

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
SAIPAN MARIANA ISLANDS

VOLUME 16 NUMBER 06



JUNE 15, 1994

COMMONWEALTH

REGISTER

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VOLUME 16 NUMBER 06
JUNE 15, 1994

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**PUBLIC NOTICE OF PROPOSED AMENDMENTS TO
THE FUND'S ADMINISTRATIVE RULES AND
REGULATIONS**

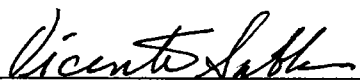
The Board of Trustees pursuant to 1 CMC 8315(f), and the Administrative Procedure Act, 1 CMC 9101, et. seq., hereby serves notice that it proposes to promulgate amendments to the Fund's Administrative Rules and Regulations.

Copies of the proposed amendments are available at the Retirement Fund's office on the ground floor of the Nauru Building, Susupe, Saipan.

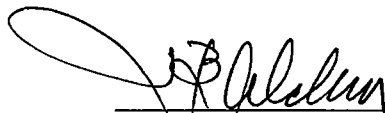
The Board of Trustees urges the public to submit written recommendations regarding the proposed amendments within 30 days after first publication in the Commonwealth Register, to the following address:

NMI Retirement Fund
P. O. Box 1247
Saipan, MP 96950

Dated this 10th day of June, 1994.




Vicente S. Sablan
Acting Chairman
Board of Trustees



Tomas B. Aldan
Administrator

6/13/94

Date



Filed by the Governor's Office

6/13/94

Date



Filed by the Registrar of Corp.

NOTISIAN PUBLIKO POT I MAPROPOPONE NA TINILAIKA GI
AREKLAMENTION I PROGRAMAN RETIREMENT FUND


I, Board of Trustees i Northern Mariana Islands Retirement Fund, sigun gi atoridat i lai gi 1 CMC 8315(f), yan i Administrative Procedure Act gi papa i 1 CMC 9101, et. seq., mananae noticia gi publiko pot i ha propopone na tinilaika gi areklamenton i programan Retirement Fund.

Copian este na tinilaika guaha gi ofisinan i Retirement Fund nui gaige gi primet piso gi Nauru Building, Susupe, Saipan.

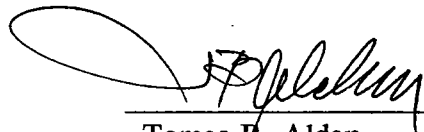
I Board of Trustees ha sosojo i publiko para ufan satmiti rekomendasion osino gi komentos pot este na tinilaika gi halom 30 dais despues de mapublika gi Commonwealth Register. Pot fabot satmiti todo redomendasion gi sigente na address:

NMI Retirement Fund
P. O. Box 1247
Saipan, MP 96950

Mafecha gi 10th dia de Junio, 1994.



Vicente S. Sablan
Acting Chairman
Board of Trustees



Tomas B. Aldan
Administrator

6/13/94

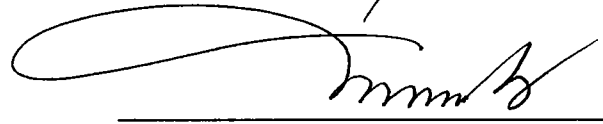
Date



Filed by the Governor's Office

6/13/94

Date



Filed by the Registrar of Corp.

**NORTHERN MARIANA ISLANDS RETIREMENT FUND
RULES AND REGULATIONS**

The Board of Trustees for the Northern Mariana Islands Retirement Fund promulgates these amendments to the rules and regulations pursuant to 1 CMC Section 8316(f), and the Administrative Procedures Act, 1 CMC 9101, et. seq.

PART I. AUTHORITY

Section 1. Authority. Under and by virtue of the provisions of 1 CMC Section 8316(f), the Board of Trustees for the Northern Mariana Islands Retirement Fund hereby promulgates these amendments to the rules and regulations.

PART II. AMENDMENT

Section 1. Amendment. To amend Part 2(k) of the Fund's Administrative Rules and Regulations to read as follows:

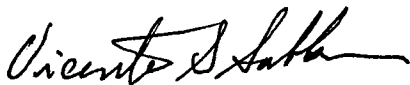
(k) "*Complete Separation From Service*" means separation from government service by any employee of the Commonwealth Government, including its agencies and instrumentalities, whose employment is terminated and is not reemployed by any branch of the Commonwealth Government, including its agencies and instrumentalities within seven (7) days from the date of termination.

(i) Any employee who has separated from service and has obtained a refund of contributions, and is reemployed by the Commonwealth Government, including any of its agencies and instrumentalities within seven (7) days after such separation, shall return to the Fund any refunded contributions received within 30 days of reemployment.

(ii) If the contributions have not been refunded, the employee who returns to government employment within 7 days from the date of last termination shall retain the same membership class as when last terminated.

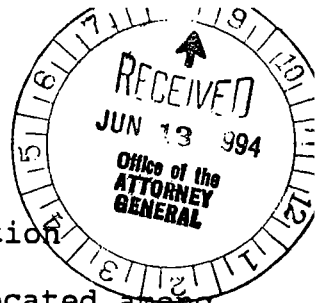
DULY ADOPTED BY THE BOARD OF TRUSTEES AS PROPOSED AMENDMENT

THIS 19th DAY OF MAY, 1994.



VICENTE S. SABLAN
ACTING CHAIRMAN

SUBJECT: Reorganization Plan No. 1 of 1994
AUTHORITY: Constitution, Article III, Section 15



WHEREAS, Section 15 of Article III of the Constitution requires that Executive branch offices, agencies, and instrumentalities of the Commonwealth government be allocated among and within not more than fifteen principal departments, grouped as far as practicable according to major purposes; and

WHEREAS, pursuant to such section, regulatory, quasi-judicial, and temporary agencies may be so allocated, but need not be; and

WHEREAS, the Governor may make changes in the allocation of offices, agencies, and instrumentalities, and in their functions and duties, as necessary for efficient administration; and

WHEREAS, such changes may affect existing law; and

WHEREAS, the existence of a multitude of offices, agencies, and instrumentalities outside of the principal departments has resulted in duplication of functions, overlaps of responsibility, lack of coordination, and other forms of inefficient administration;

NOW THEREFORE, to comply with the mandate of the Constitution and to promote efficient administration, it is hereby

ORDERED:

That the following provisions shall constitute Reorganization Plan No. 1 of 1994:

PART 1. REDESIGNATIONS.

Section 101. Special Assistant for Management and Budget. The Special Assistant for Planning and Budgeting is redesignated the Special Assistant for Management and Budget and shall head the Office of Management and Budget.

Section 102. Special Assistant for Public Liaison. The Special Assistant for Political Affairs is redesignated the Special Assistant to the Governor for Public Liaison and shall head the Office of Public Liaison.

Section 103. Department of Justice. The Office of the Attorney General is redesignated the Department of Justice.

Section 104. Department of Commerce. The Department of Commerce and Labor is redesignated the Department of Commerce.

Section 105. Department of Lands and Natural Resources. The Department of Natural Resources is redesignated the Department of Lands and Natural Resources.

Section 106. Department of Public Health. The Department of Public Health and Environmental Services is redesignated the Department of Public Health.

Section 107. Changes in Departmental Components and Titles.

(a) **Department Secretaries.** Each department director, except the Attorney General, is redesignated a secretary. For example the Director of Public Safety is redesignated Secretary of Public Safety.

(b) **Division Directors.** Except as otherwise provided in this plan, the major components of a department shall be known as divisions. Each chief of a major component of a department is redesignated a director. For example the Chief of Labor is redesignated Director of Labor. If the head of a division has a title other than chief, that title may be retained at the discretion of the head of the department, adjusted as necessary to reflect any reallocation of duties or functions made by this plan.

(c) **Office Chiefs.** Except as otherwise provided in this plan, minor components of a department, whether or not within a division, shall be known as offices. Each office head is redesignated a chief.

(d) **Renaming by Department Heads.** With the approval of the Governor, the head of a department may vary the designation of any component of such department or the title of the head of any such component from the designations and titles provided in subsections (a) through (c) of this section.

PART 2. OFFICE OF THE GOVERNOR.

Transfers, abolishments, creations, and changes in functions and duties, not otherwise provided for, relating to the Office of the Governor are hereby effected as set forth in this part.

Section 201. Passports and Certificates of Identity. The functions of the Attorney General and the Immigration and Naturalization Officer (including those as Chief of Immigration) relating to Certificates of Identity or United States passports are transferred to the Governor and delegated to the Special Assistant for Administration. The Special Assistant for Administration may designate any qualified officer or employee of the Commonwealth government to serve as an examining officer pursuant to 3 CMC §4126.

Section 202. Planning and Management Functions.

(a) There is hereby established a Planning Office in the Office of the Governor, which shall have at its head a Special Assistant for Planning, who shall be appointed by and serve at the pleasure of the Governor.

(b) The planning functions of the Special Assistant for Management and Budget, other than those relating to land use planning, are transferred to the Special Assistant for Planning.

(c) The functions of the Special Assistant for Management and Budget relating to land use planning are transferred to the Secretary of Lands and Natural Resources.

(d) The Special Assistant for Management and Budget shall, in addition to any other duties, be responsible for improving and coordinating the management of the Commonwealth Government. In this regard, the Special Assistant shall ensure discipline in government programs and activities for consistency with the Governor's policies and budget, improve government efficiency by reducing duplication and overlaps between and among agencies, and assist department and activity heads in internal organization and management to achieve maximum effectiveness at minimum cost to the taxpayers.

Section 203. Special Assistant for Youth.

(a) There is established the Office of Youth Affairs, which shall have at its head a Special Assistant for Youth, who shall be appointed by and serve at the pleasure of the Governor.

(b) The Special Assistant for Youth shall coordinate all Commonwealth government programs and activities for youth. The Special Assistant may also conduct programs and activities for youth that are not being conducted by other agencies and, in particular, may develop and implement innovative programs and activities for youth.

(c) As used in this section, the term "programs and activities for youth" means programs and activities with substantial participation by, or designed for the benefit of, non-delinquent and non-criminal individuals under the age of twenty-three years, except primarily academic programs of the Public School System or the Northern Marianas College, and except primarily medical programs of the Department of Public Health.

Section 204. Constitutional Officers.

(a) The following officers and their respective offices are transferred to the Department of Community and Cultural Affairs:

- (1) Executive Assistant for Carolinian Affairs;
- (2) Special Assistant for Women's Affairs; and
- (3) Resident Executive for Indigenous Affairs.

(b) Except as provided in subsection (c) of this section, the Secretary of Community and Cultural Affairs shall coordinate the activities of the officers and offices transferred pursuant to this section to reduce or eliminate conflicts and overlaps and to promote productivity and efficiency.

(c) Notwithstanding the provisions of subsection (b) of this section, all rights, powers, and responsibilities of the officers transferred pursuant to this section shall be preserved as set forth in the Constitution and shall not be derogated by the Secretary of Community and Cultural Affairs. For example, pursuant to the Constitution, the Executive Assistant for Carolinian Affairs, without the permission of the Secretary, may require information in writing (even from the Secretary), conduct investigations, report findings, and make recommendations to the Governor.

Section 205. Health Planning and Coordination. The Health Planning and Development Agency and the Health Coordination Council are allocated to the Department of Public Health for purposes of administration and coordination.

Section 206. Coastal Resources Management.

(a) The Coastal Resources Management Office is transferred to the Department of Lands and Natural Resources.

(b) The Coastal Advisory Council is abolished and its functions transferred to the Development Advisory Council established by Section 402 of this plan.

Section 207. Corporate Charters. All functions of the Governor relating to corporate charters pursuant to Chapter 1 of 4 CMC, Division 4, are delegated to the Attorney General.

Section 208 Weights and Measures. All functions of the Governor relating to weights and measures pursuant to Chapter 4 of 4 CMC, Division 5, are transferred to the Secretary of Commerce.

Section 209. Temporary Alcoholic Beverage Licenses. The authority of the Governor under 4 CMC §5525 to issue temporary licenses for the sale of alcoholic beverages by nonprofit organizations is transferred to the Secretary of Commerce.

Section 210. Public Liaison. The Special Assistant for Public Liaison shall coordinate the government's participation in community events and celebrations and provide outreach to various organizations, associations, and other groups.

Section 211. Scholarships.

(a) All functions of the Northern Marianas College Board of Regents relating to student scholarships, except those donated, bequeathed, or granted to the College by parties outside the Commonwealth Government, are transferred to the Office of the Governor.

(b) There is hereby established in the Office of the Governor a Scholarship Advisory Board consisting of nine members who shall be appointed by and serve at the pleasure of the Governor. At least two of the members shall be from Tinian, and at least two from Rota. Not more than five of the board members shall be associated with a single political party. The Board shall review applications for scholarships and make recommendations to the Governor with respect thereto. The Board shall also recommend objective standards for the award of scholarships. The provisions of Public Law No. 8-41 shall not apply to the Board.

(c) As used in this section, the term "scholarships" includes student grants, student loans, and other programs of student financial assistance.

Section 212. Energy Office. The Energy Office is transferred to the Department of Public Works.

Section 213. Board of Parole.

(a) The Board of Parole is allocated to the Office of the Special Assistant for Administration for purposes of administration and coordination. After the effective date of this section, appointments to the Board shall be made by the Governor with the advice and consent of the Senate.

(b) Subsection (a) of 6 CMC 4205, relative to probation, is repealed and succeeding subsections redesignated accordingly.

(c) Section 4207 of 1 CMC is revised to read as follows:

"§4207. Board of Parole: Staff.

"The Special Assistant for Administration shall provide staff support to the Board, including a Probation Officer who shall have the power of arrest of persons under the jurisdiction of the Board."

(d) Any existing staff of the Board of Parole is transferred to the Office of the Special Assistant for Administration.

Section 214. Personnel Management.

(a) There is hereby established an Office of Personnel Management, which shall have at its head a Director of Personnel, who shall be appointed by the Governor with the advice and consent of the Senate and who shall have the rank of a special assistant to the Governor.

(b) The Personnel Office is abolished and, except as otherwise provided in this section or in Section 307, its functions transferred to the Office of Personnel Management.

(c) Boards and commissions (including the Civil Service Commission for its own employees), the Marianas Public Land Trust, the Board of Education/Public School System, the Northern Marianas College, and the Legislative and Judicial Branches (for their administrative staffs) may, to the extent of budgetary resources, retain or establish personnel management functions within their organizations, or they may, by agreement, arrange with the Office of Personnel Management to perform such functions on their behalf.

(d) The following functions of the Personnel Office shall be retained by the Civil Service Commission (which may establish an appropriate administrative structure for such purpose) and may be delegated in whole or in part to any or all of the appointing authorities:

- (1) Exemption of positions from Civil Service classifications.
- (2) Position classification and compensation plans.
- (3) Examinations or other determinations of competence, including certification of eligibles and preparation of merit promotion certificates.
- (4) Employee appeals and grievances.
- (5) Development, evaluation, and improvement of the Personnel Service Performance Standards and Appraisal System.

(e) Notwithstanding any other provision of law, the function of taking any personnel action is, subject to the policies set forth by the Civil Service Commission, vested in the respective appointing authorities and shall not require further approval. Such actions shall be documented by the Office of Personnel Management (or by any office or employee conducting personnel management functions pursuant to subsection (b) of this section), and a copy of such documentation forwarded to the Civil Service Commission.

(f) The functions of the Personnel Office relating to training programs for government employees are transferred to the Northern Marianas College. The Board of Regents of the Northern Marianas College shall consult as necessary with the Director of Personnel regarding such programs. Government agencies and instrumentalities may, after consultation with the College, supplement such programs as budgetary resources may permit.

(g) Nothing in this section shall be taken to derogate from the constitutional authority of the Civil Service Commission.

PART 3. THE DEPARTMENTS

Transfers, abolishments, creations, and changes in functions and duties relating to the major departments, not otherwise provided for, are hereby effected as set forth in this part.

Section 301. Department of Labor, Immigration, and Customs.

(a) **Department Established.** There is hereby established a Department of Labor, Immigration, and Customs, which shall have at its head a Secretary of Labor, Immigration, and Customs.

(b) **Labor and Employment Services.**

(1) The Division of Labor and the Division of Employment Services are transferred from the Department of Commerce to the Department of Labor, Immigration, and Customs. The Secretary of Labor, Immigration, and Customs shall strengthen the Division of Employment Services to increase its ability to encourage and locate private sector employment for Commonwealth residents. The Secretary shall coordinate the functions of the two offices such that the availability of resident workers known to the Division of Employment Services is considered by the Division of Labor before nonresident worker certificates are issued.

(2) The functions of the Secretary of Commerce under Chapter 2 of 4 CMC, Division 9, relating to minimum wages and hours, are transferred to the Secretary of Labor, Immigration, and Customs.

(3) The Wage and Salary Review Board is abolished and its records, property, facilities, equipment, and supplies transferred to the Department of Labor, Immigration, and Customs.

(4) The State Job Training Coordination Council/Private Industry Council and the JTPA office are allocated to the Department of Labor, Immigration, and Customs for purposes of administration and coordination.

(5) Pursuant to paragraph (2) of 3 CMC §4424(a), the Secretary of Labor, Immigration, and Customs shall by regulation increase to not less than \$200 the annual fee for the processing of the initial application and for each annual renewal of a nonresident worker certificate, provided that the additional funds collected as a result of such increase be covered into the General Fund. On October 1, 1994, any funds remaining in the Commonwealth Nonresident Worker Fee Fund or in any account established pursuant to paragraph (1) of such subsection, shall be covered into the General Fund, may be reprogrammed by the Governor, and shall remain available for obligation until expended. The Governor may transmit to the Legislature

revised budget estimates for Fiscal Year 1995 as necessary to conform to the provisions of this paragraph.

(c) Immigration.

(1) The Office of Immigration and Naturalization is redesignated the Immigration Service and is transferred to the Department of Labor, Immigration, and Customs as a division of that department. The Immigration Service shall have at its head a Director of Immigration, who shall have all the powers assigned by law to the Immigration and Naturalization Officer, except any power transferred pursuant to Section 201 of this plan. The position of Immigration and Naturalization Officer is abolished.

(2) All functions of the Attorney General relating to immigration and naturalization, are transferred to the Secretary of Labor, Immigration, and Customs except--

(A) any function transferred pursuant to Section 201 of this plan,

(B) the hearing of immigration appeals as provided in 3 CMC 4336(d), and

(C) the Constitutional function of legal representation.

(d) **Customs.** The Customs Service is transferred to the Department of Labor, Immigration, and Customs as a division of that department and shall have at its head a Director of Customs.

Section 302. Department of Commerce.

(a) **Taxicab Bureau.** The Taxicab Bureau is abolished and its functions transferred from the Department of Finance to the Department of Commerce.

(b) Marianas Visitors Bureau.

(1) The Marianas Visitors Bureau is transferred to the Department of Commerce as a major component of the department equivalent to a division and shall have at its head a Chief Executive Officer who shall have the rank of a division director. The Board of Directors of the Marianas Visitors Bureau is abolished and its functions transferred to the Secretary of Commerce.

(2) The distribution of revenues to the Marianas Visitors Bureau pursuant to 4 CMC §1803(b) shall continue until September 30, 1994, and thereafter until appropriations are enacted for tourism promotion as part of the regular budget of the Government. After the effective date of this section, the Governor will revise

the budget estimates for the Fiscal Year ending September 30, 1995 to reflect this change.

(3) The Secretary of Commerce shall investigate alternative institutional structures and recommend to the Governor any such structure that, in the opinion of the Secretary, could improve the performance or efficiency of tourism promotion by the Commonwealth or its tourism industry.

(c) **Alcoholic Beverage Control.** The Commonwealth Alcoholic Beverage Control Board is abolished and its functions transferred to the Secretary of Commerce.

(d) **Statistical Advisory Council.** The Statistical Advisory Council is abolished and its records, property, facilities, equipment, and supplies transferred to the Department of Commerce. The Secretary of Commerce shall solicit from all activities of the Commonwealth Government, including those of the Legislative and Judicial Branches, and from the private sector as appropriate, their needs for government statistics and shall consider such needs when determining what statistics to collect, compile, and report.

Section 303. Department of Public Safety.

(a) **Criminal Justice System.** The Criminal Justice Planning Agency, CJPA Youth Advisory Council, and the Council for the Improvement of the Criminal Justice System are allocated to the Department of Public Safety for purposes of coordination and administration.

(b) Alternative Programs.

(1) The Secretary of Public Safety shall investigate and, if appropriate, establish military-style programs of rigorous discipline and training for youth and adults as an alternative or supplement to traditional secure care and correctional facilities. If such a program is established for youth, the Secretary of Public Safety shall coordinate such program with the Secretary of Community and Cultural Affairs. Youth shall be strictly separated from adults in such programs, except that programs for youth may include young adults under an age to be determined by the Secretary of Public Safety after consultation with the Secretary of Community and Cultural Affairs.

(2) The Secretary of Public Safety, in coordination with the Special Assistant for Youth, may conduct voluntary programs for youth and young adults similar to, but separate from, the alternative programs described in paragraph (1) of this subsection.

(c) **Emergency Operations.** The Disaster Control Office and the Office of Civil Defense are consolidated in a Division of Emergency Operations in the Department of Public Safety, which shall have at its head a Director of Emergency Operations.

Section 304. Department of Public Works.

(a) **Commonwealth Ports Authority.** The Commonwealth Ports Authority is allocated to the Department of Public Works for purposes of administration and coordination.

(b) **Commonwealth Utilities Corporation.** The Commonwealth Utilities Corporation is allocated to the Department of Public Works for purposes of administration and coordination.

(c) **Board of Professional Licensing.** The Board of Professional Licensing is abolished and its functions transferred to a Division of Professional Licensing in the Department of Public Works, which shall have at its head a Director of Professional Licensing.

(d) **Environmental Quality.** The Division of Environmental Quality is transferred from the Department of Public Health to the Department of Public Works. To the maximum extent practicable, the Secretary of Public Works shall integrate land-based earthmoving permits into the building permit process.

Section 305. Department of Public Health.

(a) **Board of Public Health and Environmental Quality.** The Board of Public Health and Environmental Quality is abolished and its functions transferred to the Secretary of Public Health.

(b) **Federally-Mandated Councils.** The State Planning Council on Developmental Disabilities and the State Rehabilitation Advisory Council are allocated to the Department of Public Health for purposes of administration and coordination.

Section 306. Department of Lands and Natural Resources.

(a) **Marianas Public Land Corporation.** Pursuant to Section 4(f) of Article XI of the Constitution, the Marianas Public Land Corporation is dissolved and its functions transferred to a Division of Public Lands in the Department of Lands and Natural Resources, which shall have at its head a Director of Public Lands.

(b) **Land Commission.** The Land Commission is abolished and its functions transferred to a Division of Land Registration in the Department of Lands and Natural Resources,

which shall have at its head the Senior Land Commissioner who is redesignated as the Director of Land Registration and who shall report to and serve under the direction of the Secretary of Lands and Natural Resources. The Deputy Land Commissioners are redesignated as Deputy Directors of Land Registration.

(c) **Zoning Board.** The Zoning board is abolished and, except as provided in Section 401(c) of this plan, its functions transferred to a Division of Zoning in the Department of Lands and Natural Resources, which shall have at its head a Director of Zoning. The Zoning Board of Rota established by Rota Local Law No. 8-2 is not affected by this subsection.

(d) **Marianas Housing Authority.**

(1) The Marianas Housing Authority is abolished and its functions transferred to a Division of Housing in the Department of Lands and Natural Resources, which shall have at its head a Director of Housing.

(2) Any bond or other indebtedness of the Mariana Islands Housing Authority shall be assumed by the Commonwealth Government, but only upon such terms and security as shall have been agreed to previously by the Authority. The full faith and credit of the Commonwealth shall not secure such bond or other indebtedness, except as may have been pledged prior to such assumption or as otherwise provided by law.

(e) **Permit Simplification and Coordination.** The Secretary of Lands and Natural Resources shall simplify, coordinate, and, to the extent practicable, integrate the development permitting process and public land leasing process within the Department of Lands and Natural Resources. The Secretary of Lands and Natural Resources, the Secretary of Public Works, and the head of any other agency regulating development shall coordinate and may, by agreement, integrate the permitting and regulatory processes of their agencies in order to expedite government decisions incident to private sector development. If two or more agencies disagree regarding such coordination or integration, the head of any such agency may refer the matter to the Special Assistant for Management and Budget and the Special Assistant for Administration for resolution.

Section 307. Department of Finance.

(a) **Lottery Commission.** The Commonwealth Lottery Commission is abolished and its functions transferred to the Department of Finance. The Secretary of Finance shall consult with the Secretary of Commerce and the Attorney General as necessary for the effective administration of such functions.

(b) Procurement.

(1) To the extent that any provision of law may be interpreted to authorize the Civil Service Commission or the Personnel Officer to exercise any function relating to the procurement of services from outside contractors, that function is transferred to the Secretary of Finance. The function of deciding whether it is in the public interest for the government to obtain professional services by employing more people to work for the government (either in the classified Civil Service or the Excepted Service as determined by the Personnel Officer) or by procuring such services from the private sector is allocated to the Office of the Governor, the Marianas Public Land Trust, and the various boards and commissions.

(2) In order to implement any transfer or allocation made by paragraph (1) of this subsection, existing law is affected, for clarification purposes only, to interpret 1 CMC §8131(a)(2) henceforth to apply only to government employees and not to outside contractors.

(3) In order to further implement any transfer or allocation made by paragraph (1) of this subsection, existing law is affected by changing the definition of "employee" in 1 CMC 8243 to exclude, rather than include, independent service contractors, consultants, and professional services contractors.

(c) Government Health and Life Insurance. Any function of the Personnel Office relating to administration of group health or life insurance programs for government officials or employees is transferred to the Department of Finance. The Public Auditor shall conduct an audit of such programs in connection with such transfer and shall report the results of such audit to the Governor, the Legislature, and the public.

Section 308. Department of Community and Cultural Affairs.

(a) Sports and Recreation. There is established in the Department of Community and Cultural Affairs a Division of Sports and Recreation, which shall have at its head a Director of Sports and Recreation. The Division shall develop and administer programs relating to team and individual sports, recreational activities, and physical fitness for youth and adults, including senior citizens and persons with mental or physical disabilities.

(b) Amateur Sports Association. The Northern Marianas Amateur Sports Association is allocated to the Division of Sports and Recreation of the Department of Community and Cultural Affairs for purposes of administration and coordination.

(c) **Council for Arts and Culture.** The Commonwealth Council for Arts and Culture is allocated to the Department of Community and Cultural Affairs for purposes of administration and coordination.

(d) **Chamorro-Carolinian Language Policy Commission.** The Chamorro-Carolinian Language Policy Commission is allocated to the Department of Community and Cultural Affairs for purposes of administration and coordination.

(e) **Library Council.** The Commonwealth Library Council is allocated to the Department of Community and Cultural Affairs for purposes of administration and coordination.

(f) **Historic Preservation Review Board.** The Historic Preservation Review Board is abolished and its functions transferred to the Historic Preservation Office in the Department of Community and Cultural Affairs.

(g) **Hall of Fame.** The Commonwealth Hall of Fame is abolished and its records, property, facilities, equipment, and supplies transferred to the Department of Community and Cultural Affairs.

Section 309. Department of Justice. The Division of Intergovernmental Relations is abolished and its functions assigned by the Attorney General as the Attorney General determines to be the most productive use of available resources.

PART 4. OTHER AGENCIES AND INSTRUMENTALITIES

Transfers, abolishments, creations, and changes in functions and duties relating to other agencies and instrumentalities of the Commonwealth, not otherwise provided for, are hereby effected as set forth in this part.

Section 401. Development Appeals Board.

(a) There is hereby established a Development Appeals Board consisting of nine members, including five from Saipan, two from Rota, and two from Tinian. Not more than three of the members from Saipan, and not more than five members of the entire Board shall be associated with a single political party. Members of the Board shall be appointed by the Governor with the advice and consent of the Senate for terms of two years, except that of the members first appointed, five shall serve for one year and four shall serve for two years, as the Governor shall determine. The members of the Board shall be compensated at the rate established for board members of government corporations and councils by 1 CMC §8247.

(b) Except as provided in subsection (c) of this Section, the Development Appeals Board shall hear appeals of adverse decisions of agencies and instrumentalities regarding permits and other approvals for private sector development.

