten (10);

26 (B) Grade B: An establishment having a demerit score
27 of more than ten (10) but not more than twenty (20);

EXHIBIT "A"

1 (C) Grade C: An establishment having a demerit score
2 of more than twenty (20) but not more than forty (40); and

3 (D) Grade D: An establishment having a demerit score
4 of more than forty (40).

5 (2) Notwithstanding the grade criteria established above,
6 whenever a second consecutive ("repeat") violation of the same item
7 is discovered, the Workers' Dormitory Permit may be suspended or
8 the establishment shall be downgraded to the next lower grade.

9 (3) DPHSS shall issue a placard reflecting the letter grade of
10 the most recent inspection.

11 (f) The temporary workforce housing operator shall ensure that
12 he/she, or a designee, be present during inspections of temporary workforce
13 housing by the Department.

14 **§41723. Fees.**

15 (a) Pursuant to §26A105 of Title 10 GCA, Chapter 26A, an
16 operator shall pay a fee for a new and the renewal of Workers' Dormitory
17 Permits, which are separate and apart from the fees for the issuance of a
18 Sanitary Permit.

19 (1) A new Workers' Dormitory Permit shall be Seven
20 Dollars and Fifty Cents (\$7.50) for each; and

21 (2) Renewal of a Workers' Dormitory Permit shall be Seven
22 Dollars and Fifty Cents (\$7.50) for each.

23 (b) Pursuant to §26A105 of Title 10 GCA, Chapter 26A, an
24 operator shall pay a fee for a new and the renewal of Sanitary Permits.

25 (1) The cost for the issuance of a new Sanitary Permit shall
26 be the current fee established in the "Sanitary Permit Rules and

EXHIBIT "A"

1 Regulations" (Title 26 GARR, Chapter 4, Article 5) at the time of
2 application.

3 (2) Renewal of a Sanitary Permit for temporary workforce
4 housing shall be based on sanitary inspection phases pursuant to
5 §26A104 of Title 10 GCA Chapter 26A.

6 (3) The cost of the renewal fee shall be Thirty-eight Dollars
7 (\$38.00)

8 (4) Upon the completion of an inspection, the Department
9 shall provide an invoice to the temporary workforce housing operator
10 or his/her representative.

11 (5) Within seven (7) calendar days of receipt of the invoice
12 from the Department, the operator or his/her representative shall make
13 the appropriate payment to the Department so as to be issued its
14 renewal of a Sanitary Permit. Failure to make such payment within
15 the required allotted time shall cause the Sanitary Permit to become
16 suspended, at which time the operator must cease the operation of the
17 temporary workforce housing immediately.

18 (6) In addition to all other required fees, and before the
19 initial Sanitary Permit is issued, the operator shall provide to DPHSS
20 an "inspection security deposit" which shall be equal to that of the
21 facility's applicable Sanitary Permit renewal fee cited in §41723(b)(3)
22 of these rules and regulations. This non-refundable inspection
23 security deposit shall be used as payment to DPHSS in the event the
24 temporary workforce housing operator fails to timely make a payment
25 for an inspection conducted by the Department. The use of the
26 inspection security deposit for payment to DPHSS shall not relieve the

EXHIBIT "A"

1 same operator from resubmitting another inspection security deposit
2 before the suspension of its Sanitary Permit is withdrawn.

3 (7) The inspection security deposit may be used by the
4 temporary workforce housing operator as payment for the last
5 inspection required of the operator prior to the closing of its business,
6 provided the operator submits a written notification to the
7 Department. Such written notification shall include the name and
8 signature of the operator; the official date of the temporary workforce
9 housing's close of business, which shall be no later than the next
10 required inspection date had the operator remained in operation; and a
11 request for the use of the inspection safety deposit to make such
12 payment. The written notification shall be submitted concurrently
13 with the applicable invoice to the Department.

14 (c) There will be no charges for the following types of inspections,
15 provided a current permit has been issued:

- 16 (1) Validation inspections; and
- 17 (2) Complaint verification inspections.

18 **§41724. Posting of Documents.** The Sanitary Permit, Workers'
19 Dormitory Permit, grade placard, and a copy of the most recent inspection report
20 shall be posted in a conspicuous location designated by the Director. No person
21 other than the Director shall remove, deface, conceal, or destroy such permit or
22 report.

23 **§41725. Miscellaneous.**

24 (a) Effective Date. These rules and regulations are effective upon
25 its adoption pursuant to the Administrative Adjudication Law.

EXHIBIT "A"

1 (b) Severability. If any provision or application of any provision of
2 those rules and regulations is held invalid, that invalidity shall not affect the
3 other provision or applications of these rules and regulations.

4 **§41726. Exemptions.** In the event that an establishment or person is
5 unable to comply with certain requirements of these regulations, the Director may
6 authorize and exempt that particular Section, but shall be augmented by increased
7 requirements in other Sections in order to provide adequate protection for the
8 workers. These requirements will be determined by the representatives of the
9 DEH, and the establishment on a case by case basis.