(c) To the extent that changes in zone boundaries or changes of zones for individual parcels are decided by the Saipan Legislative Delegation by local law, the Board shall not hear any appeal from a decision or recommendation of the Division of Zoning on a request from any person regarding a change of zone or of zone boundary. Any function of the Zoning Board abolished by Section 306(c) of this plan relating to variances is transferred to the Development Appeals Board, and the five Saipan members of the Board shall sit as a Board of Zoning Appeals and shall hear and decide upon applications for variances from the Saipan Zoning Law as approved by Saipan Local Law No. 8-7 and as may from time-to-time be amended.

(d) The Board may, subject to appropriations, hire employees under Civil Service procedures or contract for professional services to assist it in carrying out its duties. The Board may, by agreement, utilize the services of employees of other agencies of the government on a reimbursable or nonreimbursable basis.

(e) The Coastal Resources Appeals Board and the Building Safety Code Review Board are abolished and their functions transferred to the Development Appeals Board.

(f) The functions of the Governor regarding historic preservation appeals pursuant to 2 CMC 4831(c) are transferred to the Development Appeals Board. Decisions of the Development Review Board relating to historic preservation, shall, in lieu of the procedure set forth in such section, be subject to judicial review as provided in subsection (h) of this section.

(g) The Development Appeals Board and that portion thereof designated as the Board of Zoning Appeals shall each meet as necessary to discharge its responsibilities without undue delay and not less frequently than once a month when there are matters pending consideration, except that by-laws may provide for hearings by panels consisting of less than the full membership of the Board (or of the Board of Zoning Appeals). At least one member of any such panel of the Development Appeals Board shall be from the senatorial district involved. All members of any such panel of the Board of Zoning Appeals shall be from Saipan.

(h) Decisions of the Development Appeals Board, including those of the Board of Zoning Appeals, shall be subject to judicial review pursuant to the provisions of 1 CMC §9112, except that the court shall act upon such review within 60 days after the written record of the proceedings is made available to the court.

Section 402. Development Advisory Council.

(a) There is hereby established a Development Advisory Council consisting of nine members, including five from Saipan, two from Rota, and two from Tinian, who shall be

appointed by and serve at the pleasure of the Governor. The Council is allocated to the Department of Lands and Natural Resources for purposes of administration and coordination. The Council shall advise the Governor, the head of any agency involved in the development process, the Development Appeals Board (including the Board of Zoning Appeals), the Zoning Board of Rota, the mayors, the Legislature, and the respective legislative delegations regarding the effect of government policies and actions on private sector development in the Commonwealth. The Council may comment upon or intervene in any application for or hearing, appeal, or other proceeding concerning any permit or approval required for development.

(b) To the extent that the Zoning Advisory Council has not fully disbanded as required by 2 CMC §7223(d), it is abolished and its records, property, facilities, equipment, and supplies transferred to the Development Advisory Council.

Section 403. Board of Education. For purposes of administration and coordination, the State Education Advisory Council, the State Interagency Coordinating Council, and the Special Education State Advisory Panel are allocated to the Board of Education, which may assign any of them to the Public School System for such purposes.

Section 404. Saipan Street Directory Commission. The Saipan Street Directory Commission is abolished and its records, property, facilities, equipment, and supplies transferred to the Office of the Mayor of Saipan.

Section 405. Taxation Task Force. The Task Force on Income and Sales Taxation and Business Tax Incentives is abolished and its records, property, facilities, equipment, and supplies transferred to the Department of Finance.

Section 406. Other Task Forces. The Termination and Trusteeship Task Force and the Task Force on Privatization of Government Services are abolished and their records, property, facilities, equipment, and supplies transferred to the Office of the Governor.

PART 5. GENERAL PROVISIONS

Section 501. Definition of Agency. As used in this part, the term "agency" means any office, division, bureau, board, commission, authority, corporation, instrumentality, or other entity or component of the Commonwealth Government, other than one within the Legislative or Judicial branches.

Section 502. Legal and Regulatory References. All references in law or regulation to any agency or official redesignated by this plan shall be deemed to be a reference to such agency or official as so redesignated. In addition, references to an agency and to the head of such agency are used interchangeably in this plan as regards the authority or a function thereof.

Section 503. Authority Transferred. Except as otherwise provided in this plan, the functions of the head of any department or other agency (including those of a collective head, such as a board or commission) relating to the administration of any agency or function transferred pursuant to this plan are hereby transferred to, and shall be exercised by the head of the department or other agency to which such transferred agency or function is transferred by this plan.

Section 504. Transfer of Records, Property, and Personnel.

(a) All records and property (including office equipment) of the various agencies, and all records and property used primarily in the administration of any function, transferred by this plan and, except as otherwise provided, all the personnel used in the administration of such agencies and functions (including employees whose chief duties relate to such administration) are hereby transferred to the respective departments or other agencies concerned for use in the administration of the agencies and functions transferred by this plan.

(b) The Special Assistant for Management and Budget, the Special Assistant for Administration, and the Director of Personnel shall consult with each other regarding appropriate procedures for the integration of the personnel of any abolished agency, the functions of which are transferred to another agency, into the employment of the gaining agency. The three officials shall, within 30 days after the effective date of this plan, make recommendations to the Civil Service Commission, which shall, within 30 days thereafter, promulgate regulations for such integration. If such regulations provide for the appointment of such personnel to positions in the classified Civil Service or the Excepted Service, the individuals involved must be qualified to perform the duties of such positions.

(c) Pending the integration of personnel provided for in subsection (b) of this section, their terms of employment with the abolished agency shall continue to apply to the extent permitted by law.

(d) As used in this section, the term "gaining agency" means any agency to which an agency or any of its functions is transferred.

Section 505. Transfer of Funds. So much of the unexpended balances of appropriations, allocations, allotments, or other funds available for the use of any agency in the exercise of any function transferred by this plan, or for the use of the head of any department or other agency in the exercise of any function so transferred, as the Special Assistant for Management and Budget with the approval of the Governor shall determine, shall be transferred to the department or other agency concerned for use in connection with the exercise of the function so transferred. In the transfer of such funds, an amount may be included for the

liquidation of obligations incurred prior to the transfer. Any portion of such balances not so transferred may be reprogrammed by the Governor.

Section 506. Interim Appointments. Whenever an appointment of a member of a board, commission, or other collective head of an agency is pending before the Senate for confirmation, the Governor may appoint an individual as an interim or acting member to serve until the Senate acts on the permanent appointment. If an individual is confirmed as a permanent member while serving as an interim or acting member, the term of office of that member shall be deemed to have begun on the date of the interim or acting appointment.

Section 507. Administration and Coordination. When an agency is allocated by this plan to another agency "for purposes of administration and coordination", the allocated agency shall not be integrated into the other agency. The individual or collective head of the allocated agency shall not report to or serve under the direction of the head of the other agency. However, there shall be regular communication between the two agencies, such that the officials and personnel of the allocated agency are aware of the policies and actions of the other agency. The two agencies may, at their discretion, enter into an agreement to coordinate any of their activities, to share staff or administrative services, or otherwise to improve efficiency and effectiveness. The annual budget for an allocated agency shall be set forth in the Governor's Budget as a separate entry under the general heading of the agency to which it is allocated.

Section 508. Independence of Board Members. Notwithstanding any other provision of this plan, the independence of any member of a board or commission to whom the provisions of Section 21 of Article III of the Constitution apply, shall be preserved.

Section 509. Governor's Appointments; Excepted Service.

(a) In order to assure the accountability of government managers, all officials at or above the level of division director, or the equivalent by whatever title known, shall be appointed by and serve at the pleasure of the Governor, provided that such official shall report to and serve under the direction of the head of any supervisory official, such as a department head.

(b) In order further to ensure accountability, the executive director or other principal officer of any board, commission, or of any agency headed by a board or commission, shall be appointed by the Governor with the concurrence of a majority of the members of the relevant board or commission present and voting, a quorum thereof being present. Once appointed, such officer shall serve at the pleasure of the board or commission and shall also be subject to removal by the Governor for cause. Pursuant to Article XV of the Constitution, the provisions of this subsection shall not apply to the Commissioner of Education or the President of the Northern Marianas College.

(c) In order to assure consistency in government policies, and to ensure confidentiality in the formulation of policy, the following positions, if not subject to appointment by the Governor or otherwise exempt from the Civil Service system, shall be in the Excepted Service:

(1) Any position in the Office of the Governor (including the Office of the Lieutenant Governor), except the administrative staff of the Office of Personnel Management.

(2) Any position the duties of which include direct involvement in the making of government policy.

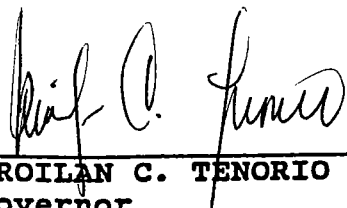
(3) Any position which requires a confidential relationship with an official appointed by the Governor or with a person appointed to a position described in paragraph (2) of this subsection.

(d) Any person appointed by the Governor, or appointed to a position described in subsection (c) of this section, who was a member of the classified Civil Service immediately before such appointment, shall, upon termination from such position, be reinstated in the classified Civil Service in a position for which such person is qualified at the grade and step previously held, except that, if the performance of such person has been sufficiently satisfactory, any within grade step increase that such person would have earned had that person remained in the classified Civil Service shall be awarded.

Section 510. Codification of Changes. The Law Revision Commission shall codify the designations, allocations, and changes in existing law affected by this plan.

Section 511. Effective Date. In accordance with the Constitution, this plan shall become effective sixty days after submission to the Legislature, unless specifically modified or disapproved by a majority of the members of each house of the Legislature, provided, that in case it shall appear to the Governor that the interests of economy or management require that any transfer, consolidation, or abolishment be delayed beyond the date this plan becomes effective, the Governor may, in his discretion, fix a later date therefor, and he may for like cause further defer such date from time to time.

DONE this 17th day of March, 1994.



FROILAN C. TENORIO
Governor

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Commonwealth of the Northern Mariana Islands

Department of Public Health & Environmental Services
Division of Environmental Quality
P.O. Box 1304
Saipan, Mariana Islands 96950



Tels: (670) 234-6114/6984
Fax: (670) 234-1003

PUBLIC NOTICE

PROPOSED REVISIONS OF THE CNMI PESTICIDES REGULATIONS
PROMULGATED UNDER THE AUTHORITY OF
2 CMC §§ 3103 to 3134, 1 CMC §§ 2601 to 2605, 2 CMC §§ 3311 to 3333 and
2 CMC §§ 3511 to 3521 by the
DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENTAL SERVICES
and by the DIVISION OF ENVIRONMENTAL QUALITY

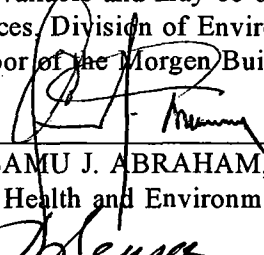
The Director of the Department of Public Health and Environmental Services, of the Commonwealth of the Northern Mariana Islands (CNMI), in accordance with 2 CMC §§ 3103 to 3134 and 1 CMC §§ 2601 to 2605, and the Chief of the Division of Environmental Quality (DEQ) in accordance with 2 CMC §§ 3311 to 3333 and 2 CMC §§ 3511 to 3521 proposes revisions to the Pesticides Regulations. These proposed changes are based on comments received concerning the regulations after the public comment period expired and the existing regulations were adopted.

The proposed revisions to the Pesticides Regulations are minor in that it corrects some typographical error and discrepancies, changes the fee structure to encourage less storage of pesticides in the CNMI, and makes some administrative changes in the application of the regulations.


Comments, suggestions, and concerns about the proposed revisions are encouraged and welcomed. All comments must be submitted in writing to the Department of Public Health and Environmental Services, Division of Environmental Quality, P.O. Box 1304, Saipan, MP 96950, located on the third floor of the Morgen Building in San Jose, Saipan.

Copies of the Proposed Revisions to Regulations are available and may be obtained from the Department of Public Health and Environmental Services, Division of Environmental Quality, P.O. Box 1304, Saipan, MP 96950, located on the third floor of the Morgen Building in San Jose, Saipan.

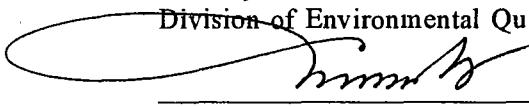
Date: 5/10/94


DR. ISAMU J. ABRAHAM, Director
Public Health and Environmental Services

Date: 5-5-94


MIRIAM K. SEMAN, Chief
Division of Environmental Quality

Filed by:
Date: 5/16/94


SOLEDAD B. SASAMOTO
Registrar of Corporations

Received at Governor's Office:

Date: 5/16/94


DONNA J. CRUZ



Commonwealth of the Northern Mariana Islands

Department of Public Health & Environmental Services
Division of Environmental Quality
P.O. Box 1304
Saipan, Mariana Islands 96950



Tels: (670) 234-6114/6984
Fax: (670) 234-1003

NUTISIAN PUPBLIKU
I MAPROPONI NA RIBISION GI REGULASION CNMI PESTICIDES
SIGUN GI ATURIDAT GI PAPA
2 CMC §§ 3103 ASTA 3134, 1 CMC §§ 2601 ASTA 2605, 2 CMC §§ 3311 ASTA
3333 YAN
2 CMC §§ 3511 ASTA 3521 GINEN
DIPATAMENTON PUBLIC HEALTH YAN ENVIRONMENTAL SERVICES YAN
DIVISION OF ENVIRONMENTAL QUALITY

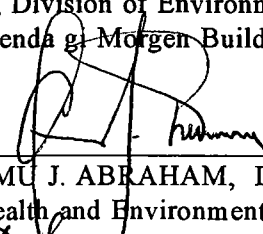
I Direktot Dipatamenton Public Health yan Environmental Services gi halom Commonwealth of the Northern Mariana Islands (CNMI), sigun gi 2 CMC §§ 3103 asta 3134 yan 1 CMC §§ 2601 asta 2605, yan i Chief of Division of Environmental Quality (DEQ) sigun gi 2 CMC §§ 3311 asta 3333 yan 2 CMC §§ 3511 asta 3521 mapropoconi para u maribisa i Regulasion Pesticides. I mapropoconi na tinulaika manmagiha sigun gi komentu siha ni manmarisibi ginen pupbliku yan manma adapta.

I manmapropoconi na ribision gi Regulasion Pesticides, didide; hao lao para u fanma korihi linachen typographical yan i mandiferensiao siha, tinulaika gi eskroturan apas put i para u ma su'on menos na pine'lo pesticides gi halom CNMI, yan na guaha tinulaika siha gi kinalamten administrasion put ma aplikan i regulasion.


Komentu, ekomendasion yan interes put i mapropoconi na ribision manma sosohyu. Todu komentu siha, debi di u fanma tuge' papa ya u masubmiti guatu gi Depatamenton Public Health yan Environmental Services, Division of Environmental Quality, P.O. Box 1304, Saipan, MP 96950, ni gaige gi mina' tres bibenda gi Morgen Building giya San Jose, Saipan.

Hayi interesao na petsona siña mañule kopian i Mapropoconi na Ribision gi Regulasion gi Dipatamenton Public Health yan Environmental Services, Division of Environmental Quality, P.O. Box 1304, Saipan, MP 96950, ni gaige' gi mina' tres bibenda gi Morgen Building giya San Jose, Saipan.

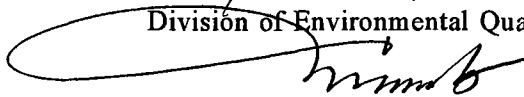
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DR. ISAMU J. ABRAHAM, Director
Public Health and Environmental Services

Fecha: 5-5-94


MIRIAM K. SEMAN, Chief
Division of Environmental Quality

Ma "file" as:
Fecha: 5/16/94


SOLEDAD B. SASAMOTO
Registrar of Corporations

Marisibi gi Ufusinan Gobietno

Fecha: 5/16/94


DONNA J. CRUZ



Commonwealth of the Northern Mariana Islands

Department of Public Health & Environmental Services
Division of Environmental Quality
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ARONGORONGOL TOWLAP FFÉÉRÚL LLIWEL MELLÓL ÓWTOL ALLÉGHÚL CNMI PESTICIDES IYE E FFÉÉR SÁNGI BWÁNGIL 2 CMC §§ 3103 ngáli 3134, 1 CMC §§ 2601 ngáli 2605, 2 CMC §§ 3311 ngáli 3333 me 2 CMC §§ 3511 ngáli 3521 sáangi DIPATAMENTOOL PUBLIC HEALTH ME ENVIRONMENTAL SERVICES DIVISION OF ENVIRONMENTAL QUALITY

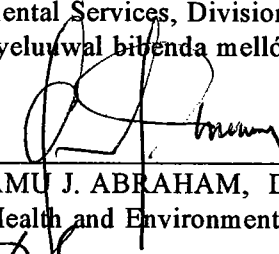
Direktoodul Dipatamentool Public Health me Environmental Services mellól Commonwealth of the Northern Mariana Islands (CNMI), sáangi bwángil 2 CMC §§ 3103 ngáli 3134 me 1 CMC §§ 2601 ngáli 2605, me Chief-il Division of Environmental Quality (DEQ) sáangi bwángil 2 CMC §§ 3311 ngáli 3333 me 2 CMC §§ 3511 ngáli 3521 nge ekke fféer lliiwel mellól ówtol Alléghúl Pesticides. Lliiwel kkaal nge a fféer sáangi mángemáng me tiip kkewe aramas re atotoolong igha rebwe adaptáali allégh ye ighila.

Lliiwel kka llól Alléghúl Pesticides nge rebwe awelal milikka eghal rugh me ese fil, me ebwe abwóoy abwóssul bwe ressóbw ghi isiis pesticides mellól CNMI, me ebwe ayoor lliiwel mellól lemelem reel yáyáqál allégh kkaal.

Mángemáng me tiip nge emmwel schagh aramas ye e tipáli ebwe atotoolong. Alongal mángemáng me tiip nge rebwe ischiitiw nge raa afanga ngáli Dipatamentool Public Health me Environmental Services, Division of Environmental Quality, P.O. Box 1304, Saipan, MP 96950, iye elo aiyeluuwal bibenda mellól Morgen Building me San Jose, Saipan.

Kkoopiyal Allégh kkaal nge eyoor ngáre eyoor aramas ye e tipáli bwe ebwel bweibwogh mellól Bwulasiyool Dipatamentool Public Health me Environmental Services, Division of Environmental Quality, P.O. Box 1304, Saipan, MP 96950, iye elo aiyeluuwal bibenda mellól Morgen Building me San Jose, Saipan.

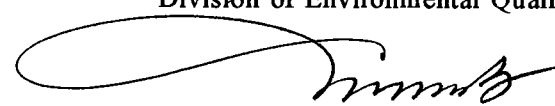
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Public Health and Environmental Services

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MIRIAM K. SEMAN, Chief
Division of Environmental Quality

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SOLEDAD B. SASAMOTO
Registrar of Corporations

Rááli ye re risibi me Bwulasiyool Gubenno:

Rál: 5/16/94


DONNA J. CRUZ

COMMONWEALTH OF NORTHERN MARIANA ISLANDS PESTICIDE REGULATIONS

PART 1 GENERAL PROVISIONS

Authority and Scope. These regulations have been promulgated by the Department of Public Health and Environmental Services in accordance 2 CMC §§ 3101 to 3134 (*Commonwealth Environmental Protection Act*), 2 CMC §§ 3311 to 3333 (*Groundwater Management and Protection Act*), and 2 CMC §§ 3511 to 3521 (*Solid Waste Management Act*). These regulations and technical provisions shall have the force and effect of law and shall be binding on all persons and other legal entities subject to the jurisdiction of the Commonwealth of the Northern Mariana Islands.

PART 2 PURPOSE

The purpose of these regulations is to establish a system of control over the importation, distribution, sale, and use of pesticides by persons within the Commonwealth of the Northern Mariana Islands for the protection of public health and the prevention of environmental contamination.

PART 3 DEFINITIONS

- 3.1 "Acting for" in relation to pesticides handling under the Worker Protection Standards includes both employment and contractual relationships.
- 3.2 "Acts" mean the *Commonwealth Environmental Protection Act* 2 CMC §§ 3101 to 3134, *Groundwater Management and Protection Act* 2 CMC §§ 3311 to 3333, and *Solid Waste Management Act* 2 CMC §§ 3511 to 3521, unless otherwise stated.
- 3.3 "Active Ingredient" means:
 - 3.3.1 in the case of a pesticide other than a plant regulator, defoliant, or desiccant, an ingredient which will prevent, destroy, repel, or mitigate any pest.
 - 3.3.2 in the case of a plant regulator, an ingredient which, through physiological action, will accelerate or retard the growth or rate of maturation or otherwise alter the behavior of ornamental or crop plants or the product thereof.
 - 3.3.3 in the case of a defoliant, an ingredient which will cause the leaves or foliage to drop from a plant.
 - 3.3.4 in the case of a desiccant, an ingredient which will artificially accelerate the drying of plant tissue.
- 3.4 "Adulterated" means any pesticide if its strength or purity falls below the professed standard of quality as expressed on the labeling under which it is sold, or if any substance has been substituted wholly or in part for the pesticide, or if any valuable constituent of the pesticide has been wholly or in part abstracted.
- 3.5 "Agricultural Commodity" means any plant, or part thereof, or animal product, produced by a person (including farmers, ranchers, plant propagators, aquaculturists, flori-culturists, orchardists, foresters, or other comparable persons primarily for sale, consumption, propagation, or other use by man or animals.

- 3.6 "Agricultural Employer" means any person who hires or contracts for the services of workers for any type of compensation to perform activities related to the production of agricultural plants, or any person who is an owner of or is responsible for the management or condition of an agricultural establishment that uses such workers.
- 3.7 "Agricultural Establishment" means any farm, forest, nursery, or greenhouse.
- 3.8 "Agricultural Emergency" means a sudden occurrence or set of circumstances which the agricultural employer could not have anticipated and over which the agricultural employer has no control, and which requires entry into a treated area during a restricted-entry interval, when no alternative practices would prevent or mitigate a substantial economic loss. In the circumstance of typhoon's and tropical storms, it is not an emergency if an employer uses pesticides after a tropical storm has been named.
- 3.9 "Agricultural plant" means any **plant** grown or maintained for commercial or research purposes and includes, but is not limited to: food, feed and fiber plants; trees; turfgrass; flowers, shrubs; ornamentals; and seedlings.
- 3.10 "Banned Pesticide" means **1) any pesticide, the sale, distribution and, use of which for any purpose is prohibited by the Division of Environmental Quality or the U.S. Environmental Protection Agency, or 2) any pesticide which is not registered with the U.S. Environmental Protection Agency or which has been cancelled or suspended by U.S. Environmental Protection Agency.**
- 3.11 "Banned Use" means any use which is prohibited by the Division of Environmental Quality, or any use which is suspended or canceled or **unregistered** by the U.S. EPA.
- 3.12 "Biological Control Agent" means any living organism applied to or introduced into the environment that is intended to function as a pesticide against another organism declared to be a pest by the **Chief**.
- 3.13 "Certified Applicator" means any individual who is certified by the Chief to use any pesticide classified as restricted use pesticide **or a general use pesticide** as covered by his or her certification.
- 3.14 "Chemical-resistant" means allowing no measurable amount of the pesticide being used to move through the material during use.
- 3.15 "Chemical-resistant apron" means an apron that is made of chemical-resistant material and that covers the front of the body from mid-chest to the knees.
- 3.16 "Chemical-resistant footwear" means shoes, boots, or coverings for shoes or boots, that are made of chemical-resistant material. If chemical resistant footwear with sufficient durability and a tread appropriate for wear in rough terrain is not obtainable for workers **and handlers**, then leather boots may be worn in such terrain.
- 3.17 "Chemical-resistant headgear" means chemical-resistant hood or chemical-resistant hat with wide brim.

- 3.18 "Chemical-resistant suit" means a loose-fitting one or two piece chemical-resistant garment that covers, at a minimum, the entire body except head, hands, and feet.
- 3.19 "Chemigation" means the application of pesticides through irrigation systems.
- 3.20 "Chief" means the Chief of the Division of Environmental Quality unless otherwise stated.
- 3.21 "CNMI" **means the** Commonwealth of the Northern Mariana Islands Government.
- 3.22 "Commercial Applicator" means a certified applicator (whether or not he is a private applicator with respect to some uses) **who uses any pesticide** for any purpose or on any property other than as provided by Part 7.
- 3.23 "Commercial Pesticide Handling Establishment" means any establishment, other than an agricultural establishment, that:
- 3.23.1 Employs any person, including a self-employed person, to apply on an agricultural establishment, pesticides used in the production of agricultural plants.
- 3.23.2 Employs any person, including a self-employed person, to perform on an agricultural establishment, tasks as a crop advisor.
- 3.24 "Competent" means properly qualified to perform functions associated with pesticide application, the degree of capability required being directly related to the nature of the activity and the associated responsibility.
- 3.25 "Compensation" means pay or wages, payment through services or goods, or barter of services or goods. If only one person receives payment for the joint work of several people, all are considered compensated, and are employees.
- 3.26 "Coverall" mean a loose-fitting one or two piece garment that covers, at a minimum, the entire body except head, hands, and feet; that is made of a cotton or a cotton polyester blend fabric; and **is** not chemical-resistant. The pesticide product labeling may specify that the coveralls be worn over a layer of clothing. If a chemical-resistant suit is substituted for coveralls, it need not be worn over a layer of clothing.
- 3.27 "Crop Advisor" means any person who is assessing pest numbers or damage, pesticide distribution, or the status, condition, or requirements of plants. Person must be competent to conduct such activities.
- 3.28 "Defoliant" means any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission.
- 3.29 "Desiccant" means any substance or mixture of substances intended for artificially accelerating the drying of the plant tissue.
- 3.30 "Director" means the Director of Public Health and Environmental Services unless otherwise specified.

- 3.31 "Division" means the Division of Environmental Quality unless otherwise specified.
- 3.32 "Early Entry" means entry by a worker into a treated area on the agricultural establishment after a pesticide application is complete, but before any restricted-entry interval for the pesticide has expired.
- 3.33 "Employer" means for the purposes of the worker protection program, any person who:
- 3.33.1 employs or contracts for the services of workers (including themselves and members of their family) for any type of compensation to perform tasks related to the production of agricultural plants; maintenance of resort establishments; or commercial pest control (e.g. rodent and termite extermination); or
 - 3.33.2 owns or operates an agricultural, resort, or commercial pest control establishment.
- 3.34 "Environmental" includes water, air, land, all plants and human and other animals living therein, and the interrelationships which exist among them.
- 3.35 "EPA" or "USEPA" means the United States Environmental Protection Agency.
- 3.36 "Establishment" means **any place where agricultural crops, including but not limited** to vegetables, small fruits, tree fruits and nuts, as well as on grass lands and non-crop agricultural lands; **any resort including but not limited to** maintenance of resort grounds, golf courses, or green houses; or **anywhere, including but not limited to schools, churches, residences, offices, and stores.**
- 3.37 "Farm" means any operation, other than a nursery or forest, engaged in the outdoor production of agricultural plants.
- 3.38 "*Federal Insecticide, Fungicide, and Rodenticide Act*" or "*FIFRA*" means the US *Federal Insecticide, Fungicide, and Rodenticide Act, (as amended)* 7 USC §§ 136 to 136y.
- 3.39 "Forest" means any operation engaged in the outdoor production of any agricultural plant to produce wood fiber or timber products.
- 3.40 "Fumigant" means any pesticide that is a vapor or gas or forms a product that is a vapor or gas on application and whose method of pesticidal action is through the gaseous state.
- 3.41 "Fungus" means all non-chlorophyll-bearing thallophytes including rusts, smuts, mildews, bacteria, molds and yeasts, except those on or living in man or other animals and those on or in processed foods, beverages, or pharmaceuticals.
- 3.42 "General Use Pesticide" means pesticide other than one designated a restricted use pesticide.

- 3.43 "Gloves" mean hand coverings that are the type listed on the pesticide label. Gloves or glove linings made of leather, cotton, or other absorbent materials **may not be used for handling or early entry unless** listed on the pesticide labeling as acceptable for such use.
- 3.44 "Greenhouse" means any operation engaged in the production of agricultural plants inside any structure or space that is enclosed with nonporous covering and that is of sufficient size to permit worker entry. This term includes, but is not limited to polyhouses, mushroom houses, rhubarb houses and similar structures. It does not include such structures as malls, atriums, conservatories, arboretums, or office buildings where agricultural plants are present primarily for aesthetic or climatic modification.
- 3.45 "*Groundwater Management and Protection Act*" means the *Commonwealth Groundwater Management and Protection Act*, 2 CMC §§ 3312 to 3333.
- 3.46 "Hand Labor" means any agricultural activity performed by hand or with hand tools that causes a worker to have substantial contact with surfaces (such as plants, plant parts, or soil) that may contain pesticide residues. These activities include, but are not limited to, harvesting, detasseling, thinning, weeding, topping, planting, sucker removal, pruning, disbudding, roguing, and packing produce into containers in the field. Hand labor does not include operating, moving, or repairing irrigation or watering equipment or performing the tasks of crop advisors.
- 3.47 "Handler" or "Pesticides Handler" means any person, including a self-employed person:
- 3.47.1 Who is employed for any type of compensation by an agricultural establishment or commercial pesticide handling establishment, or commercial resort and who is:
- A. Mixing, loading, transferring, or applying pesticides.
 - B. Disposing of pesticides or pesticide containers.
 - C. Handling opened containers of pesticides.
 - D. Acting as a flagger.
 - E. Cleaning, adjusting, handling, or repairing the parts of mixing, loading, or application equipment that may contain pesticide residues.
 - F. Assisting with the application of pesticides.
 - G. Entering a greenhouse or other enclosed area after the application and before the inhalation exposure level listed in the labeling has been reached or one of the ventilation criteria **established in this regulation** or in the labeling has been met **to perform any of the following tasks:**
 - i. operation of ventilation equipment.
 - ii. adjustment or removal of coverings used in fumigation.
 - iii. monitoring air levels.
 - H. Entering a treated area outdoors after application of any soil fumigant to adjust or remove soil coverings such as tarpaulins.
 - I. Performing tasks as a crop advisor.

- i. During any pesticide application.
 - ii. Before any inhalation exposure level listed in the labeling has been reached or one of the ventilation criteria **as established in this regulation** or in the labeling has been met.
 - iii. During any restricted-entry interval.
- 3.47.2 The term does not include any person who is only handling pesticide containers that have been emptied or cleaned according to pesticide product labeling instructions, or in the absence of such instructions, have been subjected to triple-rinsing or its equivalent.
- 3.48 "Handler Employer" means any person who is self-employed as a handler or who employs any handler, for any type of compensation.
- 3.49 "Hazard" means a situation where there exists a probability that a given pesticide will cause injury or have an adverse effect on public health or the environment.
- 3.50 "Hazardous Waste" means any waste **which** because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or pose a substantial present or potential hazard to human health or to the environment when improperly collected, contained, stored, transported, processed, recovered, treated, disposed, handled, manipulated, or otherwise accidentally released into the environment. This is inclusive of any waste described or identified as such under either EPA or DEQ regulations.
- 3.51 "Immediate family" means only one's spouse, partners, in-laws, children, stepchildren, foster children, parents, brothers, and sisters. Cousins, uncles, aunts, and other relatives are not included in the definition of immediate family.
- 3.52 "Importation **or** "Import" means causing to be brought into the CNMI.
- 3.53 "Inert Ingredient" means an ingredient which is not an active ingredient.
- 3.54 "Ingredient Statement" means the name and percentage of each active ingredient, and the total percentage of all inert ingredients in the pesticide.
- 3.55 "insect" means invertebrate animals belonging to the class insecta or other allied classes of arthropods, such as Arachnida and Chilopoda.
- 3.56 "Label" means the written, printed or graphic matter on, or attached, to, the pesticide or device or any of its containers or wrappers.
- 3.57 "Labeling" means all labels and all other written, printed, or graphic matter accompanying the pesticides, or to which reference is made on the label or in literature accompanying the pesticide, except to current official publications of the U.S. Environmental Protection Agency, the United States Departments of Agriculture and Interior, or the U.S. Department of Health and Human Services.

- 3.58 "Licensed Dealer" means any person who is licensed by the Chief to sell or distribute restricted use pesticides.
- 3.59 "MSDS" means Material Safety Data Sheets as required under the Occupational Safety and Health Act of 1970 [29 USC § 651 et sqq.] as amended and regulation promulgated pursuant to this act and amendments 29 CFR 1910.1200(g).
- 3.60 "Misbranded" means any pesticide if:
- 3.60.1 Its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular;
 - 3.60.2 Its labeling bears instructions for a banned use **or a use that has not been accepted by U.S. EPA as part of registration;**
 - 3.60.3 It is contained in a package or other container or wrapping which does not conform to standards established by the EPA;
 - 3.60.4 It is an imitation of, or is offered for sale under the name of, another pesticide;
 - 3.60.5 The labeling accompanying it does not contain, in English, instructions for use which are necessary, proper, and adequate for the protection of the public;
 - 3.60.6 The label does not contain warning or caution statements in English, which if complied with are adequate to protect health and the environment;
 - 3.60.7 The label does not bear an ingredient statement on the immediate container, or on the outside container or wrapper if such outside container or wrapper does not allow the ingredient statement on the immediate container to be clearly read;
 - 3.60.8 The label does not contain the following:
 - A. Name of Pesticide in bold letters;
 - B. Restricted use designation (if applicable);
 - C. Description of which pests are controlled;
 - D. Chemical name of Pesticide;
 - E. Active ingredients and percentages;
 - F. **Percentage of** inert ingredients;
 - G. EPA Registration number;
 - H. Patent numbers;
 - I. Appropriate signal words:
 - i. Caution;
 - ii. Warning; or
 - iii. Danger Poison;
 - J. Directions for proper use; and

- K. EPA Establishment Number;
- L. Name and address of producer or registrant, or person for whom product is produced; and

- 3.60.9 Any additional labeling required by the Chief **does not accompany each product.**
- 3.61 "Nematode" means unsegmented roundworms of the class Nematode which inhabit soil, water, plants, or plant parts.
- 3.62 "Nursery" means any operation engaged in the outdoor production of any agricultural plant to produce cut flowers and ferns or plants that will be used in their entirety in another location. Such plants include, but are not limited to, flowering and foliage plants or trees; vegetable, fruit, and ornamental transplants; and turfgrass produced for sod.
- 3.63 "Owner" means any person who has a present possessory interest (e.g. fee, leasehold, rental, or other) in an agricultural, resort, or commercial pest control establishment. A person who has both leased such establishment to another person and granted that same person the right and full authority to manage and govern the use of such establishment is not an owner for purpose of this part.
- 3.64 "Person" means an individual, corporation, partnership, association, or governmental entity.
- 3.65 "Personal protective equipment" or "PPE" means apparel and devices worn to protect the body from contact with pesticides or pesticide residues, **including but not limited to:**
- 3.65.1 coveralls;
 - 3.65.2 chemical-resistant suits;
 - 3.65.3 chemical-resistant gloves;
 - 3.65.4 chemical-resistant footwear;
 - 3.65.5 chemical-resistant aprons;
 - 3.65.6 chemical-resistant headgear;
 - 3.65.7 protective eye-wear; and
 - 3.65.8 respirators.
- long-sleeved shirts, short-sleeved shirts, long pants, short pants, shoes, socks, and other items of work clothing are not considered personal protective equipment for purposes of this section and are not subject to the requirements of this section, **except where the** pesticide labeling may require that such work clothing be worn.
- 3.66 "Pest" means any insect, rodent, nematode, fungus, weed, or any other form of terrestrial or aquatic plant or animal life, or virus, bacteria, or other microorganism which the Chief declares to be a pest.
- 3.67 "Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant, other than any article that:

- 3.67.1 is animal drug or feed that is:
- A. a new animal drug under Federal Food, Drug, and Cosmetic Act (FFDCA) § 201(w), or
 - B. an animal drug that has been determined by regulation of the Secretary of Health and Human Services not to be a new animal drug, or
 - C. an animal feed under FFDCA § 201(x) that bears or contains any substances described in paragraph(s) 3.67.1.A or 3.67.1.B;
- 3.67.2 is not intended for use against "pests" if it is:
- A. A product intended for use only for the control of fungi, bacteria, viruses, or other microorganisms in or on living man or animals, and labeled accordingly;
 - B. A product intended for use only for control of internal invertebrate parasites or nematodes in living man or animals, and labeled accordingly;
 - C. Products that are intended to exclude pests only by providing a physical barrier against pest access.
- 3.68 "Plant Regulator" means any substance or mixture of substances intended, through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, and soil amendments. Also, the term 'plant regulator' shall not be required to include any of such of those nutrient mixtures or soil amendments as are commonly known as vitamin-hormone horticultural products intended for improvement, maintenance, survival, health, and propagation of plants, and are not for pest destruction and are non-toxic, non-poisonous in the undiluted packaged concentration.
- 3.69 "Private Applicator" means a certified applicator who uses any pesticide which is classified for restricted use for purposes of producing any agricultural commodity on property owned or rented by him or (if applied without compensation other than trading of personal services between producers of agricultural commodities) on the property of another person.
- 3.70 "Produce" means manufacture, prepare, compound, propagate, or process any pesticide or device or active ingredient used in producing a pesticide. The dilution by individuals of formulated pesticides for their own use and according to the directions on the registered labels shall not of itself result in such individuals begin included in the definition of someone who produces or a producer for the purposes of these regulations**
- 3.71 "Protective Eyewear" means one of the following types of eyewear; goggles; face shield; safety glasses with front, brow, and temple protection; or a full-face respirator.
- 3.72 "Respirator" means a device that protects the respiratory system and is either 1) the type listed on the pesticide label or 2) more protective, and must be

appropriate for the pesticide product being used and for the activity being performed.

- 3.73 "Restricted Use Pesticide" means a pesticide, one or more uses of which have been restricted by regulation under the Federal Insecticide, Fungicide; and Rodenticide Act, as amended, or by DEQ under these regulations, and which bears on its label the phrase 'restricted use pesticide'.
- 3.74 "Restricted-Entry Interval" means the time after the end of a pesticide application during which entry to the treated area is restricted.
- 3.75 "Rodent" means mammals of the order Rodentia, such as rats and mice.
- 3.76 "Sell or Distribute" means to distribute; sell; solicit; offer for sale; hold for sale, **shipment, or distribution**; ship; **offer to deliver**, or for shipment; or deliver for shipment **or use** any pesticide in the CNMI.
- 3.77 "*Solid Waste Management Act*" means the *Solid Waste Management Act*, 2 CMC §§ 3511 to 3521.
- 3.78 "Substantial economic loss" means a loss in profitability greater than that which would be expected based on the experience and fluctuations of crop yields in previous years. Only losses caused by the agricultural emergency specific to the affected site and geographic area are considered. The contribution of mismanagement cannot be considered in determining the loss.
- 3.79 "Treated Area" means any area to which a pesticide is being directed or has been directed.
- 3.80 "Use" means in relation to pesticides handling under the Worker Protection Standards the following:
- 3.80.1 Preapplication activities, including, but not limited to:
- A. Arranging for the application of the pesticide:
 - B. Mixing and loading the pesticide; and
 - C. Making necessary preparations for the application of the pesticide, including responsibilities related to worker notification, training of handlers, decontamination, use and care of personal protective equipment, emergency information, and heat stress management.
- 3.80.2 Application of the pesticide.
- 3.80.3 Post-application activities necessary to reduce the risks of illness and injury resulting from handlers' and workers' occupational exposures to pesticide residues during the restricted-entry interval plus 30 days. These activities include, but are not limited to, responsibilities related to worker training, notification, and decontamination.
- 3.80.4 Other pesticide-related activities, including, but not limited to, providing emergency assistance, transporting or storing pesticides that have been opened, and disposing of excess pesticides, spray mix, equipment wash waters, pesticide containers, and other pesticide-containing materials.

- 3.81 "Virus" means **ultramicroscopic sized, intracellular infectious biochemical unit (nucleic acid) resembling genes, varying in size from about 20 mμ (poliovirus and parvovirus) to 300 mμ (poxvirus).**
- 3.82 "Weed" means any plant growing where it is not wanted.
- 3.83 "Waterproof personal protective equipment" means it shall be made of material that allows no measurable movement of water or aqueous solutions through the material during use.
- 3.84 "Worker" means anyone who: (1) is employed (including self employed) for any type of compensation and (2) is doing tasks, such as harvesting, weeding, or watering, relating to the production of agricultural plants on a farm, forest, nursery, or greenhouse. This term does not include persons, **performing tasks as** crop advisors.

PART 4 ADMINISTRATION OF THE CNMI PESTICIDES REGULATIONS

The Chief is authorized to take such action as may be necessary in the administration and enforcement of these regulations.

PART 5 UNLAWFUL ACTS

5.1 General

5.1.1 Except as otherwise exempted in Part 5.2 it shall be unlawful for any person within the CNMI to import, sell or distribute, receive and (having so received) deliver or offer to deliver to any person, or use:

- A. any pesticide which is adulterated or misbranded; or
- B. any banned pesticide.

5.1.2 It shall be unlawful for any person:

- A. to detach, alter, deface, or destroy, in whole or in part, any label or labeling;
- B. to refuse to keep any records required pursuant to Part 8, or to refuse to allow the inspection of any records pursuant to Part 8 or 13, to refuse to allow the Chief or Chief's designee to observe pesticide use, investigate pesticide misuse, or take a sample of any pesticide pursuant to Part 13;
- C. to use any pesticide in a manner inconsistent with its labeling;
- D. to violate any order issued under pursuant to these regulations or the Acts;
- E. to violate any ban or prohibition issued under Part 10;
- F. to knowingly falsify all or part of any application for certification, license, or use permit, or any record required to be maintained pursuant to Part 8;
- G. to violate any portion of Part 9 of these regulations;**
- H. to sell or distribute restricted use pesticides unless licensed **by DEQ** to do so;
- I. to violate any portion of Part 11 of these regulations;**

- J. to sell or distribute any restricted use pesticide to any person other than a licensed dealer or a certified applicator;
- K. to use, store, transport, mix or discard any pesticide or the containers of such pesticide in such a way as to pose a hazard to human health or the environment;
- L. to use or apply restricted use pesticides unless certified under Part 6;
- M. to use or apply pesticides for commercial purposes unless acting under the supervision of a certified applicator;
- N. to violate these regulations in any way including but not limited to **import**, storage, usage, record keeping, and worker protection requirements provided in these regulations, by permit, labels, orders, certification, or law;
- O. to failure to notify DEQ prior to use of any pesticide as may be required under these regulations;**
- P. for any person who is a registrant to sell or distribute a pesticide product which does not bear the labeling amended and revised as required by 40 CFR 156.**
- Q. for any person o sell or distribute a pesticide product which does not bear the labeling amended and revised as required by 40 CFR 156 after October 23, 1995.**
- R. to produce any pesticide or active ingredient unless the establishment in which the pesticide or active ingredient is produced is registered with the U.S. EPA.**

5.2 Exemptions. The penalties provided for a violation of Part 5.1 shall not apply to:

- 5.2.1 any carrier while lawfully shipping, transporting, or delivering for shipment any pesticide, if such carrier upon request of any person duly designated by the Chief shall permit such person to copy all of its records concerning such pesticide.
- 5.2.2 any person possessing, receiving, shipping or delivering to another person any pesticide while acting under the written instructions of or with the express written approval of the Chief.

PART 6 CERTIFICATION OF APPLICATORS

- 6.1 Class of Applicators. A certified applicator shall be classified as either a commercial applicator or a private applicator.
- 6.2 Commercial Applicator. Any person who uses or supervises the use of restricted use pesticides or general use pesticides for the production of agricultural commodities, resort facilities (e.g. golf courses), commercial pest control, and regulatory pest control unless such use is in accordance with that specified in paragraph 6.2.5 shall be classified as a commercial applicator in **one or more** the following categories:

6.2.1 Agricultural Pest Control

This category includes commercial applicators using restricted use pesticides, or using or supervising the use of general use pesticides in the production of agricultural crops, including vegetables, small fruits, tree fruits and nuts, as well

as on grass lands and non-crop agricultural lands. Pesticide use in this category includes but is not limited to the control of:

- A. Plants;
- B. Rodents; or
- C. Mosquitoes.

6.2.2 Resort Pest Control

This category includes commercial applicators using restricted use pesticides, or **applicators** using or supervising the use of general use pesticides in the maintenance of resort grounds, golf courses, or green houses. Pesticide use in this category includes but is not limited to the control:

- A. Plants;
- B. Rodents;
- C. Mosquitoes
- D. Ants; or
- E. Termites.

6.2.3 Commercial Pest Control

This category includes commercial applicators using restricted use pesticides, or using or supervising the use of general use pesticides in the business of controlling pests which include but are not limited to use in industrial, institutional, right of way control, and structural applications. Pesticide use in this category includes but is not limited to the control of:

- A. Plants;
- B. Rodents;
- C. Mosquitoes;
- D. Ants; or
- E. Termites.

6.2.4 Regulatory Applicator

This category includes commercial applicators using restricted use pesticides, or using or supervising the use of general use pesticides by government agencies such as the Department of Natural Resources; Division of Customs; Division of Plant Industry; Department of Public Works; and Department of Public Health and Environmental Services usage such for such purposes including but not limited to forest; public health, and right of way control. Pesticide use in this category include but are not limited to the control of:

- A. Plants;
- B. Rodents;
- C. Mosquitoes;
- D. Ants; or
- E. Termites.

6.2.5 Private Applicator.

Any person who uses restricted use pesticides for the purpose of producing any either agricultural commodity on property owned or rented by him or (if applied without compensation other than trading of personal services between producers of agricultural commodities) on the property of another person shall be classified as a private applicator.

6.3 Standards for Certification of Commercial Applicators.

Competence in the use and handling of pesticides shall be determined by written examination and, as appropriate, by demonstration, based upon standards which meet or exceed those set forth below.

6.3.1 General Standards for all Certified Commercial Applicators

- A. Label
 - i. Labeling Comprehension.
 - ii. The general format and terminology of pesticide labels and labeling.
 - iii. Understanding of instructions, warnings, terms, symbols, and other information commonly appearing on pesticide labels.
 - iv. Classification of the product, general or restricted.
 - v. Necessity for use consistent with the label.
- B. Safety Factors Including:
 - i. Pesticide toxicity and hazard to man and common exposure routes.
 - ii. Common types and causes of pesticide accidents.
 - iii. Precautions necessary to guard against injury to applicators and other individuals in or near treated areas.
 - iv. Need for and use of protective clothing and equipment.
 - v. Symptoms of pesticide poisoning.
 - vi. First aid and other procedures to be followed in case of a pesticide accident
 - vii. Proper identification, storage, transport, handling, mixing procedures, and disposal methods for pesticides and used pesticide containers, including precautions to be taken to prevent children from having access to pesticides and pesticide containers.
- C. The potential environment consequences of the use and misuse of pesticides as may be influenced by such factors as:
 - i. Weather and other climatic conditions.
 - ii. Types of terrain, soil, or other substrate.
 - iii. Presence of fish, wildlife, and other non-target organisms.
 - iv. Drainage patterns.
- D. Pests related factors such as:
 - i. Common features of pest organisms and characteristics of damage needed for pest recognition.

- ii. Recognition of relevant pests.
 - iii. Pest development and biology as it may be relevant to problem identification and control.
- E. Pesticides related factors such as:
- i. Types of pesticides.
 - ii. Types of formulations.
 - iii. Compatibility, synergism, persistence, and animal and plant toxicity of the formulations.
 - iv. Hazards and residues associated with use.
 - v. Factors which influence effectiveness or lead to such problems as resistance to pesticides.
 - vi. Dilution procedures.
- F. Equipment related factors including:
- i. Types of equipment and advantages and limitations of each type.
 - ii. Uses, maintenance and calibration.
- G.. Application Techniques including:
- i. Methods used to apply various formulations of pesticides, together with a knowledge of which technique of application to use in a given situation.
 - ii. Relationship of discharge and placement of pesticides to proper use, unnecessary use, and misuse.
 - iii. Prevention of drift and pesticide loss into the environment.
- H. Worker Protection Factors including:
- i. Ventilation
 - ii. Personal Protective Equipment
 - iii. Entry Intervals
- I. Laws and Regulations applicable to the CNMI including Federal laws and regulations.

6.4 Standards for Certification of Private Applicators. As a minimum requirement for certification, a private applicator must show that she/he possesses a practical knowledge of the pest problems and pest control practices associated with the operations, proper storage, use, handling, and disposal of the pesticide and containers, and her/his related legal responsibility. This practical knowledge includes ability to:

6.4.1 Recognize common pests to be controlled and damage caused by them.

6.4.2 Read and understand the label and labeling information, including the common name of pesticides he applied, pest(s) to be controlled, timing and methods of application, safety precautions, any pre-harvest or re-entry restrictions, and any specific disposal procedures.

6.4.3 Apply pesticides in accordance with label instructions and warnings, including the ability to prepare the proper concentration of pesticide to be

used under particular circumstances taking into account such factors as area to be covered and the quantity dispersed in a given period of operation.

- 6.4.4 Recognize local environmental situations that must be considered during the application to avoid contamination.
- 6.4.5 Recognize poisoning symptoms and procedures to follow in case of a pesticide accident.

6.5 Determination of Competency

- 6.5.1 Commercial Applicators. Application for certification as a private applicator shall be made to the Chief on a form provided for that purpose. The applicant may qualify for certification by passing a written examination or by satisfactorily demonstrating the ability to use pesticides and application equipment correctly and by passing an oral examination. Such examinations and demonstration requirements shall be based on standards contained in Part 6.2.5.
- 6.5.2 Duration of Certification and Renewals. All certificates shall be valid for a period of three (3) years from the date of issuance unless earlier suspended or revoked by the Chief. Application for renewal shall be made to the Chief on a form provided for that purpose. The applicant shall be required to pass another examination and/or give a demonstration of proficiency in order to ensure that certified applicators continue to meet the requirements of changing technology and to assure a continuing level of competency and ability to use pesticides safely and properly.

- 6.6 Standards for Supervisor of Non-Certified Applicators by Certified Private and Commercial Applicators. Restricted use pesticides may be applied by a non-certified but competent person acting under the direct supervision of a certified applicator. The availability of the certified applicator must be directly related to the hazard of the situation. In situations where the certified applicator is not required to be physically present 'direct supervision' shall include verifiable instruction to the competent person including, but not limited to, detailed guidance for applying the pesticide properly and provisions for contacting the certified applicator in the event he is needed. In other situations, and as required by the label, the actual physical presence of a certified applicator may be required when application is made by a non-certified applicator. In either situation, responsibility for proper application shall remain with the certified applicator.

- 6.7 Temporary Certification. The Chief may issue a temporary certificate valid for a period not to exceed ninety (90) days to a person who holds a valid pesticide applicator's certificate issued in another state or territory of the United States having an approved state plan. Written application for temporary certificate shall be made to the Chief on a form provided for that purpose. Temporary certification shall be limited to the same type and category of pesticide use for which the applicant is certified in the other state or territory. Except under such circumstances as the Chief may recognize, a temporary pesticide applicator certificate shall be non-renewable.

- 6.8 Denial, Suspension or Revocation, and Appeal.

6.8.1 The Chief will deny suspend or revoke a certificate and assess criminal and/or civil penalties for misuse of a pesticide or falsification of any records required to be maintained by a certified applicator.

6.8.2 The Chief may deny, **revoke, or suspend certification of:**

- A. any person whose certificate is suspended or revoked.
- B. any person who has been found to be in violation of any part of these regulations.
- C. any person who has failed to pass the proficiency test.
- D. any person who fails to pay the required fees.
- E. **any person who fails** to submit address change.

6.8.3 Any certification issued pursuant to this part will be reviewed for suspension or revocation by the Chief for violation of any condition of the certificate or of these regulations, of criminal conviction under Section 14(b) of amended FIFRA, a final order imposing civil penalty under Section 14(a) of amended FIFRA, or a CNMI enforcement action.

6.9 ADDRESS OF APPLICATOR

In the event that a certified applicator relocates or changes the address where they may be reached, the applicator must notify DEQ in writing of the change of address within thirty (30) calendar days.

6.10 APPEAL

Any person who has been denied certification pursuant to Part 6.8 or whose certificate has been suspended or revoked may appeal to the DEQ to set aside such denial, suspension, or revocation. The Chief's written decision on the matter shall be final.

6.11 FEES

- 6.11.1 Commercial applicators shall pay a non-refundable fee of three hundred dollars (\$300) for the processing of the application **for certification.**
- 6.11.2 Private applicators shall pay a non-refundable fee of fifty dollars (\$50) for the processing of the application **for certification.** The fee shall increase to one hundred dollars (\$100) for the processing of the application as of January 1, 1996.
- 6.11.3 Fees for Government Applicators may be waived, provided the Applicator only conducts such applications at Government projects.

Additional fees according to 6.11 shall be required for renewals. Renewals shall be made at least thirty (30) calendar days, but no more than ninety (90) calendar days prior to expiration of the certification.

PART 7 LICENSING OF RESTRICTED USE PESTICIDE DEALERS

Every person engaged in the sale or distribution of restricted use pesticides and every person importing restricted use pesticides who is not a certified applicator shall obtain a license from the Chief. Application for a license shall be made to the Chief on a form provided for that purpose and shall be accompanied by a fee of two hundred dollars (\$200.00), which is non-

refundable, except that no fee is required of the Government of the CNMI. Each license shall expire one (1) year from the date of issue. Additional fees shall be required for renewals. Renewals shall be made at least thirty (30) calendar days, but no more than ninety (90) calendar days prior to expiration of the license.

A dealer's license may be **denied**, suspended or revoked by the Chief for any violation of these regulations whether committed by the dealer or an employee thereof. Any such violation during the three (3) years preceding the date of application for a license may serve as ground for rejection of same.

PART 8 RECORDS

8.1 Records to be kept by Commercial Applicators and Private **Applicators**.

Commercial and Private Applicators shall keep and maintain for a period of not less than three (3) years, true and accurate records of the use and application of both restricted use and general use pesticides, including the following information:

8.1.1 At the time of purchase or receipt of a pesticide record of:

- A. the brand name, quantity, and EPA registration number of the product.
- B. the name and address of the person from whom purchased or received.
- C. the date of purchase or receipt.

8.1.2 At the time of application of a pesticide, a record of:

- A. the brand name and EPA registration number of the product, and the date of purchase or receipt.
- B. the amount of product used and, if the product is to be mixed with another substance prior to use, the name of the other substance and the total amount of mixture prepared.
- C. the site of use and purpose of use.
- D. the date and time of application.
- E. the **name and** signature of the certified applicator and, if the pesticide is used by a person acting under the supervision of the certified applicator, the name of the user.
- F. MSDS for the pesticide.
- G. Label of the Pesticide.
- H. **site used for mixing or filling equipment.**

8.1.3 At the time of disposal of a pesticide product, container, or mixture, a record of:

- A. the brand name and EPA registration number of the product, and the date of purchase or receipt.
- B. the amount of product or mixture disposed, or the number and type of containers disposed, and, if a mixture, the concentration of active ingredient(s).
- C. the date, site, and method of disposal.
- D. MSDS for the pesticide.
- E. Label of the Pesticide.

8.1.4 Submission of Records to DEQ

Commercial and Private Applicators are required to submit quarterly pesticide reports to DEQ no later than 10 working days after the end of the fiscal quarter. Fiscal quarters end on December 31, March 31, June 30, and September 30. Reports shall include all of the information in 8.1 for that fiscal quarter.

8.2 Records to be kept by Licensed Dealers. Each licensed dealer shall keep and maintain for a period of not less than three (3) years true and accurate records of the import and receipt and sale or distribution of both restricted use and general use pesticides, including the following information:

8.2.1 Upon receipt of a pesticide, a record of:

- A. the brand name, EPA registration number, and number of containers.
- B. the net weight of each container, and the type of container construction (e.g., glass, metal, paper carton, paper bag, hard plastic, etc.).
- C. the name and address of the person from whom purchased, **imported**, or received.
- D. the date of receipt.
- E. MSDS for the pesticide.
- F. Label of the Pesticide.

8.2.2 Upon sale or distribution of a pesticide, a record of:

- A. the name, address, and certification number or dealer's license (if applicable) number of the person purchasing or receiving the pesticide.
- B. the date of sale or distribution
- C. the brand name, EPA registration number, and quantity of product sold or distributed.
- D. the signature of the person selling or distributing the pesticide.
- E. MSDS for the pesticide.
- F. Label of the pesticide.

8.2.3 Submission of Records to DEQ

Licensed Dealers are required to submit quarterly pesticide reports to DEQ no later than 10 working days after the end of the Fiscal Quarter. Fiscal Quarter's end on December 31, March 31, June 30, and September 30. Reports shall include all of the information in **8.2** for that fiscal quarter.

8.3 Notice of Disposal. Prior to the disposal of any pesticides, the applicator must submit to DEQ **in writing**:

- 8.3.1 the brand name, EPA registration number, number of containers, and **amount of pesticide to be disposed of.**
- 8.3.2 the net weight of each container, and the type of container construction (e.g., glass, metal, paper carton, paper bag, hard plastic, etc.).
- 8.3.3 MSDS for the pesticide.
- 8.3.4 Label of the Pesticide.

8.3.5 Plan and method of Disposal.

Disposal shall not take place until DEQ has reviewed and approved the disposal plan.

- 8.4 Additional Records. Additional records, as found to be necessary for the enforcement of these regulations, may be prescribed by the Chief or Chief's designee.
- 8.5 Access to Records. The Chief or Chief's designee shall have access to such records at any reasonable time to examine, and to copy, such records for the purpose of carrying out the provisions of these regulations. Unless required for the enforcement of the regulations, such information shall be confidential and, if summarized, shall not identify an individual person.

PART 9 IMPORTATION

- 9.1 Notice of Intent. Persons desiring to import a pesticide into the CNMI shall submit a notice of intent to the Chief on a form provided for that purpose at least ten (10) working days prior to arrival of the pesticide shipment. The form must be accompanied with the Material Safety Data Sheet, a copy of the pesticides label, a nonrefundable filing fee of \$15 **for each different EPA registered** general use product and \$50 **for each different registered** restricted use product. **Fees shall be applicable for the fiscal year (October 1 to September 30) in which it is paid. At the expiration of the fiscal year new fees must be submitted.**
- 9.2 Notice of Arrival. Upon arrival of the pesticide shipment into the CNMI, the Chief shall be notified on a form provided for **that purpose**. The Notice of Arrival is not to be substituted for the Notice of Intent to import.
- 9.3 Inspection. Upon arrival of the shipment, the Chief or Chief's representative shall inspect the pesticide and shall compare the results of the inspection and the entry papers for the shipment with the information provided by the importer on the **Notice of Intent**. If no discrepancies are noted and the Chief has not instructed to the contrary, the shipment shall be released. However, any discrepancies shall be reported to the Chief, and the shipment may be detained until such discrepancies are resolved.
- 9.4 Shipments Arriving Without Notice. When a shipment of pesticide arrives in the CNMI without notice, the shipment shall be detained or denied access and the Chief shall be notified. The Chief shall then determine whether a **Notice of Intent to import pesticides and a Notice of Arrival** have been submitted and shall provide instructions for disposition of the shipment.
- 9.5 Detained, and Denied. All expenses arising from detainment, and denial of a pesticide shipment due to failure of the importer to submit a **Notice of Intent and Notice of Arrival** to the Chief in a timely manner shall be payable by the importer. Failure of the importer to pay the assessed costs may result in **detainment** of the shipment or **denial of** any future importation made by the importer.

Any pesticide shipment for which delivery is denied shall be disposed of **or returned to the originator** by the Chief if not exported by the consignee within ninety (90) days of denial of delivery. All expenses for storage, cartage, labor, and shipping **or disposal costs** shall be payable by the consignee.

If the owner of a **detained** pesticide shipment does not satisfy any and all **outstanding fees** against such shipment within (90) days after notification in writing of the amount of said **fees**, the Chief with the approval of the Director, **may** instruct the Attorney General to enter into such action as may be necessary to **obtain the fees**. **All Future shipments by the consignee shall be denied until such time as fees are paid.** This does not preclude recovery of any additional costs that may be expended by the Government.

PART 10 RESTRICTING AND BANNING OF PESTICIDES

- 10.1 Restricting of Pesticides. DEQ may restrict any use, **sale distribution and import** of any pesticide to application by a certified applicator or a person acting under the supervision of a certified applicator when misuse by non-certified applicators has produced or is deemed likely to produce substantial adverse effects on human health or the environment. Any pesticide having had one or more uses restricted by the DEQ shall be a 'restricted use pesticide' for the purposes of these regulations and must be labeled as such.
- 10.2 Banning of Pesticides. DEQ may prohibit the importation, sale, distribution, and use of any pesticide or prohibit a specific use or uses of any pesticides when such use or uses has produced or is deemed likely to produce substantial adverse effects on human health or the environment. For the purposes of these regulations, any use suspended or canceled **or unregistered** by the EPA shall constitute a banned use.

PART 11 STORAGE OF PESTICIDES

- 11.1 Pesticides shall be stored in the following manner:

- 11.1.1 In a cool, dry place out of direct sunlight.
 - 11.1.2 Adequately and ventilated.
 - 11.1.3 Locked up.
 - 11.1.4 In a location separate from food, feed, seed, or animals;
 - 11.1.5 In the original container with label, unless the container is damaged, then in a container with exactly the same contents.
 - 11.1.6 Area shall be supplied with absorbent materials such as sand or absorbent clay.
 - 11.1.7 Area shall be supplied with fire extinguisher.
 - 11.1.8 Incompatible pesticides and/or fertilizers must be stored in separate areas.
 - 11.1.9 Floor of storage area must be constructed in a manner **so** that **spills** will not impact ground or surface waters. If storing more than twenty-five (25) pounds of pesticides at any one time, a concrete slab must be provided.
- 11.2 For areas that store more than twenty-five (25) pounds of pesticides at any one time must be approved by DEQ. To obtain approval applicant must submit **in writing** the following:
- 11.2.1 A plan detailing the **design of the** storage area must be submitted to DEQ for approval prior to construction and operation. A non-refundable fee of \$25 must be submitted with the plan proposed to be approved. **Construction and operation of the storage area may not begin until the plan has been approved in writing by DEQ.**

PART 12 WORKER PROTECTION STANDARDS

12.1 Applicability

The following standards are for worker protection. Employers are responsible for the protection of their workers. In the event that the standards are not adhered to by either the employee, the workers, handlers, or employer, the employer is responsible. Worker Protection Standards apply when any pesticide product is used on an agricultural establishment, resort establishment, or by a commercial pest control, or private applicator in the controlling of pests. The Standards do not apply when any pesticide is applied on an establishment in the following circumstances:

- 12.1.1 For mosquito abatement, Mediterranean fruit fly eradication, or similar wide-area public pest control programs sponsored by governmental entities approved by DEQ.
- 12.1.2 On livestock or other animals, or in or about animal premises.
- 12.1.3 For the purposes of this Worker Protection Standards, owners of establishments need not assure that the protection is provided to themselves and members of their immediate family. **However, owners must provide any protection required to other workers who are not members of the immediate family.**

12.2 General Duties

- 12.2.1 The **worker** employer or the handler employer as appropriate shall:

- A. Assure that each worker subject to these regulations or each handler subject to these regulations receives the protection required.
- B. Assure that any pesticide is used in a manner consistent with the labeling of the pesticide.
- C. Provide, to each person who supervises any worker or handler, information and directions sufficient to assure that each worker or handler receives the protection required. Such information and directions shall specify which persons are responsible for actions required to comply with Worker Protection Standards.
- D. Require each person who supervises any worker or handler to assure compliance by the worker or handler with the provisions of this part and to assure that the worker or handler receives the protection as required to comply with Worker Protection Standards.

12.2.2 Prohibited actions. The agricultural employer or the handler employer shall not take any retaliatory action for attempts to comply with Worker Protection Standards or any action having the effect of preventing or discouraging any worker or handler from complying **or attempting to comply** with Worker Protection Standards.

12.3 Violations of the Worker Protection Standards.

- 12.3.1 It is unlawful for any person "to use any registered pesticide in a manner inconsistent with its labeling." When this is referenced on a label, users must comply with all of its requirements except those that are inconsistent with product-specific instructions on the labeling.
- 12.3.2 A person who has a duty as referenced on the pesticide product label, and who fails to perform that duty, is subject to a civil penalty. A person who knowingly violates is subject to criminal sanctions. A person is liable for a penalty if another person employed by or acting for that person violates any part of the regulations.

12.4 Restrictions associated with pesticide applications.

- 12.4.1 Farms and forests. During the application of any pesticide on a farm or in a forest, the agricultural employer shall not allow or direct any person, other than an appropriately trained and equipped handler, to enter or to remain in the treated area.
- 12.4.2 Nurseries. In a nursery, during any pesticide application described in column A of Table 12.1, the agricultural employer shall not allow or direct any person, other than an appropriately trained and equipped handler, to enter or to remain in the area specified in column B of Table 12.1. After the application is completed, until the end of any restricted-entry interval, the entry-restricted area is the treated area.

Table 12.1 - Entry Restricted Areas in Nurseries During Pesticide Applications

A. During Application of a Pesticide:	B. Workers are Prohibited in:
1) (a) Applied: (i) Aerially, or (ii) In an upward direction, or (iii) Using a spray pressure greater than 150 psi, or (b) Applied as a: (i) Fumigant, or (ii) Smoke, or (iii) Mist, or (iv) Fog, or (v) Aerosol.	Treated area plus 100 feet in all directions on the nursery
2) (a) Applied downward using: (i) A height of greater than 12 inches from the planting medium, or (ii) A fine spray, or (iii) A spray pressure greater than 40 psi and less than 150 psi. (b) Not as in 1 or 2(a) above but for which a respiratory protection device is required for application by the product labeling.	Treated area plus 25 feet in all directions on the nursery
3) Applied otherwise.	Treated area.

12.4.3 Greenhouses. When a pesticide application described in column A of this Table 12.2 takes place in a greenhouse, the agricultural employer shall not allow or direct any person, other than an appropriately trained and equipped handler, to enter or to remain in the area **in column B of table 12.2 until the time** specified in column C of Table 12.2 has expired.

12.4.4 After the time specified in column C of Table 12.2 has expired, until the expiration of any restricted-entry interval, the agricultural employer shall not allow or direct any worker to enter or to remain in the treated area as specified in column D of Table 12.2, except as provided in 12.5.

12.4.5 When column C of Table 12.2 specifies that ventilation criteria must be met, ventilation shall continue until the air concentration is measured to be equal to or less than the inhalation exposure level the labeling requires to be achieved. If no inhalation exposure level is listed on the labeling, ventilation shall continue until after:

- A. Two hours of ventilation using fans or other mechanical ventilating systems;
- B. Four hours of ventilation using vents, windows or other passive ventilation; or
- C. Eleven hours with no ventilation followed by 1 hour of mechanical ventilation; or
- D. Eleven hours with no ventilation followed by 2 hours of passive ventilation; or
- E. Twenty-four hours with no ventilation; or

F. Ten Air exchanges are completed.

Table 12.2 - Greenhouse Entry Restrictions Associated with Pesticide Applications

A. When a pesticide is applied	B. Workers are prohibited in:	C. Until:	D. After the expiration of time in column C until the restricted-entry interval expires, the entry-restricted area is:
1) As a fumigant	Entire greenhouse plus any adjacent structure that cannot be sealed off from the treated area	The ventilation criteria of 12.4.5 are met	No entry restrictions after criteria in column C are met
2) As a i) Smoke, ii) Mist, iii) Fog, or iv) Aerosol	Entire enclosed area	The ventilation criteria of 12.4.5 are met	Entire enclosed area is the treated Area
3) Not as in 1 or 2 above, and for which a respiratory protection device is required for application by the product labeling	Entire enclosed area	The ventilation criteria of 12.4.5 are met	Treated Area
4) Not as in 1, 2, or 3 above, and: i) From a height of greater than 12 inches from the planting medium, ii) As a fine spray, or iii) Using a spray pressure greater than 40 psi	Treated Area plus 25 feet in all directions in the enclosed area	Application is complete	Treated Area
5) Otherwise	Treated Area	Application is complete	Treated Area

12.5 Entry Restrictions.

12.5.1 General restrictions.

- A. After the application of any pesticide on an establishment, the employer shall not allow or direct any worker to enter or to

remain in the treated area before the restricted-entry interval specified on the pesticide labeling has expired, except as provided in this section.

- B. Entry restricted areas in greenhouses are specified in column D in Table 12.2.
- C. When two or more pesticides are applied at the same time, the restricted-entry interval shall be the longest of the applicable intervals.
- D. The employer shall assure that any worker who enters a treated area under a restricted-entry interval as permitted by paragraphs (c), (d), and (e) of this section uses the personal protective equipment specified in the product labeling for early-entry workers and follows any other requirements on the pesticide labeling regarding early entry.

12.5.2 Exception for activities with no contact.

A worker may enter a treated area during a restricted-entry interval if the employer assures that both of the following are met:

- A. The worker will have no contact with anything that has been treated with the pesticide to which the restricted-entry interval applies, including, but not limited to, soil, water, air, or surfaces of plants; and
- B. No such entry is allowed until any inhalation exposure level listed in the labeling has been reached or any ventilation criteria established by 12.4.5 or in the labeling have been met.

12.5.3 Exception for short term activities.

A worker may enter a treated area during a restricted-entry interval for short term activities if the employer assures that the following requirements are met:

- A. No hand labor activity is performed.
- B. The time in treated areas under a restricted-entry interval for any worker does not exceed 1 hour in any 24 hour period.
- C. No such entry is allowed for the first 4 hours following the end of the application, and no such entry is allowed thereafter until any inhalation exposure level listed in the labeling has been reached or any ventilation criteria established by 12.4.5 or in the labeling have been met.
- D. The personal protective equipment specified on the product labeling for early entry is provided to the worker.
- E. The agricultural employer shall assure that the worker, before entering the treated area, either has read the product labeling or has been informed, in a manner that the worker can understand, of all labeling requirements related to human hazards or precautions, first aid, symptoms of poisoning, personal protective equipment specified for early entry, and any other labeling requirements related to safe use.
- F. The agricultural employer shall assure that:

- i. Workers wear the personal protective equipment correctly for its intended purpose and use personal protective equipment according to manufacturer's instructions.
- ii. Before each day of use, all personal protective equipment is inspected for leaks, holes, tears, or worn places, and any damaged equipment is repaired or discarded.
- iii. Personal protective equipment that cannot be cleaned properly is disposed of in accordance with any applicable Federal and CNMI requirements.
- iv. All personal protective equipment is cleaned according to manufacturer's instructions or pesticide product labeling instructions before each day of reuse. In the absence of any such instructions, it shall be washed thoroughly in detergent and hot water.
- v. Before being stored, all clean personal protective equipment is dried thoroughly or is put in a well-ventilated place to dry.
- vi. Any person who cleans or launders personal protective equipment contaminated with pesticides is kept separately and washed separately from any other clothing or laundry.
- vii. Any person who cleans or launders personal protective equipment is informed that such equipment may be contaminated with pesticides, of the potentially harmful effects of exposure to pesticides, and of the correct way(s) to handle and clean personal protective equipment and to protect themselves when handling equipment contaminated with pesticides.
- viii. All clean personal protective equipment is stored separately from personal clothing and apart from pesticide-contaminated areas.
- ix. Each worker is instructed how to put on, use, and remove the personal protective equipment and is informed about the importance of washing thoroughly after removing personal protective equipment.
- x. Each worker is instructed in the prevention, recognition, and first aid treatment of heat-related illness.
- xi. Workers have a clean place(s) away from pesticide-storage and pesticide-use areas for storing personal clothing not in use; putting on personal protective equipment at the start of any exposure period; and removing personal protective equipment at the end of any exposure period.
- xii. When personal protective equipment is required by the labeling of any pesticide for early entry, the agricultural employer shall assure that no worker is allowed or directed to perform the early-entry activity without implementing, when appropriate, measures to prevent heat-related illness.
- xiii. During any early-entry activity, **in accordance with 12.11** the agricultural employer shall provide a decontamination site.
- xiv. The agricultural employer shall not allow or direct any worker to wear home or to take home personal protective equipment contaminated with pesticides.

12.5.4 Exception for an agricultural emergency.

- A. A worker may enter a treated area under a restricted-entry interval in an agricultural emergency to perform tasks, including hand labor tasks, necessary to mitigate the effects of the agricultural **emergencies if the** employer assures that all following criteria are met:
- i. A CNMI or Federal Agency having jurisdiction declares the existence of circumstances that could cause an agricultural emergency on that agricultural establishment.
 - ii. The agricultural employer makes a reasonable determination that **the** agricultural establishment is subject to the circumstances of the agricultural emergency.
 - iii. The requirements of 12.5.3 except 12.5.3.A and 12.5.3.B.

12.5.5 Pesticide Handlers

A. Restrictions during applications.

- i. Contact with workers and other persons.

The handler employer and the handler shall assure that no pesticide is applied so as to contact, either directly or through drift, any worker or other person, other than appropriately trained and equipped handler.

- ii. Handlers handling highly toxic pesticides.

The handler employer shall assure than any handler who is performing any handling activity with a product that has the skull and crossbones symbol on the front panel of the label is monitored visually or by voice communication at least every two hours.

- iii. Fumigant applications in greenhouses.

The handler employer shall assure:

- a. That any handler who handles a fumigant in a greenhouse, including a handler who enters the greenhouse before the acceptable inhalation exposure level or ventilation criteria have been met to monitor air levels or to initiate ventilation, maintains continuous visual or voice contact with another handler.
- b. That the other handler has immediate access to the personal protective equipment required by the fumigant labeling for handlers in the event entry into the fumigated greenhouse becomes necessary for rescue.

12.6 Notice of applications to **Agricultural employers.**

Before the application of any pesticide on or in an agricultural establishment, the handler employer shall provide the following information to any agricultural employer for the establishment or shall assure that any agricultural employer is aware of:

- 12.6.1 Specific location and description of the treated area.
- 12.6.2 Time and date of application.
- 12.6.3 Product name, EPA registration number, and active ingredient(s).
- 12.6.4 Restrictions on entering those areas.
- 12.6.5 Restricted-entry interval.
- 12.6.6 Whether posting and oral notification are required.
- 12.6.7 Any other product-specific requirements on the product labeling concerning protection of workers or other persons during or after application.

12.7 Notice of applications **to workers.**

- 12.7.1 Notification to workers of pesticide applications in greenhouses:
The employer shall notify workers of any pesticide application in the greenhouse in accordance with this paragraph.
 - A. All pesticides applications shall be posted in accordance with this 12.7.3.
 - B. If the pesticide product labeling has a statement requiring both the posting of treated areas and oral notification to workers, the agricultural employer shall also provide oral notification of the application to the worker in accordance with 12.7.4.
 - C. Notice need not to be given to a worker if the employer can assure that one of the following is met:
 - i. From the start of the application until the end of the application and during any restricted-entry interval, the worker will not enter, work in, remain in, or pass through the green house; or
 - ii. The worker applied (or supervised the application of) the pesticide for which the notice is intended and is aware of all information required by 12.7.4.

12.7.2 Notification to workers on farms, in nurseries, or in forests of pesticide applications. The employer shall notify workers of any pesticide application on the farm or in the nursery or forest as follows:

- A. If the pesticide product labeling has a statement requiring both the posting of treated areas and oral notification to workers, the agricultural employer shall post signs in accordance with 12.7.3 and shall provide oral notification of the application to the worker in accordance **with** 12.7.4.
- B. For any pesticide other than those for which the labeling requires both posting and oral notification of applications, the employer shall give notice of the application to the worker either by the posting of warning signs in accordance 12.7.3 or orally in

accordance with 12.7.4, and shall inform the workers as to which method of notification is in effect.

- C. Notice need not be given to a worker if the agricultural employer can assure that one of the following is met:
 - i. From the start of the application until the end of the application and during any restricted-entry interval, the worker will not enter, work in, remain in, or pass through on foot the treated area or any area within 1/4 mile of the treated area; or
 - ii. The worker applied (or supervised the application of) the pesticide for which notice is intended and is aware of all information required by 12.7.4.

127.3 Posted warnings signs. The agricultural employer shall post warning signs in accordance with the following criteria:

- A. The warning sign shall have a background color that contrasts with red. The words "DANGER" and "PELIGRO," plus "PESTICIDES" and "PESTICIDAS," shall be at the top of the sign, and the words "KEEP OUT" and "NO ENTRE" shall be at the bottom of the sign. Letters for all words must be clearly legible. A circle containing an upraised hand on the left and a stern face on the right must be near the center of the sign. The inside of the circle must be red, except that the hand and a large portion of the face must be at least twice the height of the smallest letters. The length of the face must be only slightly smaller than the hand. Additional information such as the name of the pesticide and the date of application may appear on the warning sign if it does not detract from the appearance of the sign or change the meaning of the required information. DEQ may require the posting of additional language translations. These a additional translations shall be in conformance to the language comprehension of the work-force.
- B. The sign shall be at least 14 inches by 16 inches in size, and the letters shall be at least 1 inch in height unless a smaller sign and smaller letters are necessary because the treated area is too small to accommodate a sign of this size. If a smaller sign is used, it must meet the proportions and other requirements described in 12.7.3.A.
- C. On farms and in forests and nurseries, the signs shall be visible from all usual points of worker entry to the treated area, including at least each access road, each border with any labor camp adjacent to the treated area, and each footpath and other walking route that enters the treated area. When there are no usual points of worker entry, signs shall be posted in the corners of the treated area or in any other location affording maximum visibility.
- D. In greenhouses, the signs shall be posted so they are visible from all usual points of worker entry to the treated area including each aisle or other walking route that enters the treated area. When there are no usual points of worker entry to the treated area, signs shall be posted in the corners of the treated area affording maximum visibility.

- E.** The sign shall:
- i.** Be posted no sooner than 24 hours before the scheduled application of the pesticide.
 - ii.** Remain posted through the application and entry restricted-entry interval.
 - iii.** Be removed within 3 days after the end of the application and any restricted-entry interval and before agricultural worker entry is permitted (**other than permitted in 12.5**).
 - iv.** The signs shall remain visible and legible during the time they are posted.
 - v.** When several contiguous areas are to be treated with pesticides on a rotating or sequential basis, the entire area may be posted.

12.7.4 Oral warnings. The agricultural employer shall provide oral warnings to workers in a manner that the worker can understand. If a worker will be on the premises during the application, the warning shall be given before the application takes place. Otherwise, the warning shall be given at the beginning of the worker's first work period during which the application is taking place or the restricted-entry interval for the pesticide is in effect. The warning shall consist of:

- A.** The location and description of the treated area.
- B.** The time during which entry is restricted.
- C.** Instructions not to enter the treated area until the restricted entry interval has expired.

12.8 Providing specific information about applications.

When workers or handlers (**except those employed by a commercial pesticide handling establishment**) are on an establishment **when** within the last 30 days, a pesticide has been applied on the establishment or a restricted-entry interval has been in effect, the employer shall display, in accordance with this section, specific information about the pesticide.

12.8.1 Location, accessibility, and legibility.

The information shall be displayed in the **same** location specified for the pesticide safety poster in a specified location, and shall be accessible and legible **as required in 12.10.1**.

12.8.2 Timing.

- A.** If warning signs are posted for the treated area before an application, the specific application information for that application shall be posted at the same time or earlier.
- B.** The information shall be posted before the application takes place, if workers **or handlers (except those employed by the commercial pesticide handling establishment that performed the application)** will be on the establishment during application.

Otherwise, the information shall be posted at the beginning of any **such handler's** or worker's first work period.

- C. The information shall continue to be displayed for at least 30 days after the end of the restricted-entry interval (or, if there is no restricted-entry interval, for at least 30 days after the end of the application) or at least until workers and handlers are no longer on the establishment, whichever is earlier.

12.8.3 Required information.

The information shall include:

- A. The location and description of the treated area.
- B. The product name, EPA registration number, and active ingredient(s) of the pesticide.
- C. The time and the date the pesticide is to be applied.
- D. The restricted-entry interval for the pesticide.

12.9 Pesticide Safety Training.

12.9.1 General requirement - Employer assurance.

The employer shall assure that each worker or handler, as required by 12.9, has been trained as required by 12.9 during the last three years, counting from the end of the month in which the training was completed.

- A. Requirement for workers performing early-entry activities.
Before a worker enters a treated area on the establishment during a restricted-entry interval to perform early-entry activities and contacts anything that has been treated with the pesticide to which the restricted-entry interval applies, including but not limited to, soil, water, or surfaces of plants, the employer shall assure that the worker has been trained.

- B. Requirement for other workers

- i. Training before the 6th day of entry.

Except as provided in 12.9.1.A, before the 6th day that a worker enters any areas on the establishment where, within the last 30 days a pesticide has been applied or a restricted-entry interval for such pesticide has been in effect, the employer shall assure that the worker has been trained. This exception does not apply to handlers.

- ii. Exception for first 3-year period.

Until February 25, 1997, and except as provided in 12.9.1.A, before the 16th day that a worker enters any areas on the establishment where, within the last 30 days a pesticide has been applied or a restricted-entry interval for such pesticide has been in effect, the employer shall assure that the worker has been

trained. This exception does not apply to handlers. After February 25, 1997, this exception no longer applies.

C. Requirement for Handlers

Handler employers shall ensure that handlers are have been trained in accordance with this section prior to performing any handling tasks. Training must have been obtained during the last 3 years, counting from, **the** end of the month in which the training was completed.

12.9.2 Exception. A worker or handler who is currently certified as an applicator **under Part 6** or who satisfies the training requirements.

12.9.3 Training programs.

A. General pesticide safety information shall be presented to workers and handlers either orally from written materials or audio-visually. The information must be presented in a manner that the workers **and handlers** can understand (such as through a translator) using nontechnical terms. The presenter also shall respond to workers' **and handlers'** questions.

- i. The person who conducts the training shall meet at least one of the following criteria:
 - (i) Be currently certified as an applicator.
 - (ii) Be currently designated as a trainer of certified applicators or pesticide handlers by a Federal Agency or DEQ.
 - (iii) Have completed a pesticide safety train-the-trainer program approved by or DEQ.
- ii. Any person who issues an approved Worker Protection Standard worker **or handler** training certificate must assure that the worker **or handler** who receives the training certificate has been trained in accordance with the following.
 - (i) The training materials shall convey, at a minimum, the following information:
 - (a) Where and in what form pesticides may be encountered during work activities.
 - (b) Format and meaning of information contained on pesticide labels and in labeling.
 - (c) Hazards of pesticides resulting from toxicity and exposure, including acute and chronic effects, delayed effects, and sensitization.
 - (d) Routes through which pesticides can enter the body.

- (e) Signs and symptoms of common types of pesticide poisoning.
- (f) Emergency first aid for pesticide injuries or poisonings.
- (g) How to obtain emergency medical care.
- (h) Routine and emergency decontamination procedures, including emergency eye-flushing techniques.
- (i) Prevention, recognition, and first aid treatment of heat related illness.
- (j) Need for **and** appropriate use of personal protective equipment.
- (k) Hazards and environmental concerns from chemigation and drift.
- (l) Environmental concerns of runoff and to wildlife.
- (m) Hazards from pesticide residues on clothing.
- (n) Warnings about taking pesticides or pesticide containers home.
- (o) Safety requirements for handling, transporting, storing, and disposing of pesticides, including general procedures for spill cleanup.
- (p) Requirements of Part 12 designed to reduce the risks of illness or injury resulting from workers' occupational exposure to pesticides, including application and entry restrictions, the design of the warning sign, posting of warning signs, oral warnings, the availability of specific information about applications; and the protection against retaliatory acts.

(ii) Verification of training.

The requirements for verification have been met if the employer assures that a worker **or handler** possesses an approved Worker Protection Standard worker training certificate, except if the agricultural employer is aware or has reason to know that an approved Worker Protection Standard worker **or handler** training certificate has not been issued in accordance 12.9.3.A.ii, or has not been issued to the worker **or handler** bearing the certificate, or the training was completed more than three years before the beginning of the current month.

12.10.1 Requirement.

When handlers **(except those employed by a commercial pesticide handling establishment)** or workers are on an establishment and, within the last 30 days, a pesticide has been applied on the establishment or a restricted-entry interval has been in effect, the employer shall display, in accordance with this section, pesticide safety information.

A. Pesticide safety poster.

A safety poster must be displayed that conveys, at a minimum, the following basic pesticide safety concepts:

- i. Help keep pesticides from entering your body. At a minimum, the following points shall be conveyed:
 - a. Avoid getting on your skin or into your body any pesticides that may be on plants and soil, in irrigation water, or drifting from nearby applications.
 - b. Wash before eating, drinking, using chewing gum or tobacco, or using the toilet.
 - c. Wear work clothing that protects the body from pesticide residues (long-sleeved shirts, long pants, shoes and socks, and a hat or scarf).
 - d. Wash/shower with soap and water, shampoo hair, and put on clean clothes after work.
 - e. Wash work clothes separately from other clothes before wearing them again.
 - f. Wash immediately in the nearest clean water if pesticides are spilled or sprayed on the body. As soon as possible, shower, shampoo, and change into clean clothes.
 - g. Follow directions about keeping out of treated or restricted areas.
- ii. There are CNMI and federal rules to protect workers and handlers, including a requirement for safety training.

B. Emergency medical care information.

- i. The name, address, and telephone number of the nearest emergency medical care facility shall be on the safety poster or displayed close to the safety poster.
- ii. The employer shall inform workers **or handler** promptly of any change to the information on emergency medical care facilities.

C. Location.

- i. The information shall be displayed in a central location on the farm or in the nursery or greenhouse where it can be readily seen and read by workers and handlers.

- ii. The information shall be displayed in a location in or near the forest in a place where it can be readily seen and read by workers and handlers and where workers **and** handlers are likely to congregate or pass by, such as at a decontamination site or an equipment storage site.

D. Accessibility.

Workers and handlers shall be informed of the location of the information and shall be allowed access to it.

E. Legibility.

The information shall remain legible during the time it is posted.

12.11 Decontamination.

12.11.1 Requirement.

In accordance with 12.11 the employer shall provide a decontamination site for washing off pesticide in the following situations.

- A. If any worker on an establishment performs any activity in any area where, within the last 30 days, a pesticide has been applied or a restricted-entry interval has been in effect and contacts anything that has been treated with the pesticide, including, but not limited to, soil, water, or surfaces of plants.
- B. **During any handling activity.**

12.11.2 General conditions.

- A. The handler and worker employer shall provide handlers and workers with enough water for routine washing and emergency eye-flushing. **Handler employers shall also provide sufficient water for washing the entire body in case of an emergency.** At all times the employer shall assure that it is of a quality and temperature that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed.
- B. When water stored in a tank is to be used for mixing pesticides, it shall not be used for decontamination or eye-flushing, unless the tank is equipped with properly functioning valves or other mechanisms that prevent movement of pesticides into the tank.
- C. The handler and worker employer shall provide soap and single-use towels at each decontamination site in quantities sufficient to meet employees' needs.
- D. Emergency Eye-flushing. To provide for emergency eye-flushing for pesticides **for which the pesticide** labeling requires protective eyewear, the handler and worker employer shall assure that at least 1 pint of water is immediately available to 1) each handler and 2) each worker who is performing early-entry activities. The eye-flush water shall be carried by the employee, or shall be on

the vehicle or aircraft the handler is using, or shall be otherwise immediately accessible.

- E. The handler employer shall provide one clean change of clothing, such as coveralls, at each **handler** decontamination site for use in an emergency.

12.11.3 Location.

- A. The decontamination site shall be reasonably accessible to and not more than 1/4 mile from each worker or handler during the activities.
- B. The decontamination site shall not be in an area that is being treated with pesticides **unless it is the decontamination site for a handler performing handler activities, and the soap, single-use towels, and clean change of clothing are in enclosed containers; and the water is running tap water or is in an enclosed container so that movement of pesticides into the tank is prevented.**
- C. The decontamination site shall not be in an area that is under a restricted-entry interval unless the employees **for whom the site is provided** are performing early-entry activities permitted by these regulations **and the locating of the decontamination site outside the area would otherwise not be reasonably accessible to those workers.**
- D. Exception for mixing sites. For mixing activities, the decontamination site shall be at the mixing site.
- E. Exception for pilots. The decontamination site for a pilot who is applying pesticides aurally shall be in the airplane or at the aircraft's loading site.

12.11.4 Decontamination after handling activities.

At the end of any exposure period, the handler employer shall provide at the site where handlers remove personal protective equipment, soap, clean towels, and a sufficient amount of water so that the handlers may wash thoroughly.

12.11.5 Decontamination after early-entry activities.

At the end of any exposure period for workers engaged in early-entry activities permitted by 12.5 and involving contact with anything that has been treated with the pesticide to which the restricted-entry interval applies, including, but not limited to, soil, water, air, or surfaces of plants, the agricultural employer shall provide, at the site where the workers remove personal protective equipment, soap, clean towels, and a sufficient amount of water so that the workers may wash thoroughly.

12.12 Emergency Assistance.

If there is reason to believe that a person who is or has been employed has been poisoned or injured by exposure to pesticides used on the establishment, including, but not limited to, exposures from application, splash, spill, drift, or pesticide residues, the employer shall:

- 12.12.1 Make available to that person prompt transportation from the establishment, including any labor camp on the establishment, to an appropriate emergency medical facility.
- 12.12.2 Provide to that person or to treating medical personnel, promptly upon request, any obtainable information on:
 - A. Product name, EPA registration number, and active ingredients of any product to which that person might have been exposed.
 - B. Antidote, first aid, and other medical information from the product labeling.
 - C. The circumstances of application or use of the pesticide on the establishment.
 - D. The circumstances of exposure of that person to the pesticide.

12.13 Knowledge of labeling and site-specific information.

- 12.13.1 Knowledge of labeling information.
 - A. The handler employer shall assure that before the handler performs any handling activity, the handler either has read the product labeling or has been informed in a manner the handler can understand of all labeling requirements related to safe use of the pesticide, such as signal words, human hazard precautions, personal protective equipment requirements, first aid instructions, **and** environmental precautions pertaining to the handling activity to be performed.
 - B. The handler employer shall assure that the handler has access to the product labeling information during handling activities.

12.13.2 Knowledge of site-specific information.

Whenever a handler who is employed by a commercial pesticides handling establishment will be performing pesticide handling tasks on an establishment, the handler employer shall assure that the handler is aware of the following information concerning any areas on the establishment that the handler may be in (or may walk within 1/4 mile of) and that may be under a restricted-entry interval while the handler will be on the establishment:

- A. Specific location and description of any such areas; and
- B. Restrictions on entering those areas.

12.14 Safe operation of equipment

- 12.14.1 The handler employer shall assure that before the handler uses any equipment for mixing, loading, transferring, or applying pesticides, the handler is instructed in the safe operation of such equipment, including, when relevant, chemigation safety requirements and drift avoidance.
- 12.14.2 The handler employer shall assure that, before each day of use, equipment used for mixing, loading, transferring, or applying

pesticides is inspected for leaks, clogging, and worn or damaged parts, and any damaged equipment is repaired or is placed.

- 12.14.3 Before allowing any person to repair, clean, or adjust equipment that has been used to mix, load, transfer, or apply pesticides, the handler employer shall assure that the pesticides residues have been removed from the equipment, unless the person doing the cleaning, repairing, or adjusting is a handler employed by the pesticide handling establishment. If pesticides residue removal is not feasible, the handler employer shall assure that the person who repairs, cleans, or adjusts such equipment is informed:
- A. That such equipment may be contaminated with pesticides.
 - B. Of the potentially harmful effects of exposure to pesticides.
 - C. Of the correct way to handle such equipment.

12.15 Personal Protective Equipment for Handlers

12.15.1 Requirements.

Any person who performs tasks as a pesticide handler shall use the clothing and personal protective equipment specified on the labeling for use of the product.

12.15.2 Exceptions

- A. Closed systems. If handling tasks are performed using properly functioning systems that enclose the pesticide to prevent it from contacting handlers or other persons, and if such systems are used and are maintained in accordance with that manufacturer's written operating instructions, exceptions to labeling-specified personal protective equipment for the handling activity are permitted as provided as follows:
 - i. Persons using a closed system to mix or load pesticides with a signal word of DANGER or WARNING may substitute a long sleeved shirt, long pants, shoes, socks, chemical resistant apron, and any protective gloves **specified on the labeling for handlers for the labeling-specified personal protective equipment.**
 - ii. Persons using a closed system to mix or load pesticides other than those in 12.15.2.A.i or to perform other handling tasks may substitute a long-sleeved shirt, long pants, shoes, and socks for the labeling-specified personal protective equipment.
 - iii. Persons using a closed system that operates under pressure shall wear protective eyewear.
 - iv. Persons using a closed system shall have all labeling specified personal protective equipment immediately available for use in an emergency.

B. Enclosed cabs.

If handling tasks are performed from inside a cab that has a nonporous barrier which totally surrounds the occupants of the cab and prevents contact with pesticides outside of the cab, exceptions to personal protective equipment specified on the product labeling for that handling activity are permitted as provided as follows:

- i. Persons occupying an enclosed cab may substitute a long-sleeved shirt, long pants, shoes, and socks for the labeling specified personal protective equipment. If a respiratory protection device is specified on the pesticide product labeling for the handling activity, it must be worn.
- ii. Persons occupying an enclosed cab that has a properly functioning ventilation system which is used and maintained in accordance with the manufacturer's written operating instructions and which is declared in writing by the manufacturer or by a governmental agency to provide respiratory protection equivalent to or greater than a dust/mist filtering respirator may substitute a long-sleeved shirt, long pants, shoes, and socks for the labeling specified personal protective equipment. If a respiratory protection device other than a dust/mist filtering respirator is specified on the pesticide product labeling, it must be worn.
- iii. Persons occupying an enclosed cab that has a properly functioning ventilation system which is used and maintained in accordance with the manufacturer's written operating instructions and which is declared in writing by the manufacturer or by a **governmental agency to provide** respiratory protection equivalent to or greater than the vapor-or gas-removing respirator specified on pesticide product labeling may substitute a long-sleeved shirt, long pants, shoes, and socks for the labeling specified personal protective equipment. If an air supplying respirator or a self-contained breathing apparatus (SCBA) is specified on the pesticide product labeling, it must be worn.
- iv. Persons occupying an enclosed cab shall have all labeling specified personal protective equipment immediately available and stored in a chemical resistant container, such as a plastic bag. They shall wear such personal protective equipment if it is necessary to exit the cab and contact pesticide-treated surfaces in the treated area. Once personal protective equipment is worn in the treated area, it must be removed before reentering the cab.

C. Aerial Applications

- i. Use of gloves.

Chemical resistant gloves shall be worn when entering or leaving an aircraft contaminated by pesticide residues. In the cockpit, the

gloves shall be kept in an enclosed container to prevent contamination of the inside of the cockpit.

ii. Open cockpit.

Persons occupying an open cockpit shall use the personal protective equipment specified in the product labeling for use during application, except that chemical-resistant footwear need not be worn. A helmet may be substituted for protective eyewear.

iii. Enclosed cockpit.

Persons occupying an enclosed cockpit may substitute a long-sleeved shirt, long pants, shoes, and socks for labeling-specified personal protective equipment.

12.15.3 Use of Personal Protective Equipment

The handler employer shall assure that:

- A. Personal protective equipment is used correctly for its intended purpose and is used according to the manufacturer's instructions.
- B. Before each day of use, all personal protective equipment is inspected for leaks, holes, tears, or worn places, and any damaged equipment is repaired or discarded.
- C. All protective equipment is cleaned according to the manufacturer's instructions or pesticide product labeling instructions before each day of reuse. In the absence of any such instructions, it shall be washed thoroughly in detergent and hot water. If any personal protective equipment cannot be cleaned properly, the handler employer shall dispose of the personal protective equipment in accordance with any applicable Federal and **CNMI** regulations. Coveralls or other absorbent materials that have been drenched or heavily contaminated with an undiluted pesticide that has the signal word DANGER or WARNING on the label shall be not reused.
- D. Contaminated personal protective equipment is kept separately and washed separately from any other clothing or laundry.
- E. All clean personal protective equipment shall be either dried thoroughly before being stored or shall be put in a well ventilated place to dry.
- F. All personal protective equipment is stored separately from personal clothing and apart from pesticide-contaminated areas.
- G. When dust/mist filtering respirators are used, the filters shall be replaced:
 - i. When breathing resistance becomes excessive.
 - ii. When the filter element has physical damage or tears.
 - iii. According to manufacturer's recommendations or pesticide product labeling, whichever is more frequent.
 - iv. In the absence of any other instructions or indications of service life, at the end of each day's work period.

- H. When gas or vapor removing respirators are used, the gas or vapor removing canisters or cartridges shall be replaced:
 - i. **At the first indication of odor, taste, or irritation;**
 - ii. **According to the manufacturer's recommendations or pesticide product labeling, whichever is more frequent;**
 - iii. **In the absence of any other instructions or indications of service life, at the end of each days work period.**

- I. Any person who cleans or launders personal protective equipment is informed:
 - i. That such equipment may be contaminated with pesticides.
 - ii. Of the potentially harmful effects of exposure to pesticides.
 - iii. Of the correct way(s) to clean personal protective equipment and to protect themselves when handling such equipment.

- J. Handlers have a clean place(s) away from pesticides storage and pesticide used areas where they may:
 - i. Store personal clothing not in use.
 - ii. Put on personal protective equipment at the start of any exposure period.
 - iii. Remove personal protective equipment at the end of any exposure period.

- K. Handlers are not allowed or directed to wear home or to take home personal protective equipment contaminated with pesticides.

- L. When the use of personal protective equipment is specified by the labeling of any pesticide for the handling activity, no handler is allowed or directed to perform the handling activity unless appropriate measures are taken, if necessary, to prevent heat related illness.

12.16 Crop advisors entering treated areas while a restricted-entry interval is in effect may wear the personal protective equipment specified on the pesticide labeling for early-entry activities instead of the personal protective equipment specified on the pesticide labeling for handling activities, provided:

- 12.16.1 Application has been completed for at least 4 hours.
- 12.16.2 Any inhalation exposure level listed in the labeling has been reached or any ventilation criteria in the labeling have been met.

12.17 Hazard Information.

- 12.17.1 Requirement.

The employer shall make available hazard information concerning a pesticide **in accordance with this section**, to any handler or worker who enters a pesticide treated area on an establishment where, within the last 30 days a pesticide has been applied or a restricted-entry interval has been in effect, or to any handler or

worker who may be exposed to the pesticide during its normal conditions of use or in a foreseeable emergency.

12.17.2 Format of information.

Hazard information shall be in one of the following forms:

- A. A Material Safety Data Sheet for the product, or for each active listed on the label of the product.
- B. A fact sheet has been prepared or approved by DEQ or a Federal agency for the pesticide.
 - i. Contents of fact sheets shall comply with 40 CFR 170.133(c).

12.17.3 Obtaining information.

The fact sheet or Material Safety Data Sheet for the formulated product or for each label-listed active and inert ingredient in the formulated product must be available at the time the product is purchased.

12.17.4 Maintaining Information.

The employer shall maintain the information specified in 12.17.1 at an appropriate central location, accessible to workers and handlers during working hours and readily obtainable in an emergency.

12.17.5 Providing Information.

The employer shall provide a written copy of the information specified in 12.17.2 within a reasonable amount of time, on the request of the worker, handler, **worker or handler representative**, DEQ, or medical personnel treating the worker.

PART 13 ENFORCEMENT

13.1 Rights of Entry. For purposes of enforcing the provisions of these regulations, the Chief or Chief's designee is authorized:

- 13.1.1 to enter, at reasonable times, any establishment or other place where pesticides are stored, **sold or distributed, mixed, loaded,** or used.
- 13.1.2 inspect any pesticide, pesticide container labels and labeling, or application equipment.
- 13.1.3 collect **environmental** samples **including, but not limited to** any pesticide, suspected pesticide, **and documentary samples including, but not limited to** pesticide labeling, **records, and photographs.**
- 13.1.4 observe operations involving the use or disposal of any pesticide, or the disposal of pesticide containers.

- 13.1.5 investigate suspected **importation, sale, distribution and use** of any pesticide.
- 13.1.6 to enter any premises at any time if there is substantial reason to believe that any pesticide used, stored, or otherwise present on such premises is, through accident carelessness, or other circumstance, producing adverse effects on human health or the environment, for the purpose of taking such action as may be necessary to prevent or mitigate further adverse effects.
- 13.2 Seizure. A pesticide may be seized for condemnation by the Chief if:
- 13.2.1 it is **banned**, adulterated or misbranded.
- 13.2.2 in the case of a restricted use pesticide, it is found in the possession of a person other than a licensed dealer or an employee of such dealer, or a certified applicator or a person acting under the supervision of a certified applicator.

No notice or hearing shall be required prior to the seizure. Proceedings for condemnation shall be held in either the CNMI Court system or in U.S. Federal District Court, depending on jurisdiction and the CNMI Government's discretion. If the pesticide is condemned it shall, after entry of the decree, be disposed of by the Chief, and court costs and fees, storage, and other proper expenses shall be awarded against the owner of the pesticide. If the pesticide is disposed of by sale, the proceeds shall be paid into the treasury of the CNMI. However, upon payment of the costs of the condemnation proceedings and the execution and delivery of a good and sufficient bond conditioned that the pesticide shall not be sold or otherwise disposed of contrary to the provisions of these regulations, the court may direct that such pesticide be delivered to the owner.

- 13.3 Stop Sale, Etc. Order. Whenever the Chief has reason to believe on the basis of inspection or tests that such pesticide is in violation of any of the provisions of these regulations, or that such pesticide has been or is intended to be distributed or sold in violation of any such provisions, or when EPA registration of the pesticide to meet a special local need is disapproved by the EPA or revoked by the DEQ, the Chief may issue a written or printed 'stop sale, use, or removal' order to any person who owns, controls, or has custody of such pesticide, and after receipt of such order no person shall sell, use, or remove the pesticide described in the order except in accordance with the provisions of the order.

PART 14 RESTRICTED FOR APPLICATION

- 14.1 Pesticide Use Classification **is as noted on individual product labels.**
- 14.2 Additional Restricted Uses. Any pesticide or pesticide formulation classified for restricted use under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended.
- 14.3 Experimental Permits for use of Pesticides may be used only if the pesticide has received a permit from EPA as required under FIFRA §5 and 40 CFR Part 172 Subpart A (as may be amended.)

15 PESTICIDE USAGE PLANS AND PERMIT REQUIREMENTS

15.1 USAGE PLANS

All persons using restricted use pesticides in any amount or general use pesticides in quantities of greater than one hundred (100) pounds per year must submit **in writing a** pesticide usage plan. The pesticide usage plan must include the following information:

- 15.1.1 Integrated Pest Management Plan for the area to reduce pesticide usage;
- 15.1.2 Pesticide Storage Plan;
- 15.1.3 Fertilizer usage plan;
- 15.1.4 MSDS for all pesticides to be used;
- 15.1.5 Long term environmental impacts of pesticides;
- 15.1.6 Impacts **of** pesticides to be used on endangered species in the area; and
- 15.1.7 Pesticide and fertilizer minimization plan.
- 15.1.8 Map showing location of all wells and water bodies within one thousand (1000) feet of the area **where** pesticides are to be applied.
- 15.1.9 An Emergency Plan for entry and exit in case of fire **for pesticide storage facilities** .
- 15.1.10 First-Aid Plan in the event of accident or injury.
- 15.1.11 Additional information as the Chief deems necessary may also be requested prior to approval **of the plan**.
- 15.1.12 Non-refundable filing fee of \$20.

DEQ may prescribe forms **On** which information must be submitted. Prior to the usage of pesticides, the plan must be approved by DEQ. The plan must be revised and resubmitted on a bi-yearly basis, for DEQ's approval. Applicator**S** will be required to follow the plan. Any derivations **other than decreasing the usage of the pesticide** must be approved by DEQ in advance. Failure to follow the plan shall be considered a violation of these regulations punishable by a fine of \$1,000 per occurrence.

15.2 STRUCTURAL TREATMENT PERMITS

For all structures which will be undergoing pesticides treatment on the foundation or ground area surrounding the foundation, a permit must be obtained prior to application of the pesticides. The following information is required to be submitted for review prior to issuance of any permit.

- 15.2.1 Integrated Pest Management Plan for the area to reduce pesticide usage;
- 15.2.2 MSDS for all pesticides to be used;
- 15.2.3 Map showing location of all wells and water bodies within one thousand (1000) feet of the area **where** pesticides are to be applied.
- 15.2.4 **An Emergency Plan.**
- 15.2.5 **First-Aid Plan in the event of accident or injury.**
- 15.2.6 **Additional information as the Chief deems necessary may also be requested prior to approval of the plan.**
- 15.2.7 Non-refundable filing fee of \$20.

The Applicator is required to schedule inspections by DEQ. The inspections are to be conducted prior to the application and upon immediate completion of the pesticide application (prior to any additional construction or earthmoving in the area). Inspections must be scheduled during DEQ's normal working hours.

16 PENALTIES, FINES, SUSPENSION, REVOCATION, AND OTHER ORDERS

The Chief may institute civil actions through the Courts or by Administrative Orders issued by the Chief.

16.1 Penalty Authority

16.1.1 2 CMC § 3131 of the *Commonwealth Environmental Protection Act* empowers the Chief, pursuant to regulations issued by the Director, to issue any necessary order to enforce the provisions of the *Commonwealth Environmental Protection Act* any regulations, and any permit. This order may require that the person violating immediately cease and desist from such violation or within a stated period of time take such mitigating measures as necessary to reverse or reduce any significant adverse effect of such violation. In the event that the person fails to comply with the order the person is liable for a civil penalty of not more than \$1,000 for each day of continuance of the failure. In addition the person is liable for an additional penalty for any amount expended by any agency of the Commonwealth in taking any necessary action to reverse or reduce the adverse effect of the violation when a person is unable or unwilling to do so.

16.1.2 2 CMC § 3331 *Groundwater Management and Protection Act* empowers the Chief to issue any order to enforce provisions of the *Groundwater Management and Protection Act*. The Chief may order the person to do any of the following: 1) cease and desist from the violation; 2) take mitigating measures to correct the violation; or 3) pay a civil fine of not more that \$1,000 for each violation.

16.1.3 2 CMC § 3519 of the *Solid Waste Management Act* empowers the Chief to issue any order to enforce provisions of the *Solid Waste Management Act*. The Chief may order the person to do any of the following: 1) cease and desist from the violation; 2) take mitigating measures to correct the violation; or 3) pay a civil fine of not more that \$1,000 for each violation. Any person who violates any hazardous waste management provision of the *Solid Waste Management Act* or regulations issued under the authority of the *Solid Waste Management Act* or refuses or neglects to comply with an order issued by the Chief shall pay DEQ a civil penalty of not less than \$10,000 per day for each violation. Pesticides may be hazardous wastes depending on the characteristics and whether the expiration date of the pesticides has expired.

16.2 The Chief may suspend, revoke, or modify any permit, license, or certification issued by the Division for violation of these Acts, any regulations adopted pursuant to the Acts, any permit or license issued pursuant to the Acts and such regulations.

16.3 A person shall be liable for an additional penalty for any amount expended by any agency of the Commonwealth in taking any action necessary to mitigate or

reduce any significant adverse effect caused by the person's failure to comply with the Acts, regulations, permit, license, or any order issued thereunder.

- 16.4 Any person who knowingly and willfully commits any act in violation of the Acts, regulations, permit, or license, and who is found guilty by a court of competent jurisdiction may be punished by a fine of not more than \$50,000.00 or by imprisonment for not more than one (1) year, or both. Any other penalties or remedies provided by these regulations and ordered by the Chief shall also remain in effect.
- 16.5 The Chief may issue and order any person to pay a civil fine of not more than \$1,000.00 for each violation of these Acts, regulations adopted pursuant to the Acts, or any permit or license issued pursuant to the Acts and such regulations, except if the violation pertains to hazardous waste management related circumstances. If the violations pertains to hazardous waste management related violations, the Chief may issue an order requiring responsible persons to pay a civil fine of not more than \$10,000.00 for each day of violation. Each day of continued violation is a separate offense
- 16.6 Procedures for Administrative Orders
- 16.6.1 Any person who is subject to civil penalties, revocation, or suspension pursuant to Section 15 may be served with an Administrative Order and Notice of Violation and may upon written request seek an appeal hearing before the Chief or designee. **A written** request for appeal may be served upon the Division within seven (7) calendar days from receipt of the Administrative Order. Failure to request an appeal within seven (7) calendar days shall result in the person's waiving the right to any appeal or hearing.
- 16.6.2 The written request for a hearing shall serve as the answer to the complaint. The request for hearing or "answer" shall clearly and directly admit, deny, or explain each of the factual allegations contained in the complaint with regard to which the alleged violator (respondent) has any knowledge. Where respondent has no knowledge of a particular factual allegation and so states, the allegation is deemed denied. The answer shall also state (1) the circumstances or arguments which are alleged to constitute the grounds of defense, (2) the facts which respondent intends to place at issue, and (3) whether a hearing is requested. Failure to admit, deny, or explain any material factual allegation contained in the complaint constitutes an admission of the allegations. An oral answer may also be given at the time of hearing should a hearing be requested.
- 16.6.3 The respondent may also request an informal Settlement Conference. An Informal Settlement Conference shall not affect the respondent's obligation to file a timely request for hearing. If a settlement is reached the parties shall forward a proposed consent order for the approval of the Chief.

- 16.6.4 If a hearing is conducted, the Chief or Chief's designee will preside over the hearing. The Chief shall control the taking of testimony and evidence and shall cause to be made an audio, audio-video, or stenographic record of the hearing. The type of record made shall be **at** the discretion of the Chief. Evidence presented at such a hearing need not conform with the prescribed rules of evidence, but may be limited by the Chief in any manner the Chief reasonably determines to be just and efficient and **to** promote the ends of justice. The Chief shall issue a written decision within (15) working days of the close of the enforcement hearing. The decision shall include written findings of fact and conclusions of law. The standard of proof for such a hearing and decisions shall be the preponderance of the evidence.
- 16.6.5 Upon issuance of the written decision, the respondent may seek a discretionary review of the decision by the Director. The request for the discretionary review must be filed within ten (10) working days of the date of issuance of the decision. The request must concisely state the specific objections to the decision. There is no right to a hearing before the Director. A copy of the request **for** review must be filed with the Chief on the same day it is filed with the Director. The Director may elect to review the case and issue a written decision or affirm the Chief's decision. The **Director** will issue a written decision within thirty (30) calendar days.
- 16.6.6 The Director's decision shall be final. An appeal from the final enforcement decision **may be made** to the Commonwealth Superior Court within thirty (30) calendar days following **issuance** of the final agency decision.
- 16.6.7 For filing deadline purposes counting of the days shall start on the day after issuance or receipt (whichever is specified). If any filing date falls on a Saturday, Sunday, or Commonwealth Holiday, the filing date shall be extended to the next working day.
- 16.7 The Chief shall have the responsibility to prepare, issue, modify, revoke and enforce orders for compliance with any of the provisions of these regulations or of any rules and regulations issued pursuant thereto and requiring the taking of such remedial measures as may be necessary or appropriate to implement or effectuate the provisions and purposes of these regulations.
- 16.8 The Chief may initiate civil actions through the Commonwealth Courts **which** shall be transmitted through and with the approval of the Director and the Attorney General as necessary to enforce these regulations. The Attorney General will institute legal actions to enjoin a violation, continuing violation, or threatened violation of these regulations.
- 16.9 If the Chief has probable cause to believe there has been a violation of these regulations, upon receipt of an order or warrant from the Commonwealth Trial Court or the District Court, DEQ may enter upon and search any property, take necessary samples or readings therefrom, seize evidence found therein and examine or impound any book or record found therein or specified in such order or warrant.

16.10 The Chief or Chief's designee may enter property for purposes specified in 16.9 **without an order or warrant** if a violation has occurred or is imminent; the violation poses a serious, substantial and immediate threat to public health or welfare; or the process of obtaining a warrant or order would prolong or increase the threat, impair discovery of evidence of a violation or impair mitigation of the threat.

17 SEVERABILITY

Should any part, section, paragraph, sentence, clause, phrase, or application of these rules and regulations be declared unconstitutional or invalid for any reason by competent authority, the remainder or any other application of these rules and regulations shall not be affected in any way thereby.



Commonwealth of the Northern Mariana Islands

Department of Public Health & Environmental Services
Division of Environmental Quality
P.O. Box 1304
Saipan, Mariana Islands 96950



Tels: (670) 234-6114/6984
Fax: (670) 234-1003

May 04, 1994

MEMORANDUM

TO: DIRECTOR, DPH&ES

FROM: CHIEF, DEQ

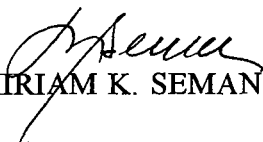
SUBJECT: SIGNATURE ON PUBLIC NOTICE FOR PROPOSED REGULATIONS
CHANGES

Attached is the proposed revisions to CNMI Drinking Water Regulations and the Pesticide Regulations. Also attached are public notices in Chamorro, Carolinian, and English, for your signature. The signed notices will be delivered to the Governor's Office then the Registrar. Copies of the regulations are attached for you and will be provided to the Governor's Office and Registrar.

The proposed changes to the Drinking Water Regulations are necessary to adhere to the Federal Drinking Water Requirements and retain primacy funding.

The proposed revisions to the Pesticide Regulations are minor.

Si Yuus Maase.


MIRIAM K. SEMAN



Commonwealth of the Northern Mariana Islands

Department of Public Health & Environmental Services
Division of Environmental Quality
P.O. Box 1304
Saipan, Mariana Islands 96950



Tels: (670) 234-6114/6984
Fax: (670) 234-1003

May 04, 1994

MEMORANDUM

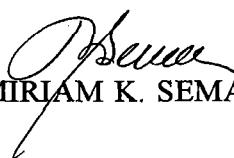
TO: REGISTRAR OF CORPORATIONS
FROM: CHIEF, DEQ
SUBJECT: PUBLISHING OF THE PROPOSED REGULATIONS

Attached please find the proposed revisions for the Drinking Water Regulations and the pesticide Regulations. Also attached are public notices in Chamorro, Carolinian, and English, signed by the Director of DPH&ES. The public notices have also been signed as received by the Governor's Office. Copies of the regulations have been provided to the Governor's Office and the Director.

Please publish these proposed regulations in the next edition of the Commonwealth Register.

If there is any further information you require, please do not hesitate to contact me at 234-6114/6984. Thank you very much for your assistance.

Si Yuus Maase


MIRIAM K. SEMAN



Commonwealth of the Northern Mariana Islands

Department of Public Health & Environmental Services
Division of Environmental Quality
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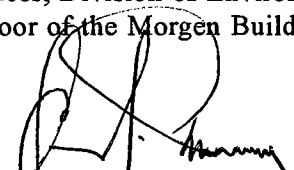
PUBLIC NOTICE
PROPOSED AMENDMENT TO DRINKING WATER REGULATIONS PROMULGATED
UNDER THE AUTHORITY OF
2 CMC §§ 3101 to 3134 and 1 CMC §§ 2601 to 2605
by the
DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENTAL SERVICES

The Director of the Department of Public Health and Environmental Services, of the Commonwealth of the Northern Mariana Islands (CNMI), in accordance with 2 CMC §§ 3101 to 3134 and 1 CMC §§ 2601 to 2605, proposes amendments to the existing CNMI Drinking Water Regulations. These changes conform with the requirements imposed on the Commonwealth in the Federal Safe Drinking Water Act. The proposed changes pertain to the requirements related to lead and copper at certain exposure levels. The proposed contamination resulting from the corrosion of plumbing materials.

Comments, suggestions, and concerns about the proposed Drinking Water Regulations are encouraged and welcomed. All comments concerning the proposed Drinking Water Regulations must be submitted in writing to the Department of Public Health and Environmental Services, Division of Environmental Quality, located on the third floor of the Morgen Building in San Jose, Saipan (P.O. Box 1304, Saipan, MP 96950), within thirty (30) days of publication in the Commonwealth Register.

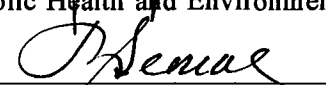
Copies of the proposed Drinking Water Regulations are available and may be obtained from the Department of Public Health and Environmental Services, Division of Environmental Quality, P.O. Box 1304, Saipan, MP 96950, located on the third floor of the Morgen Building in San Jose, Saipan, MP 96950.

Date: 5/10/94



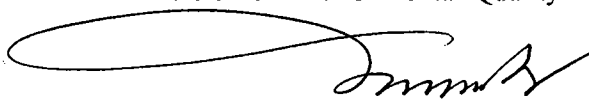
DR. ISAMU J. ABRAHAM, Director
Public Health and Environmental Services

Date: 5-5-94



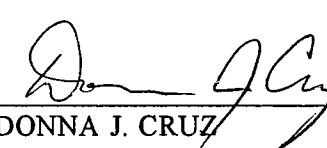
MIRIAM K. SEMAN, Chief
Division of Environmental Quality

Filed by:
Date: 5/16/94



SOLEDAD B. SASAMOTO
Registrar of Corporations

Received at Governor's Office:
Date: 5/16/94



DONNA J. CRUZ



Commonwealth of the Northern Mariana Islands

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Division of Environmental Quality
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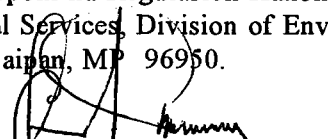
NUTISIAN PUPBLIKU
I MAPROPONI NA AMENDASION GI REGULASION HANOM MA
GIMEN
SIGUN GI ATURIDAT I
2 CMC §§ 3103 ASTA 3134 YAN 1 CMC §§ 2601 ASTA 2605
GINEN
DIPATAMENTON PUBLIC HEALTH YAN ENVIRONMENTAL SERVICES

I Direktood Dipatamenton Public Health yan Environmental Services, gi halom i Commonwealth of the Northern Mariana Islands (CNMI), sigun gi aturidat ginen 2 CMC §§ 3103 asta 3134 yan 1 CMC 2601 asta 2605, ha proponi para u amenda i presente na Regulasion Hanom Ma gimen. Este siha na tinulaika para u akonfotma yan ayu i ma imposta i Commonwealth ginen Federal Safe Drinking Water Act. I mamaproponi na tinulaika put i nisisariu siha na nisisidat put lead yan copper sigun gi bali-ñiha. I mamaproponi na Regulasion ha rekomenda na todú sisteman hanom pupbliku u chomma i tinake (corrosion) yan ribaha i binenun lead komu resutta ginen materiat muna'maolek paip hanom.


Hayi interesao siña ha muna'halom komentu, rekomendasion yan intere put i mamaproponi na Regulasion Hanom Magimen. Todú komentu debi di u fanmatuge' papa ya u masubmiti halom gi Dipatamenton Public Health Environmental Services, Division of Environmental Quality, mina tres bibenda hulo' gi Morgen Building giya San Jose, Saipan (P.O. Box 1304, Saipan, MP 96950), gi halom trenta (30) dias desde mapubliku huyong este na nutisia gi rehistran Commonwealth.

Hayi interesao na petsona siña mañule kopian i mapropoñi na Regulasion Hanom Magimen gi Ufisinan Dipatamenton Public Health yan Environmental Services, Division of Environmental Quality, mina' tres bibenda gi Morgen Building giya San Jose, Saipan, MP 96950.

Fecha: 5/10/94


DR. ISAMU J. ABRAHAM, Director
Public Health and Environmental Services


Fecha: 5-5-94


MIRIAM K. SEMAN, Chief
Division of Environmental Quality

Ma "file" as:
Fecha: 5/16/94


SOLEDAD B. SASAMOTO
Registrar of Corporations

Marisibi gi Ofisinan Gobietno
Fecha: 5/16/94


DONNA J. CRUZ



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Department of Public Health & Environmental Services
Division of Environmental Quality
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ARONGORONGOL TOW LAP
FFÉÉRÚL LLIWEL MELLÓL ÓWTOL ALLÉGHÚL SCHALÚL ÚÚL
IYE E FFÉÉR SÁNGI BWÁNGIL
2 CMC §§ 3101 ngáli 3134 me 1 CMC §§ 2601 ngáli 2605
Sáangi
DIPATAMENTOOL PUBLIC ME ENVIRONMENTAL SERVICES

Direktoodul Dipatamentool Public Health me Environmental Services mellól Commonwealth of the Northern Mariana Islands (CNMI), sáangi ailéewal me bwángil 2 CMC §§ 3101 ngáli 3134 me 1 CMC §§ 2601 ngáli 2605, nge ebwe ayoora lliiwel mellól ówtol Alléghúl Schalúl Úúl iye eyoor ighila CNMI. Lliiwel kkaal nge ebwe ghol fengál me me akkúle ye e atiwiligh ngáli Commonwealth sáangi Federal Safe Drinking Water Act. Lliiwel kkaal nge ebwe ayoora mille ebwe ghitighiitiw ilpal milikka lead me copper. Lliiwel kkaal nge ayoora mille alongal schaal kka towlap e yááyá nge essóbw ghi yoor binenool tinaaki (faleparang) sáangi yáyáál peiráághil paip.

Mángemáng me tiip reel lliiwel kka llól Alléghúl Schalúl Úúl nge rekke tingór sangiir towlap bwe rebwe ischiitiw nge raa afanga ngáli Depatamentool Public Health me Environmental Services, Division of Environmental Quality, iye elo aiyeluuwal bibenda mellól Morgen Building iye elo San Jose, Saipan (P.O. Box 1304, Saipan, MP 96950) llól eliigh (30) rál sáangi igha e toowow arongorong yeel mellól Commonwealth Register.

Aramas ye e tipáli nge emmwel schagh bwe ebweló bweibwogh kkopiyaal Alléghúl Schalúl Úúl mellól Bwulasiyool Depatamentool Public Health me Environmental Services, Division of Environmental Quality, iye elo aiyeluuwal bibenda mellól Morgen Building San Jose, Saipan, MP 96950.

Rál: 5/10/94

DR. ISAMU J. ABRAHAM, Director
Public Health and Environmental Services

Rál: 5-5-94

MIRIAM K. SEMAN, Chief
Division of Environmental Quality

File'liiyal:
Rál 5/16/94

SOLEDAD B. SASAMOTO
Registrar of Corporations

Igha re risibi me Bwulasiyool Gubenko:

Rál: 5/16/94

Donna J. Cruz

Revisions to the Drinking Water Regulations

Additions to Part 3 Definitions.

- 3.63 "Action level" means in relation to the concentration of lead or copper in water specified in 11.1.1(c) which determines, in some cases, the treatment requirements contained in Part 11 that a water system is required to complete.
- 3.64 "Corrosion inhibitor" means a substance capable of reducing the corrosivity of water toward metal plumbing materials, especially lead and copper, by forming a protective film on the interior surface of those materials.
- 3.65 "Effective corrosion inhibitor residual", for the purpose lead and copper as discussed in Part 11, means a concentration sufficient to form a passivating film on the interior walls of a pipe.
- 3.66 "First draw sample" means a one-liter sample of tap water, collected in accordance with 11.7.2(b), that has been standing in plumbing pipes at least 6 hours and is collected without flushing the tap.
- 3.67 "Large water system", for the purpose of Part 11 only, means a water system that serves more than 50,000 persons.
- 3.68 "Lead service line", means a service line made of lead which connects the water main to the building inlet and any lead pigtail, gooseneck or other fitting which is connected to such lead line.
- 3.69 "Medium-size water system", for the purpose of Part 11 only, means a water system that serves greater than 3,300 and less than or equal to 50,000 persons.
- 3.70 "Optimal corrosion control treatment", for the purpose of Part 11 only, means the corrosion control treatment that minimizes the lead and copper concentrations at users' taps while insuring that the treatment does not cause the water system to violate any national primary drinking water regulations.
- 3.71 "Service line sample" means a one-liter sample of water, collected in accordance with 11.7.2(c), that has been standing for at least 6 hours in a service line.
- 3.72 "Single family structure," for the purpose of Part 11 only, means a building constructed as a single-family residence that is currently used as either a residence or a place of business.
- 3.73 "Small water system", for the purpose of Part 11 only, means a water

system that serves 3,300 persons or fewer.

Part 5.5.1(b) Maximum Contaminant Levels for Inorganic Chemicals, level for lead is deleted * *

Part 6.5 is amended by adding paragraphs (l) and (m) to read as follows:

- (l) **Lead.** The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that lead is a health concern at certain exposure levels. Materials that contain lead have frequently been used in the construction of water supply distribution systems, and plumbing systems in private homes and other buildings. The most commonly found materials include service lines, pipes, brass and bronze fixtures, and solders and fluxes. Lead in these materials can contaminate drinking water as a result of the corrosion that takes place when water comes into contact with those materials. Lead can cause a variety of adverse health effects in humans. At relatively low levels of exposure, these effects may include interference with red blood cell chemistry, delays in normal physical and mental development in babies and young children, slight deficits in the attention span, hearing, and learning abilities of children, and slight increases in the blood pressure of some adults. EPA's national primary drinking water regulation requires all public water systems to optimize corrosion control to minimize lead contamination resulting from the corrosion of plumbing materials. Public water systems serving 50,000 people or fewer that have lead concentrations below 15 parts per billion (ppb) in more than 90% of tap water samples (the EPA "action level") have optimized their corrosion control treatment. Any water system that exceeds the action level must also monitor their source water to determine whether treatment to remove lead in source water is needed. Any water system that continues to exceed the action level after installation of corrosion control and/or source water treatment must eventually replace all lead service lines contributing in excess of 15 ppb of lead to drinking water. Any water system that exceeds the action level must also undertake a public education program to inform consumers of ways they can reduce their exposure to potentially high levels of lead in drinking water.
- (m) **Copper.** The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that copper is a health concern at certain exposure levels. Copper, a reddish-brown metal, is often used to plumb residential and commercial structures that are connected to water distribution systems. Copper contaminating drinking water as a corrosion by-product occurs as the result of the corrosion of copper pipes that remain in contact with water for a prolonged period of time. Copper is an essential nutrient, but at high doses it has been shown to cause stomach and intestinal distress, liver and kidney damage, and anemia. Persons with Wilson's disease may be at a higher risk of health effects due to copper than the general public. EPA's national primary drinking water regulation requires all public water systems to install optimal corrosion control to minimize copper contamination resulting from the corrosion of plumbing materials. Public

water systems serving 50,000 people or fewer that have copper concentrations below 1.3 parts per million (ppm) in more than 90% of tap water samples (the EPA "action level") are not required to install or improve their treatment. Any water system that exceeds the action level must also monitor their source water to determine whether treatment to remove copper in source water is needed.

The existing Part 11 is changed to Part 14
The existing Part 12 is changed to Part 15
The existing Part 13 is changed to Part 16

Part 12 and 13 are reserved for future use

A new Part 11 is added to read as follows:

11. Control of Lead and Copper

- 11.1 General requirements.
- 11.2 Applicability of corrosion control treatment steps to small, medium-size and large water systems.
- 11.3 Description of corrosion control treatment requirements.
- 11.4 Source water treatment requirements.
- 11.5 Lead service line replacement requirements.
- 11.6 Public education and supplemental monitoring requirements.
- 11.7 Monitoring requirements for lead and copper in tap water.
- 11.8 Monitoring requirements for water quality parameters.
- 11.9 Monitoring requirements for lead and copper in source water.
- 11.10 Analytical methods.
- 11.11 Reporting requirements.
- 11.12 Recordkeeping requirements.

11.1. General requirements.

11.1.1 Applicability

- (a) Unless otherwise indicated, each of the provisions of Part 11 applies to community water systems and non-transient, non-community water systems (hereinafter referred to as "water systems" or "systems").
- (b) Scope These regulations establish a treatment technique that includes requirements for corrosion control treatment, source water treatment, lead service line replacement, and public education. These requirements are triggered, in some cases, by lead and copper action levels measured in samples collected at consumers' taps.
- (c) Lead and copper action levels:
 - (1) The lead action level is exceeded if the concentration of lead in

more than 10 percent of tap water samples collected during any monitoring period conducted in accordance with 11.7 is greater than 0.015 mg/L (i.e., if the "90th percentile" lead level is greater than 0.015 mg/L).

- (2) The copper action level is exceeded if the concentration of copper in more than 10 percent of tap water samples collected during any monitoring period conducted in accordance with 11.7 is greater than 1.3 mg/L (i.e., if the "90th percentile" copper level is greater than 1.3 mg/L).
- (3) The 90th percentile lead and copper levels shall be computed as follows:
 - (i) The results of all lead or copper samples taken during a monitoring period shall be placed in ascending order from the sample with the lowest concentration to the sample with the highest concentration. Each sampling result shall be assigned a number, ascending by single integers beginning with the number 1 for the sample with the lowest contaminant level. The number assigned to the sample with the highest contaminant level shall be equal to the total number of samples taken.
 - (ii) The number of samples taken during the monitoring period shall be multiplied by 0.9.
 - (iii) The contaminant concentration in the numbered sample yielded by the calculation 11.1.1(c)(3)(ii) is the 90th percentile contaminant level.
 - (iv) For water systems serving fewer than 100 people that collect 5 samples per monitoring period, the 90th percentile is computed by taking the average of the highest and second highest concentrations.

(d) Corrosion control treatment requirements

- (1) All water systems shall install and operate optimal corrosion control treatment as defined in 3.70.
- (2) Any water system that complies with the applicable corrosion control treatment requirements specified by the Division under 11.2 and 11.3 shall be deemed in compliance with the treatment requirement contained 11.1.1(d)(1).

(e) Source water treatment requirements

Any system exceeding the lead or copper action level shall implement all applicable source water treatment requirements specified by the Division under 11.4.

(f) Lead service line replacement requirements

Any system exceeding the lead action level after implementation of applicable corrosion control and source water treatment requirements shall complete the lead service line replacement requirements contained in 11.5.

(g) Public education requirements

Any system exceeding the lead action level shall implement the public education requirements contained in 11.6.

(h) Monitoring and analytical requirements

Tap water monitoring for lead and copper, monitoring for water quality parameters, source water monitoring for lead and copper, and analyses of the monitoring results under this subpart shall be completed in compliance with 11.7, 11.8, 11.9, and 11.10.

(i) Reporting requirements

Systems shall report to the Division any information required by the treatment provisions of 11.1 and 11.12.

(j) Recordkeeping requirements

Systems shall maintain records in accordance with 11.1.1(k), 11.13.

(k) Violation of national primary drinking water regulations

Failure to comply with the applicable requirements of 11.1-, including requirements established by the Division pursuant to these provisions, shall constitute a violation of the national primary drinking water regulations for lead and/or copper.

11.2. Applicability of corrosion control treatment steps to small, medium-size and large water systems.

11.2.1 Systems shall complete the applicable corrosion control treatment requirements described in 11.3 by the deadlines 11.2.

(a) A large system (serving > 50,000 persons) shall complete the corrosion control treatment steps specified in 11.2.4, unless it is deemed to have optimized corrosion control under 11.2.2(b) and 11.2.2(c).

- (b) A small system (serving ≤ 3300 persons) and a medium-size system (serving $> 3,300$ and $\leq 50,000$ persons) shall complete the corrosion control treatment steps specified in 11.2.5, unless it is deemed to have optimized corrosion control under 11.2.2(a), 11.2.2(b), or 11.2.2(c).

11.2.2 A system is deemed to have optimized corrosion control and is not required to complete the applicable corrosion control treatment steps identified in this section if the system satisfies one of the following criteria:

- (a) A small or medium-size water system is deemed to have optimized corrosion control if the system meets the lead and copper action levels during each of two consecutive six-month monitoring periods conducted in accordance with 11.7.

- (b) Any water system may be deemed by the Division to have optimized corrosion control treatment if the system demonstrates to the satisfaction of the Division that it has conducted activities equivalent to the corrosion control steps applicable to such system under this section. If the Division makes this determination, it shall provide the system with written notice explaining the basis for its decision and shall specify the water quality control parameters representing optimal corrosion control in accordance with 11.3.6. A system shall provide the Division with the following information in order to support a determination under this paragraph:

- (1) the results of all test samples collected for each of the water quality parameters in 11.3.3(c).
- (2) a report explaining the test methods used by the water system to evaluate the corrosion control treatments listed in 11.3.3(a), the results of all tests conducted, and the basis for the system's selection of optimal corrosion control treatment;
- (3) a report explaining how corrosion control has been installed and how it is being maintained to insure minimal lead and copper concentrations at consumers' taps; and
- (4) the results of tap water samples collected in accordance with 11.7 at least once every six months for one year after corrosion control has been installed.

- (c) Any water system is deemed to have optimized corrosion control if it submits results of tap water monitoring conducted in accordance with 11.7 and source water monitoring conducted in accordance with 11.9 that demonstrates for two consecutive six-month monitoring periods that the difference between the 90th percentile tap water lead level

computed under 11.1.1(c)(3), and the highest source water lead concentration, is less than the Practical Quantitation Level for lead specified in 11.11...(2).

- 11.2.3 Any small or medium-size water system that is required to complete the corrosion control steps due to its exceedance of the lead or copper action level may cease completing the treatment steps whenever the system meets both action levels during each of two consecutive monitoring periods conducted pursuant to 11.7 and submits the results to the Division. If any such water system thereafter exceeds the lead or copper action level during any monitoring period, the system (or the Division, as the case may be) shall recommence completion of the applicable treatment steps, beginning with the first treatment step which was not previously completed in its entirety. The Division may require a system to repeat treatment steps previously completed by the system where the Division determines that this is necessary to implement properly the treatment requirements of this section. The Division shall notify the system in writing of such a determination and explain the basis for its decision.

11.2.4 Treatment steps and deadlines for large systems

Except as provided in 11.2.2(b) and 11.2.2(c), large systems shall complete the following corrosion control treatment steps (described in the referenced portions of 11.3, 11.7, and 11.8 by the indicated dates.

- (a) Step 1: The system shall conduct initial monitoring (11.7.4(a) and 11.8.2) during two consecutive six-month monitoring periods by July 1995.
- (b) Step 2: The system shall complete corrosion control studies (11.3.3) by January 1, 1996.
- (c) Step 3: The Division shall designate optimal corrosion control treatment (11.3.4) by July 1, 1996.
- (d) Step 4: The system shall install optimal corrosion control treatment (11.3.5) by January 1, 1997.
- (e) Step 5: The system shall complete follow-up sampling (11.7.4(b) and 11.8.3) by January 1, 1998.
- (f) Step 6: The Division shall review installation of treatment and designate optimal water quality control parameters (11.3.6) by July 1, 1998.
- (g) Step 7: The system shall operate in compliance with the Division-

specified optimal water quality control parameters (11.3.7) and continue to conduct tap sampling (11.7.4(c) and 11.8.4).

11.2.5 Treatment steps and deadlines for small and medium-size systems

Except as provided in 11.2.2, small and medium-size systems shall complete the following corrosion control treatment steps (described in the referenced portions of 11.3, 11.7 and 11.8) by the indicated time periods.

- (a) Step 1: The system shall conduct initial tap sampling (11.7.4(a) and 11.8.2) until the system either exceeds the lead or copper action level or becomes eligible for reduced monitoring under 11.7.4(d). A system exceeding the lead or copper action level shall recommend optimal corrosion control treatment (11.3.1) within six months after it exceeds one of the action levels.
- (b) Step 2: Within 12 months after a system exceeds the lead or copper action level, the Division may require the system to perform corrosion control studies (11.3.2). If the Division does not require the system to perform such studies, the Division shall specify optimal corrosion control treatment (11.3.4) within the following timeframes:
 - (1) for medium-size systems, within 18 months after such system exceeds the lead or copper action level,
 - (2) for small systems, within 24 months after such system exceeds the lead or copper action level.
- (c) Step 3: If the Division requires a system to perform corrosion control studies under step 2, the system shall complete the studies (11.3.3) within 18 months after the Division requires that such studies be conducted.
- (d) Step 4: If the system has performed corrosion control studies under step 2, the Division shall designate optimal corrosion control treatment (11.3.4) within 6 months after completion of step 3.
- (e) Step 5: The system shall install optimal corrosion control treatment (11.3.5) within 24 months after the Division designates such treatment.
- (f) Step 6: The system shall complete follow-up sampling (11.7.4(b) and 11.8.3) within 36 months after the Division designates optimal corrosion control treatment.
- (g) Step 7: The Division shall review the system's installation of treatment

and designate optimal water quality control parameters (11.3.6) within 6 months after completion of step 6.

- (h) Step 8: The system shall operate in compliance with the Division-designated optimal water quality control parameters (11.3.7) and continue to conduct tap sampling (11.7.4(c) and 11.8.4).

11.3. Description of corrosion control treatment requirements.

Each system shall complete the corrosion control treatment requirements described below which are applicable to such system under 11.2.

11.3.1 System recommendation regarding corrosion control treatment

Based upon the results of lead and copper tap monitoring and water quality parameter monitoring, small and medium-size water systems exceeding the lead or copper action level shall recommend installation of one or more of the corrosion control treatments listed in 11.3.3(a) which the system believes constitutes optimal corrosion control for that system. The Division may require the system to conduct additional water quality parameter monitoring in accordance with 11.8.2 to assist the Division in reviewing the system's recommendation.

11.3.2 Division decision to require studies of corrosion control treatment (applicable to small and medium-size systems)

The Division may require any small or medium-size system that exceeds the lead or copper action level to perform corrosion control studies 11.3.3 to identify optimal corrosion control treatment for the system.

11.3.3 Performance of corrosion control studies

- (a) Any public water system performing corrosion control studies shall evaluate the effectiveness of each of the following treatments, and, if appropriate, combinations of the following treatments to identify the optimal corrosion control treatment for that system:
- (1) alkalinity and pH adjustment;
 - (2) calcium hardness adjustment; and
 - (3) the addition of a phosphate or silicate based corrosion inhibitor at a concentration sufficient to maintain an effective residual concentration in all test tap samples.
- (b) The water system shall evaluate each of the corrosion control treatments using either pipe rig/loop tests, metal coupon tests, partial-

system tests, or analyses based on documented analogous treatments with other systems of similar size, water chemistry and distribution system configuration.

- (c) The water system shall measure the following water quality parameters in any tests conducted under this paragraph before and after evaluating the corrosion control treatments listed above:
 - (1) lead;
 - (2) copper;
 - (3) pH;
 - (4) alkalinity;
 - (5) calcium;
 - (6) conductivity;
 - (7) orthophosphate (when an inhibitor containing a phosphate compound is used);
 - (8) silicate (when an inhibitor containing a silicate compound is used);
 - (9) water temperature.
- (d) The water system shall identify all chemical or physical constraints that limit or prohibit the use of a particular corrosion control treatment and document such constraints with at least one of the following:
 - (1) data and documentation showing that a particular corrosion control treatment has adversely affected other water treatment processes when used by another water system with comparable water quality characteristics; and/or
 - (2) data and documentation demonstrating that the water system has previously attempted to evaluate a particular corrosion control treatment and has found that the treatment is ineffective or adversely affects other water quality treatment processes.
- (e) The water system shall evaluate the effect of the chemicals used for corrosion control treatment on other water quality treatment processes.
- (f) On the basis of an analysis of the data generated during each evaluation, the water system shall recommend to the Division in writing the treatment option that the corrosion control studies indicate constitutes optimal corrosion control treatment for that system. The water system shall provide a rationale for its recommendation along with all supporting documentation specified in 11.3.3(a) through 11.3.3(e).

11.3.4 Division designation of optimal corrosion control treatment

- (a) Based upon consideration of available information including, where

applicable, studies performed under 11.3.3 and a system's recommended treatment alternative, the Division shall either approve the corrosion control treatment option recommended by the system, or designate alternative corrosion control treatment(s) from among those listed in 11.3.3(a). When designating optimal treatment the Division shall consider the effects that additional corrosion control treatment will have on water quality parameters and on other water quality treatment processes.

- (b) The Division shall notify the system of its decision on optimal corrosion control treatment in writing and explain the basis for this determination. If the Division requests additional information to aid its review, the water system shall provide the information.

11.3.5 Installation of optimal corrosion control

Each system shall properly install and operate throughout its distribution system the optimal corrosion control treatment designated by the Division under 11.3.4.

11.3.6 Division review of treatment and specification of optimal water quality control parameters

The Division shall evaluate the results of all lead and copper tap samples and water quality parameter samples submitted by the water system and determine whether the system has properly installed and operated the optimal corrosion control treatment designated by the Division in 11.3.4. Upon reviewing the results of tap water and water quality parameter monitoring by the system, both before and after the system installs optimal corrosion control treatment, the Division shall designate:

- (a) a minimum value or a range of values for pH measured at each entry point to the distribution system;
- (b) a minimum pH value, measured in all tap samples. Such value shall be equal to or greater than 7.0, unless the Division determines that meeting a pH level of 7.0 is not technologically feasible or is not necessary for the system to optimize corrosion control;
- (c) if a corrosion inhibitor is used, a minimum concentration or a range of concentrations for the inhibitor, measured at each entry point to the distribution system and in all tap samples, that the Division determines is necessary to form a passivating film on the interior walls of the pipes of the distribution system;
- (d) if alkalinity is adjusted as part of optimal corrosion control treatment, a minimum concentration or a range of concentrations for alkalinity,

measured at each entry point to the distribution system and in all tap samples;

- (e) if calcium carbonate stabilization is used as part of corrosion control, a minimum concentration or a range of concentrations for calcium, measured in all tap samples. The values for the applicable water quality control parameters listed above shall be those that the Division determines to reflect optimal corrosion control treatment for the system. The Division may designate values for additional water quality control parameters determined by the Division to reflect optimal corrosion control for the system. The Division shall notify the system in writing of these determinations and explain the basis for its decisions.

11.3.7 Continued Operation and Monitoring

All systems shall maintain water quality parameter values at or above minimum values or within ranges designated by the Division 11.3.6 in each sample collected under 11.8.4. If the water quality parameter value of any sample is below the minimum value or outside the range designated by the Division, then the system is out of compliance with this paragraph. As specified in 11.8.4, the system may take a confirmation sample for any water quality parameter value no later than 3 days after the first sample. If a confirmation sample is taken, the result must be averaged with the first sampling result and the average must be used for any compliance determinations under this paragraph. Division has discretion to delete results of obvious sampling errors from this calculation.

11.3.8 Modification of Division treatment decisions

Upon its own initiative or in response to a request by a water system or other interested party, a Division may modify its determination of the optimal corrosion control treatment 11.3.4 or optimal water quality control parameters under 11.3.6. A request for modification by a system or other interested party shall be in writing, explain why the modification is appropriate, and provide supporting documentation. The Division may modify its determination where it concludes that such change is necessary to ensure that the system continues to optimize corrosion control treatment. A revised determination shall be made in writing, set forth the new treatment requirements, explain the basis for the Division's decision, and provide an implementation schedule for completing the treatment modifications.

11.3.9 Treatment decisions by EPA in lieu of the Division

Pursuant to the procedures in 40 CFR §142.19, the EPA Regional Administrator may review treatment determinations made by the Division under paragraphs 11.3.4, 11.3.6, or ? and issue federal treatment determinations consistent with the requirements of those paragraphs where the Regional Administrator finds

that:

- (a) the Division has failed to issue a treatment determination by the applicable deadlines contained in 11.2,
- (b) the Division has abused its discretion in a substantial number of cases or in cases affecting a substantial population, or
- (c) the technical aspects of the Division's determination would be indefensible in an expected Federal enforcement action taken against a system.

11.4. Source water treatment requirements.

Systems shall complete the applicable source water monitoring and treatment requirements (described in the referenced portions of 11.4.2, and in 11.7, and 11.9) by the following deadlines.

11.4.1 Deadlines for Completing Source Water Treatment Steps

- (a) Step 1: A system exceeding the lead or copper action level shall complete lead and copper source water monitoring (11.9.2) and make a treatment recommendation to the Division (?) within 6 months after exceeding the lead or copper action level.
- (b) Step 2: The Division shall make a determination regarding source water treatment (11.4.2(b)) within 6 months after submission of monitoring results under step 1.
- (c) Step 3: If the Division requires installation of source water treatment, the system shall install the treatment (11.4.2(c)) within 24 months after completion of step 2.
- (d) Step 4: The system shall complete follow-up tap water monitoring (11.7.4(b)) and source water monitoring (11.9.3) within 36 months after completion of step 2.
- (e) Step 5: The Division shall review the system's installation and operation of source water treatment and specify maximum permissible source water levels (11.4.2(d)) within 6 months after completion of step 4.
- (f) Step 6: The system shall operate in compliance with the Division-specified maximum permissible lead and copper source water levels (11.4.2(d)) and continue source water monitoring (11.9.4).

11.4.2 Description of Source Water Treatment Requirements

(a) System treatment recommendation

Any system which exceeds the lead or copper action level shall recommend in writing to the Division the installation and operation of one of the source water treatments listed in 11.4.2(b). A system may recommend that no treatment be installed based upon a demonstration that source water treatment is not necessary to minimize lead and copper levels at users' taps.

(b) Division determination regarding source water treatment

The Division shall complete an evaluation of the results of all source water samples submitted by the water system to determine whether source water treatment is necessary to minimize lead or copper levels in water delivered to users' taps. If the Division determines that treatment is needed, the Division shall either require installation and operation of the source water treatment recommended by the system (if any) or require the installation and operation of another source water treatment from among the following: ion exchange, reverse osmosis, lime softening or coagulation/filtration. If the Division requests additional information to aid in its review, the water system shall provide the information by the date specified by the Division in its request. The Division shall notify the system in writing of its determination and set forth the basis for its decision.

(c) Installation of source water treatment

Each system shall properly install and operate the source water treatment designated by the Division under 11.4.2(b).

(d) Division review of source water treatment and specification of maximum permissible source water levels

The Division shall review the source water samples taken by the water system both before and after the system installs source water treatment, and determine whether the system has properly installed and operated the source water treatment designated by the Division. Based upon its review, the Division shall designate the maximum permissible lead and copper concentrations for finished water entering the distribution system. Such levels shall reflect the contaminant removal capability of the treatment properly operated and maintained. The Division shall notify the system in writing and explain the basis for its decision.

(e) Continued operation and maintenance

Each water system shall maintain lead and copper levels below the maximum permissible concentrations designated by the Division at each sampling point monitored in accordance with 11.9. The system is out of compliance with this paragraph if the level of lead or copper at any sampling

point is greater than the maximum permissible concentration designated by the Division.

(f) Modification of Division treatment decisions

Upon its own initiative or in response to a request by a water system or other interested party, a Division may modify its determination of the source water treatment under 11.4.2(b), or maximum permissible lead and copper concentrations for finished water entering the distribution system under 11.4.2(d). A request for modification by a system or other interested party shall be in writing, explain why the modification is appropriate, and provide supporting documentation. The Division may modify its determination where it concludes that such change is necessary to ensure that the system continues to minimize lead and copper concentrations in source water. A revised determination shall be made in writing, set forth the new treatment requirements, explain the basis for the Division's decision, and provide an implementation schedule for completing the treatment modifications.

(g) Treatment decisions by EPA in lieu of the Division

Pursuant to the procedures in 40 CRF 142.19, the EPA Regional Administrator may review treatment determinations made by the Division under 11.4.2(b), 11.4.2(d), or 11.4.2(e) and issue federal treatment determinations consistent with the requirements of those paragraphs where the Administrator finds that:

- (1) the Division has failed to issue a treatment determination by the applicable deadlines contained in 11.4.1,
- (2) the Division has abused its discretion in a substantial number of cases or in cases affecting a substantial population, or
- (3) the technical aspects of a Division's determination would be indefensible in an expected Federal enforcement action taken against a system.

11.5. Lead service line replacement requirements.

- 11.5.1 Systems that fail to meet the lead action level in tap samples taken pursuant to 11.7.4(b), after installing corrosion control and/or source water treatment (whichever sampling occurs later), shall replace lead service lines in accordance with the requirements of this section. If a system is in violation of 11.2 or 11.4 for failure to install source water or corrosion control treatment, the Division may require the system to commence lead service line replacement under this section after the date by which the system was required to conduct monitoring under 11.7.4(b) has passed.

- 11.5.2 A system shall replace annually at least 7 percent of the initial number of lead service lines in its distribution system. The initial number of lead service lines is the number of lead lines in place at the time the replacement program begins. The system shall identify the initial number of lead service lines in its distribution system based upon a materials evaluation, including the evaluation required under 11.7.1. The first year of lead service line replacement shall begin on the date the action level was exceeded in tap sampling referenced in 11.5.1.
- 11.5.3 A system is not required to replace an individual lead service line if the lead concentration in all service line samples from that line, taken pursuant to 11.7.2(c), is less than or equal to 0.015 mg/L.
- 11.5.4 A water system shall replace the entire service line (up to the building inlet) unless it demonstrates to the satisfaction of the Division under 11.5.5 that it controls less than the entire service line. In such cases, the system shall replace the portion of the line which the Division determines is under the system's control. The system shall notify the user served by the line that the system will replace the portion of the service line under its control and shall offer to replace the building owner's portion of the line, but is not required to bear the cost of replacing the building owner's portion of the line. For buildings where only a portion of the lead service line is replaced, the water system shall inform the resident(s) that the system will collect a first flush tap water sample after partial replacement of the service line is completed if the resident(s) so desire. In cases where the resident(s) accept the offer, the system shall collect the sample and report the results to the resident(s) within 14 days following partial lead service line replacement.
- 11.5.5 A water system is presumed to control the entire lead service line (up to the building inlet) unless the system demonstrates to the satisfaction of the Division, in a letter submitted under 11.12.5, that it does not have any of the following forms of control over the entire line (as defined by state statutes, municipal ordinances, public service contracts or other applicable legal authority): authority to set standards for construction, repair, or maintenance of the line, authority to replace, repair, or maintain the service line, or ownership of the service line. The Division shall review the information supplied by the system and determine whether the system controls less than the entire service line and, in such cases, shall determine the extent of the system's control. The Division's determination shall be in writing and explain the basis for its decision.
- 11.5.6 The Division shall require a system to replace lead service lines on a shorter schedule than that required by this section, taking into account the number of lead service lines in the system, where such a shorter

replacement schedule is feasible. The Division shall make this determination in writing and notify the system of its finding within 6 months after the system is triggered into lead service line replacement based on monitoring referenced in 11.5.1.

- 11.5.7 Any system may cease replacing lead service lines whenever lead service line samples collected pursuant to 11.7.4(c) meet the lead action level during each of two consecutive monitoring periods and the system submits the results to the Division. If the lead service line samples in any such water system thereafter exceeds the lead action level, the system shall recommence replacing lead service lines, pursuant to ?.
- 11.5.8 To demonstrate compliance with 11.5.1 through 11.5.4, a system shall report to the Division the information specified in 11.12.5.

11.6. Public education and supplemental monitoring requirements.

A water system that exceeds the lead action level based on tap water samples collected in accordance with 11.7 shall deliver the public education materials contained in 11.6.1 and 11.6.2 in accordance with the requirements in 11.6.3.

- 11.6.1 Content of written materials. A water system shall include the following text in all of the printed materials it distributes through its lead public education program. Any additional information presented by a system shall be consistent with the information below and be in plain English that can be understood by laypersons.

(a) INTRODUCTION

The United Divisions Environmental Protection Agency (EPA), the CNMI Division of Environmental Quality, and [insert name of water supplier] are concerned about lead in your drinking water. Although most homes have very low levels of lead in their drinking water, some homes in the community have lead levels above the EPA action level of 15 parts per billion (ppb), or 0.015 milligrams of lead per liter of water (mg/L). Under CNMI and Federal law we are required to have a program in place to minimize lead in your drinking water by [insert date when corrosion control will be completed for your system]. This program includes corrosion control treatment, source water treatment, and public education. We are also required to replace each lead service line that we control if the line contributes lead concentrations of 15 ppb or more after we have completed the comprehensive treatment program. If you have any questions about how we are carrying out the requirements of the lead regulation please give us a call at [insert water system's phone number]. This brochure explains the simple steps you can take to protect you and your family by reducing your exposure to lead in drinking water.

(b) HEALTH EFFECTS OF LEAD

Lead is a common metal found throughout the environment in lead-based paint, air, soil, household dust, food, certain types of pottery porcelain and pewter, and water. Lead can pose a significant risk to your health if too much of it enters your body. Lead builds up in the body over many years and can cause damage to the brain, red blood cells and kidneys. The greatest risk is to young children and pregnant women. Amounts of lead that won't hurt adults can slow down normal mental and physical development of growing bodies. In addition, a child at play often comes into contact with sources of lead contamination -- like dirt and dust -- that rarely affect an adult. It is important to wash children's hands and toys often, and to try to make sure they only put food in their mouths.

(c) LEAD IN DRINKING WATER

Lead in drinking water, although rarely the sole cause of lead poisoning, can significantly increase a person's total lead exposure, particularly the exposure of infants who drink baby formulas and concentrated juices that are mixed with water. The EPA estimates that drinking water can make up 20 percent or more of a person's total exposure to lead.

- (1) Lead is unusual among drinking water contaminants in that it seldom occurs naturally in water supplies like rivers and lakes. Lead enters drinking water primarily as a result of the corrosion, or wearing away, of materials containing lead in the water distribution system and household plumbing. These materials include lead-based solder used to join copper pipe, brass and chrome plated brass faucets, and in some cases, pipes made of lead that connect your house to the water main (service lines). In 1986, Congress banned the use of lead solder containing greater than 0.2% lead, and restricted the lead content of faucets, pipes and other plumbing materials to 8.0%.
- (2) When water stands in lead pipes or plumbing systems containing lead for several hours or more, the lead may dissolve into your drinking water. This means the first water drawn from the tap in the morning, or later in the afternoon after returning from work or school, can contain fairly high levels of lead.

(d) STEPS YOU CAN TAKE IN THE HOME TO REDUCE EXPOSURE TO LEAD IN DRINKING WATER

- (1) Despite our best efforts mentioned earlier to control water corrosivity and remove lead from the water supply, lead levels in some homes or buildings can be high. To find out whether you need to take action in your own home, have your drinking water

tested to determine if it contains excessive concentrations of lead. Testing the water is essential because you cannot see, taste, or smell lead in drinking water. Some local laboratories that can provide this service are listed at the end of this booklet. For more information on having your water tested, please call [insert phone number of water system].

- (2) If a water test indicates that the drinking water drawn from a tap in your home contains lead above 15 ppb, then you should take the following precautions:
 - (i) Let the water run from the tap before using it for drinking or cooking any time the water in a faucet has gone unused for more than six hours. The longer water resides in your home's plumbing the more lead it may contain. Flushing the tap means running the cold water faucet until the water gets noticeably colder, usually about 15-30 seconds. If your house has a lead service line to the water main, you may have to flush the water for a longer time, perhaps one minute, before drinking. Although toilet flushing or showering flushes water through a portion of your home's plumbing system, you still need to flush the water in each faucet before using it for drinking or cooking. Flushing tap water is a simple and inexpensive measure you can take to protect your family's health. It usually uses less than one or two gallons of water and costs less than [insert a cost estimate based on flushing two times a day for 30 days] per month. To conserve water, fill a couple of bottles for drinking water after flushing the tap, and whenever possible use the first flush water to wash the dishes or water the plants. If you live in a high-rise building, letting the water flow before using it may not work to lessen your risk from lead. The plumbing systems have more, and sometimes larger pipes than smaller buildings. Ask your landlord for help in locating the source of the lead and for advice on reducing the lead level.
 - (ii) Try not to cook with, or drink water from the hot water tap. Hot water can dissolve more lead more quickly than cold water. If you need hot water, draw water from the cold tap and heat it on the stove.
 - (iii) Remove loose lead solder and debris from the plumbing materials installed in newly constructed homes, or homes in which the plumbing has recently been replaced, by removing the faucet strainers from all taps and running the water from 3 to 5 minutes. Thereafter, periodically remove the strainers

and flush out any debris that has accumulated over time.

- (iv) If your copper pipes are joined with lead solder that has been installed illegally since it was banned in 1986, notify the plumber who did the work and request that he or she replace the lead solder with lead-free solder. Lead solder looks dull gray, and when scratched with a key looks shiny. In addition, notify the Division of Environmental Quality about the violation.
 - (v) Determine whether or not the service line that connects your home or apartment to the water main is made of lead. The best way to determine if your service line is made of lead is by either hiring a qualified plumber to inspect the line or by contacting the plumbing contractor who installed the line. You may be able to identify the plumbing contractor by checking the CNMI's Building Code Safety Officer's record of building permits which should be maintained in the files of the Building Code Safety Officer. A licensed plumber can at the same time check to see if your home's plumbing contains lead solder, lead pipes, or pipe fittings that contain lead. The public water system that delivers water to your home should also maintain records of the materials located in the distribution system. If the service line that connects your dwelling to the water main contributes more than 15 ppb to drinking water, after our comprehensive treatment program is in place, we are required to replace the line. If the line is only partially controlled by the [insert the name of the entity that controls the line] we are required to provide you with information on how to replace your portion of the service line, and offer to replace that portion of the line at your expense and take a follow-up tap water sample within 14 days of the replacement. Acceptable replacement alternatives include copper, steel, iron, and plastic pipes.
 - (vi) Have an electrician check your wiring. If grounding wires from the electrical system are attached to your pipes, corrosion may be greater. Check with an electrician or your local electrical code to determine if your wiring can be grounded elsewhere. DO NOT attempt to change the wiring yourself because improper grounding can cause electrical shock and fire hazards.
- (3) The steps described above will reduce the lead concentrations in your drinking water. However, if a water test indicates that the drinking water coming from your tap contains lead concentrations in excess of 15 ppb after flushing, or after we have completed our

actions to minimize lead levels, then you may want to take the following additional measures:

- (i) Purchase or lease a home treatment device. Home treatment devices are limited in that each unit treats only the water that flows from the faucet to which it is connected, and all of the devices require periodic maintenance and replacement. Devices such as reverse osmosis systems or distillers can effectively remove lead from your drinking water. Some activated carbon filters may reduce lead levels at the tap, however all lead reduction claims should be investigated. Be sure to check the actual performance of a specific home treatment device before and after installing the unit.
 - (ii) Purchase bottled water for drinking and cooking.
- (4) You can consult a variety of sources for additional information. Your family doctor or pediatrician can perform a blood test for lead and provide you with information about the health effects of lead. Government agencies that can be contacted include:
- (i) The Commonwealth Utilities Corporation at [insert phone number] can provide you with information about your community's water supply, and a list of local laboratories that have been certified by EPA for testing water quality;
 - (ii) The Department of Public Works, Building Safety Officer at [insert phone number] can provide you with information about building permit records that should contain the names of plumbing contractors that plumbed your home; and
 - (iii) The Department of Public Health and Environmental Service - on Rota, Saipan, and Tinain at [insert phone number] can provide you with information about the health effects of lead and how you can have your child's blood tested.
- (5) The following is a list of some Division approved laboratories in your area that you can call to have your water tested for lead. [Insert names and phone numbers of at least two laboratories].

11.6.2 Content of broadcast materials.

A water system shall include the following information in all public service announcements submitted under its lead public education program to television and radio stations for broadcasting:

- (a) Why should everyone want to know the facts about lead and drinking

water? Because unhealthy amounts of lead can enter drinking water through the plumbing in your home. That's why I urge you to do what I did. I had my water tested for [insert free or \$ per sample]. You can contact the [insert the name of the city or water system] for information on testing and on simple ways to reduce your exposure to lead in drinking water.

- (b) To have your water tested for lead, or to get more information about this public health concern, please call [insert the phone number of the Commonwealth Utilities Corporation or water system].

11.6.3 Delivery of a public education program

- (a) In communities where a significant proportion of the population speaks a language other than English, public education materials shall be communicated in the appropriate language(s).
- (b) A community water system that fails to meet the lead action level on the basis of tap water samples collected in accordance with 11.7 shall, within 60 days:
 - (1) insert notices in each customer's water utility bill containing the information in paragraph (a) of this section, along with the following alert on the water bill itself in large print: "SOME HOMES IN THIS COMMUNITY HAVE ELEVATED LEAD LEVELS IN THEIR DRINKING WATER. LEAD CAN POSE A SIGNIFICANT RISK TO YOUR HEALTH. PLEASE READ THE ENCLOSED NOTICE FOR FURTHER INFORMATION."
 - (2) submit the information in 11.6.1 to the editorial departments of the major daily and weekly newspapers circulated throughout the community.
 - (3) deliver pamphlets and/or brochures that contain the public education materials in 11.6.1(b) and 11.6.1(d) to facilities and organizations, including the following:
 - (i) public schools, private schools and the Public School System Board;
 - (ii) Rota, Saipan, and Tinian Public Health Departments;
 - (iii) Women, Infants, and Children and/or Head Start Program(s) whenever available;
 - (iv) public and private hospitals and/or clinics;
 - (v) pediatricians;
 - (vi) family planning clinics; and
 - (vii) local welfare agencies.

- (4) submit the public service announcement in 11.6.2 to at least five of the radio and television stations with the largest audiences that broadcast to the community served by the water system.
- (c) A community water system shall repeat the tasks contained in 11.6.3(b)(1) , 11.6.3(b)(2) ,and 11.6.3(b)(3) every 12 months, and the tasks contained in paragraphs 11.6.3(b)(4) of this section every 6 months for as long as the system exceeds the lead action level.
- (d) Within 60 days after it exceeds the lead action level, a non-transient non-community water system shall deliver the public education materials contained in 11.6.1(a), 11.6.1(b), and 11.6.1(d) as follows:
 - (1) post informational posters on lead in drinking water in a public place or common area in each of the buildings served by the system; and
 - (2) distribute informational pamphlets and/or brochures on lead in drinking water to each person served by the non-transient non-community water system.
- (e) A non-transient noncommunity water system shall repeat the tasks contained in 11.6.3(d) at least once during each calendar year in which the system exceeds the lead action level.
- (f) A water system may discontinue delivery of public education materials if the system has met the lead action level during the most recent six-month monitoring period conducted pursuant to 11.7. Such a system shall recommence public education in accordance with this section if it subsequently exceeds the lead action level during any monitoring period.

11.6.4 Supplemental monitoring and notification of results.

A water system that fails to meet the lead action level on the basis of tap samples collected in accordance with 11.7 shall offer to sample the tap water of any customer who requests it. The system is not required to pay for collecting or analyzing the sample, nor is the system required to collect and analyze the sample itself.

11.7. Monitoring requirements for lead and copper in tap water.

11.7.1 Sample site location

- (a) By the applicable date for commencement of monitoring under 11.7.4(a), each water system shall complete a materials evaluation of its distribution system in order to identify a pool of targeted sampling

sites that meets the requirements of 11.7, and which is sufficiently large to ensure that the water system can collect the number of lead and copper tap samples required in 11.7.3. All sites from which first draw samples are collected shall be selected from this pool of targeted sampling sites. Sampling sites may not include faucets that have point-of-use or point-of-entry treatment devices designed to remove inorganic contaminants.

- (b) A water system shall use the information on lead, copper, and galvanized steel that it is required to collect under 5.5.4 [special monitoring for corrosivity characteristics] when conducting a materials evaluation. When an evaluation of the information collected pursuant to 5.5.4 is insufficient to locate the requisite number of lead and copper sampling sites that meet the targeting criteria in 11.7.1, the water system shall review the sources of information listed below in order to identify a sufficient number of sampling sites. In addition, the system shall seek to collect such information where possible in the course of its normal operations (e.g., checking service line materials when reading water meters or performing maintenance activities):
 - (1) all plumbing codes, permits, and records in the files of the building department(s) which indicate the plumbing materials that are installed within publicly and privately owned structures connected to the distribution system;
 - (2) all inspections and records of the distribution system that indicate the material composition of the service connections that connect a structure to the distribution system; and
 - (3) all existing water quality information, which includes the results of all prior analyses of the system or individual structures connected to the system, indicating locations that may be particularly susceptible to high lead or copper concentrations.
- (c) The sampling sites selected for a community water system's sampling pool ("tier 1 sampling sites") shall consist of single family structures that:
 - (1) contain copper pipes with lead solder installed after 1982 or contain lead pipes; and/or
 - (2) are served by a lead service line.

When multiple-family residences comprise at least 20 percent of the structures served by a water system, the system may include these types of structures in its sampling pool.

- (d) Any community water system with insufficient tier 1 sampling sites shall complete its sampling pool with "tier 2 sampling sites", consisting of buildings, including multiple-family residences that:
 - (1) contain copper pipes with lead solder installed after 1982 or contain lead pipes; and/or
 - (2) are served by a lead service line.
- (e) Any community water system with insufficient tier 1 and tier 2 sampling sites shall complete its sampling pool with "tier 3 sampling sites", consisting of single family structures that contain copper pipes with lead solder installed before 1983.
- (f) The sampling sites selected for a non-transient non-community water system ("tier 1 sampling sites") shall consist of buildings that:
 - (1) contain copper pipes with lead solder installed after 1982 or contain lead pipes; and/or
 - (2) are served by a lead service line.
- (g) A non-transient non-community water system with insufficient tier 1 sites that meet the targeting criteria in 11.7.1(f) shall complete its sampling pool with sampling sites that contain copper pipes with lead solder installed before 1983.
- (h) Any water system whose sampling pool does not consist exclusively of tier 1 sites shall demonstrate in a letter submitted to the Division under 11.12.1(b) why a review of the information listed in 11.7.1(b) was inadequate to locate a sufficient number of tier 1 sites. Any community water system which includes tier 3 sampling sites in its sampling pool shall demonstrate in such a letter why it was unable to locate a sufficient number of tier 1 and tier 2 sampling sites.
- (i) Any water system whose distribution system contains lead service lines shall draw 50 percent of the samples it collects during each monitoring period from sites that contain lead pipes, or copper pipes with lead solder, and 50 percent of those samples from sites served by a lead service line. A water system that cannot identify a sufficient number of sampling sites served by a lead service line shall demonstrate in a letter submitted to the Division under 11.12.1(d) why the system was unable to locate a sufficient number of such sites. Such a water system shall collect lead service line samples from all of the sites identified as being served by such lines.

11.7.2 Sample collection methods

- (a) All tap samples for lead and copper collected in accordance with this subpart, with the exception of lead service line samples collected under 11.5.3, shall be first draw samples.
- (b) Each first-draw tap sample for lead and copper shall be one liter in volume and have stood motionless in the plumbing system of each sampling site for at least six hours. First draw samples from residential housing shall be collected from the cold-water kitchen tap or bathroom sink tap. First-draw samples from a non-residential building shall be collected at an interior tap from which water is typically drawn for consumption. First draw samples may be collected by the system or the system may allow residents to collect first draw samples after instructing the residents of the sampling procedures specified in this paragraph. If a system allows residents to perform sampling, the system may not challenge, based on alleged errors in sample collection, the accuracy of sampling results.
- (c) Each service line sample shall be one liter in volume and have stood motionless in the lead service line for at least six hours. Lead service line samples shall be collected in one of the following three ways:
 - (1) at the tap after flushing the volume of water between the tap and the lead service line. The volume of water shall be calculated based on the interior diameter and length of the pipe between the tap and the lead service line;
 - (2) tapping directly into the lead service line; or
 - (3) if the sampling site is a building constructed as a single-family residence, allowing the water to run until there is a significant change in temperature which would be indicative of water that has been standing in the lead service line.
 - (4) A water system shall collect each first draw tap sample from the same sampling site from which it collected a previous sample. If, for any reason, the water system cannot gain entry to a sampling site in order to collect a follow-up tap sample, the system may collect the follow-up tap sample from another sampling site in its sampling pool as long as the new site meets the same targeting criteria, and is within reasonable proximity of the original site.

11.7.3 Number of samples

Water systems shall collect at least one sample during each monitoring period specified in 11.7.4 from the number of sites listed in the first column below ("standard monitoring"). A system conducting reduced monitoring under 11.7.4(d) may collect one sample from the number of sites specified in the

second column below during each monitoring period specified in 11.7.4(d).

<u>System Size (# People Served)</u>	<u># of sites (Standard Monitoring)</u>	<u># of sites (Reduced Monitoring)</u>
Greater Than 100,000	100	50
10,001-100,000	60	30
3,301 to 10,000	40	20
501 to 3,300	20	10
101 to 500	10	5
Less than or equal to 100	5	5

11.7.4 Timing of monitoring

(a) Initial tap sampling

The first six-month monitoring period for small, medium-size and large systems shall begin on the following dates:

<u>System Size (# People Served)</u>	<u>First six-month Monitoring Period Begins On</u>
Greater than 50,000	January 1, 1992
3,301 to 50,000	July 1, 1992
Less Than or Equal to 3,300	July 1, 1993

- (1) All large systems shall monitor during two consecutive six-month periods.
- (2) All small and medium-size systems shall monitor during each six-month monitoring period until:
 - (i) the system exceeds the lead or copper action level and is therefore required to implement the corrosion control treatment requirements under 11.2, in which case the system shall continue monitoring in accordance with 11.7.4(b), or
 - (ii) the system meets the lead or copper action levels during two consecutive six-month monitoring periods, in which case the system may reduce monitoring in accordance with 11.7.4(d).

(b) Monitoring after installation of corrosion control and source water treatment

- (1) Any large system which installs optimal corrosion control

treatment pursuant to 11.2.4(d) shall monitor during two consecutive six-month monitoring periods by the date specified in 11.2.4(e).

- (2) Any small or medium-size system which installs optimal corrosion control treatment pursuant to 11.2.5(e) shall monitor during two consecutive six-month monitoring periods by the date specified in 11.2.5(f).
- (3) Any system which installs source water treatment pursuant to 11.4.1(c) shall monitor during two consecutive six-month monitoring periods by the date specified in 11.4.1(d).

(c) Monitoring after Division specifies water quality parameter values for optimal corrosion control

After the Division specifies the values for water quality control parameters under 11.3.6, the system shall monitor during each subsequent six-month monitoring period, with the first monitoring period to begin on the date the Division specifies the optimal values under 11.3.6.

(d) Reduced monitoring

- (1) A small or medium-size water system that meets the lead and copper action levels during each of two consecutive six-month monitoring periods may reduce the number of samples in accordance with 11.7.3, and reduce the frequency of sampling to once per year.
- (2) Any water system that maintains the range of values for the water quality control parameters reflecting optimal corrosion control treatment specified by the Division under 11.3.6 during each of two consecutive six-month monitoring periods may request that the Division allow the system to reduce the frequency of monitoring to once per year and to reduce the number of lead and copper samples in accordance with 11.7.3. The Division shall review the information submitted by the water system and shall make its decision in writing, setting forth the basis for its determination. The Division shall review, and where appropriate, revise its determination when the system submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap sampling becomes available.
- (3) A small or medium-size water system that meets the lead and copper action levels during three consecutive years of monitoring may reduce the frequency of monitoring for lead and copper from

annually to once every three years. Any water system that maintains the range of values for the water quality control parameters reflecting optimal corrosion control treatment specified by the Division under 11.3.6 during three consecutive years of monitoring may request that the Division allow the system to reduce the frequency of monitoring from annually to once every three years. The Division shall review the information submitted by the water system and shall make its decision in writing, setting forth the basis for its determination. The Division shall review, and where appropriate, revise its determination when the system submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap sampling becomes available.

- (4) A water system that reduces the number and frequency of sampling shall collect these samples from sites included in the pool of targeted sampling sites identified in 11.7.1. Systems sampling annually or less frequently shall conduct the lead and copper tap sampling during the months of June, July, August or September.
- (5) A small or medium-size water system subject to reduced monitoring that exceeds the lead or copper action level shall resume sampling in accordance 11.7.4(c) and collect the number of samples specified for standard monitoring under paragraph (c) of this section. Any water system subject to reduced monitoring frequency that fails to operate within the range of values for the water quality control parameters specified by the Division under 11.3.6 shall resume tap water sampling in accordance with 11.7.4(c) and collect the number of samples specified for standard monitoring under 11.7.3.

11.7.5 Additional monitoring by systems

The results of any monitoring conducted in addition to the minimum requirements of this section shall be considered by the system and the Division in making any determinations (i.e., calculating the 90th percentile lead or copper level) under Part 11.

11.8. **Monitoring requirements for water quality parameters.**

All large water systems and all small and medium-size systems that exceed the lead or copper action level shall monitor water quality parameters in addition to lead and copper in accordance with 11.8. The requirements of 11.8 are summarized in the table at the end of 11.8.

11.8.1 General Requirements

(a) Sample collection methods

- (1) Tap samples shall be representative of water quality throughout the distribution system taking into account the number of persons served, the different sources of water, the different treatment methods employed by the system, and seasonal variability. Tap sampling under this section is not required to be conducted at taps targeted for lead and copper sampling under 11.7.1. [Note: Systems may find it convenient to conduct tap sampling for water quality parameters at sites used for coliform sampling under 5.3.]
- (2) Samples collected at the entry point(s) to the distribution system shall be from locations representative of each source after treatment. If a system draws water from more than one source and the sources are combined before distribution, the system must sample at an entry point to the distribution system during periods of normal operating conditions (i.e., when water is representative of all sources being used).

(b) Number of samples

- (1) Systems shall collect two tap samples for applicable water quality parameters during each monitoring period specified under 11.8.2 through 11.8.5 from the following number of sites.

<u>System Size</u> <u>(# People Served)</u>	<u># of Sites For</u> <u>Water Quality Parameters</u>
Greater than 100,000	25
10,001-100,000	10
3,301 to 10,000	3
501 to 3,300	2
101 to 500	1
Less Than 100	1

- (2) Systems shall collect two samples for each applicable water quality parameter at each entry point to the distribution system during each monitoring period specified in 11.8.2 through 11.8.5. During each monitoring period specified in 11.8.3, systems shall collect one sample for each applicable water quality parameter at each entry point to the distribution system.

11.8.2 Initial Sampling

All large water systems shall measure the applicable water quality parameters as specified below at taps and at each entry point to the distribution system during each six-month monitoring period specified in 11.7.4(a). All small and medium-size systems shall measure the applicable water quality parameters at the

locations specified below during each six-month monitoring period specified in 11.7.4(a) during which the system exceeds the lead or copper action level.

- (a) At taps:
 - (1) pH;
 - (2) alkalinity;
 - (3) orthophosphate, when an inhibitor containing a phosphate compound is used;
 - (4) silica, when an inhibitor containing a silicate compound is used;
 - (5) calcium;
 - (6) conductivity; and
 - (7) water temperature.
- (b) At each entry point to the distribution system: all of the applicable parameters listed in 11.8.2(a)

11.8.3 Monitoring after installation of corrosion control

Any large system which installs optimal corrosion control treatment pursuant to 11.2.4(d) shall measure the water quality parameters at the locations and frequencies specified below during each six-month monitoring period specified in 11.7.4(b)(1). Any small or medium-size system which installs optimal corrosion control treatment shall conduct such monitoring during each six-month monitoring period specified in 11.7.4(b)(2) in which the system exceeds the lead or copper action level.

- (a) At taps, two samples for:
 - (1) pH;
 - (2) alkalinity;
 - (3) orthophosphate, when an inhibitor containing a phosphate compound is used;
 - (4) silica, when an inhibitor containing a silicate compound is used;
 - (5) calcium, when calcium carbonate stabilization is used as part of corrosion control.

- (b) At each entry point to the distribution system, one sample every two weeks (bi-weekly) for:
 - (1) pH;
 - (2) when alkalinity is adjusted as part of optimal corrosion control, a reading of the dosage rate of the chemical used to adjust alkalinity, and the alkalinity concentration; and
 - (3) when a corrosion inhibitor is used as part of optimal corrosion control, a reading of the dosage rate of the inhibitor used, and the concentration of orthophosphate or silica (whichever is applicable).

11.8.4 Monitoring after Division specifies water quality parameter values for optimal corrosion control

After the Division specifies the values for applicable water quality control parameters reflecting optimal corrosion control treatment under 11.3.6, all large systems shall measure the applicable water quality parameters in accordance with 11.8.3 during each monitoring period specified in 11.7.4(c). Any small or medium-size system shall conduct such monitoring during each monitoring period specified in 11.7.4(c) in which the system exceeds the lead or copper action level. The system may take a confirmation sample for any water quality parameter value no later than 3 days after the first sample. If a confirmation sample is taken, the result must be averaged with the first sampling result and the average must be used for any compliance determinations under 11.3.7. Division has the discretion to delete results of obvious sampling errors from this calculation.

11.8.5 Reduced monitoring

- (a) Any water system that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment during each of two consecutive six-month monitoring periods under 11.8.4 shall continue monitoring at the entry point(s) to the distribution system as specified in 11.8.3(b). Such system may collect two tap samples for applicable water quality parameters from the following reduced number of sites during each six-month monitoring period.

System Size (# People Served)	Reduced # of Sites for Water Quality Parameters
Greater than 100,000	10
10,001 to 100,000	7
3,301 to 10,000	3
501 to 3,300	2
101 to 500	1
Less than 100	1

- (b) Any water system that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the Division under 11.3.6 during three consecutive years of monitoring may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters specified in 11.8.5(a) from every six months to annually.
- (c) A water system that conducts sampling annually shall collect these samples evenly throughout the year so as to reflect seasonal variability.
- (d) Any water system subject to reduced monitoring frequency that fails to operate within the range of values for the water quality parameters specified by the Division under 11.3.6 shall resume tap water sampling in accordance with the number and frequency requirements in 11.8.3.

11.8.6 Additional monitoring by systems

The results of any monitoring conducted in addition to the minimum requirements of this section shall be considered by the system and the Division in making any determinations (i.e., determining concentrations of water quality parameters) under this 11.8 or 11.3.

SUMMARY OF MONITORING REQUIREMENTS FOR WATER QUALITY PARAMETERS¹

<u>Monitoring Period</u>	<u>Parameters²</u>	<u>Location</u>	<u>Frequency</u>
Initial Monitoring	pH, alkalinity, orthophosphate or silica ³ , calcium, conductivity, temperature	Taps and at entry point(s) to distribution system	Every 6 months
After Installation of Corrosion Control	pH, alkalinity, orthophosphate or silica ³ , calcium ⁴	Taps	Every 6 months
	pH, alkalinity dosage rate and concentration (if alkalinity adjusted as part of corrosion control), inhibitor dosage rate and inhibitor residual ⁵	Entry point(s) to distribution system	Biweekly
After Division Specifies Parameter Values For Optimal Corrosion Control	pH, alkalinity, orthophosphate or silica ³ , calcium ⁴	Taps	Every 6 months
	pH, alkalinity dosage rate and concentration (if alkalinity adjusted as part of corrosion control), inhibitor dosage rate and inhibitor residual ⁵	Entry point(s) to distribution system	Biweekly
Reduced Monitoring	pH, alkalinity, orthophosphate or silica ³ , calcium ⁴	Taps	Every 6 months at a reduced number of sites
	pH, alkalinity dosage rate and concentration (if alkalinity adjusted as part of corrosion control), inhibitor dosage rate and inhibitor residual ⁵	Entry point(s) to distribution system	Biweekly

¹ Table is for illustrative purposes; consult the text of this section for precise regulatory requirements.

² Small and medium-size systems have to monitor for water quality parameters only during monitoring periods in which the system exceeds the lead or copper action level.

³ Orthophosphate must be measured only when an inhibitor containing a phosphate compound is used. Silica must be measured only when an inhibitor containing silicate compound is used.

⁴ Calcium must be measured only when calcium carbonate stabilization is used as part of corrosion control.

⁵ Inhibitor dosage rates and inhibitor residual concentrations (orthophosphate or silica) must be measured only when an inhibitor is used.

11.9. Monitoring requirements for lead and copper in source water.

11.9.1 Sample location, collection methods, and number of samples

- (a) A water system that fails to meet the lead or copper action level on the basis of tap samples collected in accordance with 11.7 shall collect lead and copper source water samples in accordance with the requirements regarding sample location, number of samples, and collection methods specified in 5.5 [inorganic chemical sampling]. [Note: The timing of sampling for lead and copper shall be in accordance with 11.9.2 and 11.9.3, and not dates specified in 5.5].
- (b) Where the results of sampling indicate an exceedance of maximum permissible source water levels established under 11.4.2(d), the Division may require that one additional sample be collected as soon as possible after the initial sample was taken (but not to exceed two weeks) at the same sampling point. If a Division-required confirmation sample is taken for lead or copper, then the results of the initial and confirmation sample shall be averaged in determining compliance with the Division-specified maximum permissible levels. Any sample value below the detection limit shall be considered to be zero. Any value above the detection limit but below the PQL shall either be considered as the measured value or be considered one-half the PQL.

11.9.2 Monitoring frequency after system exceeds tap water action level

Any system which exceeds the lead or copper action level at the tap shall collect one source water sample from each entry point to the distribution system within six months after the exceedance.

11.9.3 Monitoring frequency after installation of source water treatment

Any system which installs source water treatment pursuant to 11.4.1(b) shall collect an additional source water sample from each entry point to the distribution system during two consecutive six-month monitoring periods by the deadline specified in 11.4.1(d).

11.9.4 Monitoring frequency after Division specifies maximum permissible source water levels or determines that source water treatment is not needed

- (a) A system shall monitor at the frequency specified below in cases where the Division specifies maximum permissible source water levels under 11.4.2(d) or determines that the system is not required to install source water treatment under 11.4.2(b).
 - (1) A water system using only groundwater shall collect samples once during the three-year compliance period (as that term is defined in Part 3) in effect when the applicable Division determination under 11.9.4(a) is made. Such systems shall collect samples once during each subsequent compliance period.
 - (2) A water system using surface water (or a combination of surface and groundwater) shall collect samples once during each year, the first annual monitoring period to begin on the date on which the applicable Division determination is made under 11.9.4(a).
- (b) A system is not required to conduct source water sampling for lead and/or copper if the system meets the action level for the specific contaminant in tap water samples during the entire source water

sampling period applicable to the system under paragraph 11.9.4(a)(1) or 11.9.4(a)(2).

11.9.5 Reduced monitoring frequency

- (a) A water system using only groundwater which demonstrates that finished drinking water entering the distribution system has been maintained below the maximum permissible lead and/or copper concentrations specified by the Division in 11.4.2(d) during at least three consecutive compliance periods under 11.9.4(a) may reduce the monitoring frequency for lead and/or copper to once during each nine-year compliance cycle (as that term is defined in 3).
- (b) A water system using surface water (or a combination of surface and ground waters) which demonstrates that finished drinking water entering the distribution system has been maintained below the maximum permissible lead and copper concentrations specified by the Division in 14 for at least three consecutive years may reduce the monitoring frequency in 11.9.4(a) to once during each nine-year compliance cycle (as that term is defined in 5.5.2).
- (c) A water system that uses a new source of water is not eligible for reduced monitoring for lead and/or copper until concentrations in samples collected from the new source during three consecutive monitoring periods are below the maximum permissible lead and copper concentrations specified by the Division in 11.4.1(e).

11.10. Analytical Methods.

- 11.10.1 Analyses for lead, copper, pH, conductivity, calcium, alkalinity, orthophosphate, silica, and temperature shall be conducted using the following methods:

ANALYTICAL METHODS

Contaminant	Methodology ⁵	Reference (Method Number)			USGS ⁴
		EPA ¹	ASTM ²	SM ³	
Lead	Atomic absorption; furnace technique	239.2	D3559-85D	3113	
	Inductively-coupled plasma; mass spectrometry	200.8 ⁶			
	Atomic absorption; platform furnace technique	200.9 ⁷			
Copper	Atomic absorption; furnace technique	220.2	D1688-90C	3113	
	Atomic absorption; direct aspiration	220.1	D1688-90A	3111-B	
	Inductively-coupled plasma	200.7 ⁵		3120	
	Inductively-coupled plasma; mass spectrometry	200.8 ⁶			
	Atomic absorption; platform furnace	200.9 ⁷			
pH	Electrometric	150.1 150.2	D1293-84B	4500-H ⁺	
Conductivity	Conductance	120.1	D1125-82B	2510	
Calcium	EDTA titrimetric	215.2	D511-88A	3500-Ca-D	
	Atomic absorption; direct aspiration	215.1	D511-88B	3111-B	
	Inductively-coupled plasma	200.7 ⁵		3120	
Alkalinity	Titrimetric	310.1	D1067-88B	2320	
	Electrometric titration				I-1030-85
Ortho-phosphate, unfiltered, no digestion or hydrolysis	Colorimetric, automated, ascorbic acid	365.1		4500-P-F	
	Colorimetric, ascorbic acid, two reagent	365.3			
	Colorimetric, ascorbic acid, single reagent	365.2	D515-88A	4500-P-E	
	Colorimetric, phosphomolybdate; automated-segmented flow;				I-1601-85
	automated discrete				I-2601-85
Ion Chromatography	300.0 ⁸	D4327-88	4110	I-2598-85	
Silica	Colorimetric, molybdate blue; automated-segmented flow				I-1700-85 I-2700-85
	Colorimetric	370.1	D859-88		
	Molybdosilicate			4500-Si-D	
	Heteropoly blue			4500-Si-E	
	Automated method for molybdate-reactive silica			4500-Si-F	
	Inductively-coupled plasma	200.7 ⁵		3120	
Temperature	Thermometric			2550	

¹ The procedures 239.2, 220.2, 220.1, 150.1, 150.2, 120.1, 215.2, 215.1, 310.1, 365.1, 365.3, 365.2, and 370.1 are incorporated by reference and shall be done in accordance with "Methods for Chemical Analysis of Water and Wastes," EPA Environmental Monitoring and Support Laboratory, Cincinnati, OH (EPA-600/4-79-020), Revised March 1983, pp. 239.2-1 through 239.2-2 and metals-1 through metals-19, 220.2-1 through 220.2-2 and metals-1 through metals-19, 220.1-1 through 220.1-2 and metals-1 through metals-19, 150.1-1 through 150.1-3, 150.2-1 through 150.2-3, 120.1-1 through 120.1-3, 215.2-1 through 215.2-3, 215.1-1 through 215.1-2, 310.1-1 through 310.1-3, 365.1-1 through 365.1-9, 365.3-1 through 365.3-4, 365.2-1 through 365.2-6, and 370.1-1 through 370.1-5, respectively. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies may be obtained from ORD Publications, CERL, EPA, Cincinnati, OH 45268. Copies may be inspected at the United States Environmental Protection Agency, 401 M Street, SW., Room EB-15, Washington, D.C. 20460 or at the Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C.

² The procedures D3559-85D, D1688-90C, D1688-90A, D1293-84B, D1125-82B, D511-88A, D511-88B, D1067-88B, D515-88A, D4327-88, and D859-88 are incorporated by reference and shall be done in accordance with Annual Book of ASTM Standards, Vol. 11.01, American Society for Testing and Materials, 1990, 401-403, 352-353, 349-350, 212-214, 137-138, 309-312, 312-314, 123-124, 459-462, 260-265, and 479-481, respectively. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies may be obtained from American Society for Testing and

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Materials, 1916 Race Street, Philadelphia, PA 19103. Copies may be inspected at the United Divisions Environmental Protection Agency, 401 M Street, SW., Room EB-15, Washington, D.C. 20460 or at the Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C.

³ The procedures 3113, 3111-B, 3120, 4500-H⁺, 2510, 3500-Ca-D, 3120, 2320, 4500-P-F, 4500-P-E, 4110, 4500-Si-D, 4500-Si-E, 4500-Si-F, and 2550 are incorporated by reference and shall be done in accordance with "Standard Methods for the Examination of Water and Wastewater," 17th Edition, American Public Health Association, American Water Works Association, Water Pollution Control Federation, 1989, pp. 3-32 through 3-43, 3-20 through 3-23, 3-53 through 3-63, 4-94 through 4-102, 2-57 through 2-61, 3-85 through 3-87, 3-20 thru 3-23, 3-53 thru 3-63, 2-35 through 2-39, 4-178 through 4-181, 4-177 through 4-178, 4-2 through 4-6, 4-184 through 4-187, 4-188 through 4-189, 4-189 through 4-191, and 2-80 through 2-81, respectively. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies may be obtained from the American Water Works Association, Customer Services, 6666 West Quincy Avenue, Denver, Co 80235, Phone (303) 794-7711. Copies may be inspected at the United Divisions Environmental Protection Agency, 401 M Street, SW., Room EB-15, Washington, D.C. 20460 or at the Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C.

⁴ The procedures I-1030-85, I-1601-85, I-2601-85, I-2598-85, I-1700-85, and I-2700-85 are incorporated by reference and shall be done in accordance with "Methods for Determination of Inorganic Substances in Water and Fluvial Sediments," 3rd edition, U.S. Department of Interior, U.S. Geological Survey, 1989, pp. 55-56, 381-382, 383-385, 387-388, 415-416, and 417-419, respectively. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies may be purchased from the Books and Open-File Reports Section, U.S. Geological Survey, Federal Center, Box 25425, Denver, Co 80225. Copies may be inspected at the United Divisions Environmental Protection Agency, 401 M Street, SW., Room EB-15, Washington, D.C. 20460 or at the Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C.

⁵ "Determination of Metals and Trace Elements in Water and Wastes by Inductively-Coupled Plasma Atomic Emission Spectrometry," Revision 3.2, August 1990, U.S. EPA, EMSL. This document is available from U.S. EPA, EMSL, Cincinnati, OH 45268.

⁶ "Determination of Trace Elements in Water and Wastes by Inductively-Coupled Plasma-Mass Spectrometry," Method 200.8, August 1990, Revision 4.3, U.S. EPA EMSL. This document is available from U.S. EPA, EMSL, Cincinnati, OH 45268.

⁷ "Determination of Trace Elements by Stabilized Temperature Graphite Furnace Atomic Absorption Spectrometry," Method 200.9, August 1990, U.S. EPA EMSL. This document is available from U.S. EPA, EMSL, Cincinnati, OH 45268.

⁸ "Determination of Inorganic Ions in Water by Ion Chromatography," Method 300.0, December 1989, U.S. EPA EMSL. This document is available from U.S. EPA, EMSL, Cincinnati, OH 45268.

⁹ For analyzing lead and copper, the technique applicable to total metals must be used and samples cannot be filtered.

11.11. Analyses under this section shall only be conducted by laboratories that have been certified by EPA or the Division. To obtain certification to conduct analyses for lead and copper, laboratories must:

- (1) Analyze performance evaluation samples which include lead and copper provided by EPA Environmental Monitoring and Support Laboratory or equivalent samples provided by the Division; and
- (2) Achieve quantitative acceptance limits as follows:
 - (i) Lead: ± 30 percent of the actual amount in the Performance Evaluation sample when the actual amount is greater than or equal to 0.005 mg/L, and
 - (ii) Copper: ± 10 percent of the actual amount in the Performance Evaluation sample when the actual amount is greater than or equal to 0.050 mg/L;
- (3) Achieve method detection limits according to the procedures in Appendix B of 40 CFR Part 136 follows:
 - (i) Lead: 0.001 mg/L (only if source water compositing is done under 5.5.2); and
 - (ii) Copper: 0.001 mg/L or 0.020 mg/L when atomic absorption

direct aspiration is used (only if source water compositing is done under 5.5.2); or

- (4) Be currently certified by EPA or the Division to perform analyses to the specifications described in 11.11..(a).
- (a) Divisions has the authority to allow the use of previously collected monitoring data for purposes of monitoring, if the data were collected an analyzed in accordance with the requirements Part 11.
- (b) All lead levels measured between the PQL and the MDL must be either reported as measured or they can be reported as one-half the PQL (0.0025 mg/L). All levels below the lead MDL must be reported as zero.
- (c) All copper levels measured between the PQL and the MDL must be either reported as measured or they can be reported as one-half the PQL (0.025 mg/L). All levels below the copper MDL must be reported as zero.

11.12. Reporting requirements.

All water systems shall report all of the following information to the Division in accordance with 11.12.

11.12.1 Reporting requirements for tap water monitoring for lead and copper and for water quality parameter monitoring

- (a) A water system shall report the information specified below for all tap water samples within the first 10 days following the end of each applicable monitoring period specified in 11.7 and 11.8 and 11.9 (i.e., every six-months, annually, or every 3 years).
 - (1) the results of all tap samples for lead and copper including the location of each site and the criteria under ?, ?, ?, 11.7.1(f), and/or 11.7.1(g) under which the site was selected for the system's sampling pool;
 - (2) a certification that each first draw sample collected by the water system is one-liter in volume and, to the best of their knowledge, has stood motionless in the service line, or in the interior plumbing of a sampling site, for at least six hours;
 - (3) where residents collected samples, a certification that each tap sample collected by the residents was taken after the water system informed them of proper sampling procedures specified in 11.7.2(b);
 - (4) the 90th percentile lead and copper concentrations measured

from among all lead and copper tap water samples collected during each monitoring period (calculated in accordance with 11.1.1(c)(3));

- (5) with the exception of initial tap sampling conducted pursuant to 11.7.4(a), the system shall designate any site which was not sampled during previous monitoring periods, and include an explanation of why sampling sites have changed;
 - (6) the results of all tap samples for pH, and where applicable, alkalinity, calcium, conductivity, temperature, and orthophosphate or silica collected under 11.8.2 through 11.8.5;
 - (7) the results of all samples collected at the entry point(s) to the distribution system for applicable water quality parameters under 11.8.2 through 11.8.5.
- (b) By the applicable date in 11.7.4(a) for commencement of monitoring, each community water system which does not complete its targeted sampling pool with tier 1 sampling sites meeting the criteria in ? shall send a letter to the Division justifying its selection of tier 2 and/or tier 3 sampling sites under ? and/or ?.
 - (c) By the applicable date in 11.7.4(a) for commencement of monitoring, each non-transient, non-community water system which does not complete its sampling pool with tier 1 sampling sites meeting the criteria in 11.7.1(f) shall send a letter to the Division justifying its selection of sampling sites under 11.7.1(g).
 - (d) By the applicable date in 11.7.4(a) for commencement of monitoring, each water system with lead service lines that is not able to locate the number of sites served by such lines required under 11.7.1(i) shall send a letter to the Division demonstrating why it was unable to locate a sufficient number of such sites based upon the information listed in 11.7.1(b).
 - (e) Each water system that requests that the Division reduce the number and frequency of sampling shall provide the information required under 11.7.4(d).

11.12.2 Source water monitoring reporting requirements

- (a) A water system shall report the sampling results for all source water samples collected in accordance with 11.9 within the first 10 days following the end of each source water monitoring period (i.e., annually, per compliance period, per compliance cycle) specified in 11.9.
- (b) With the exception of the first round of source water sampling conducted pursuant to 11.9.2, the system shall specify any site which

was not sampled during previous monitoring periods, and include an explanation of why the sampling point has changed.

11.12.3 Corrosion control treatment reporting requirements

By the applicable dates under 11.2, systems shall report the following information:

- (a) for systems demonstrating that they have already optimized corrosion control, information required in ? or ?.
- (b) for systems required to optimize corrosion control, their recommendation regarding optimal corrosion control treatment under 11.3.1.
- (c) for systems required to evaluate the effectiveness of corrosion control treatments under 11.3.3, the information required by that paragraph.
- (d) for systems required to install optimal corrosion control designated by the Division under 11.3.4, a letter certifying that the system has completed installing that treatment.

11.12.4 Source water treatment reporting requirements

By the applicable dates in 11.4, systems shall provide the following information to the Division:

- (a) if required under 11.4.2(a), their recommendation regarding source water treatment;
- (b) for systems required to install source water treatment under 11.4.2(b), a letter certifying that the system has completed installing the treatment designated by the Division within 24 months after the Division designated the treatment.

11.12.5 Lead service line replacement reporting requirements

Systems shall report the following information to the Division to demonstrate compliance with the requirements of 11.5:

- (a) Within 12 months after a system exceeds the lead action level in sampling referred to in 11.5.1, the system shall demonstrate in writing to the Division that it has conducted a materials evaluation, including the evaluation in 11.7.1, to identify the initial number of lead service lines in its distribution system, and shall provide the Division with the system's schedule for replacing annually at least 7 percent of the initial number of lead service lines in its distribution system.
- (b) Within 12 months after a system exceeds the lead action level in sampling referred to in 11.5.1, and every 12 months thereafter, the system shall demonstrate to the Division in writing that the system has

either:

- (1) replaced in the previous 12 months at least 7 percent of the initial lead service lines (or a greater number of lines specified by the Division under ?) in its distribution system, or
 - (2) conducted sampling which demonstrates that the lead concentration in all service line samples from an individual line(s), taken pursuant to 11.7.2(c), is less than or equal to 0.015 mg/L. In such cases, the total number of lines replaced and/or which meet the criteria in ? shall equal at least 7 percent of the initial number of lead lines identified under 11.12.1 (or the percentage specified by the Division under ?).
- (c) The annual letter submitted to the Division under 11.12.5(b) shall contain the following information:
- (1) the number of lead service lines scheduled to be replaced during the previous year of the system's replacement schedule;
 - (2) the number and location of each lead service line replaced during the previous year of the system's replacement schedule;
 - (3) if measured, the water lead concentration and location of each lead service line sampled, the sampling method, and the date of sampling.
- (d) As soon as practicable, but in no case later than three months after a system exceeds the lead action level in sampling referred to in 11.5.1, any system seeking to rebut the presumption that it has control over the entire lead service line pursuant to 11.5.4 shall submit a letter to the Division describing the legal authority (e.g., state statutes, municipal ordinances, public service contracts or other applicable legal authority) which limits the system's control over the service lines and the extent of the system's control.

11.12.6 Public education program reporting requirements

By December 31st of each year, any water system that is subject to the public education requirements in 11.6 shall submit a letter to the Division demonstrating that the system has delivered the public education materials that meet the content requirements in 11.6.1 and 11.6.2 and the delivery requirements in 11.6.3. This information shall include a list of all the newspapers, radio stations, television stations, facilities and organizations to which the system delivered public education materials during the previous year. The water system shall submit the letter required by this paragraph annually for as long as it exceeds the lead action level.

11.12.7 Reporting of additional monitoring data

Any system which collects sampling data in addition to that required by this subpart shall report the results to the Division by the end of the applicable monitoring period under 11.7, 11.8, and 11.9 during which the samples are collected.

11.13. Recordkeeping requirements.

Any system subject to the requirements of Part 11 shall retain on its premises original records of all sampling data and analyses, reports, surveys, letters, evaluations, schedules, Division determinations, and any other information required by 11.2 through 11.9. Each water system shall retain the records required by this section for no fewer than 12 years.

PUBLIC NOTICE OF INTENT TO ADOPT AMENDMENTS
TO THE ALIEN LABOR RULES AND REGULATIONS

CONTENTS: PROPOSED AMENDMENT TO THE ALIEN LABOR
RULES AND REGULATIONS, Commonwealth Register,
vol. 10, no 4, at 5516, (April 15, 1988), Section II C 1:

SECTION II. APPLICATION PROCEDURES.

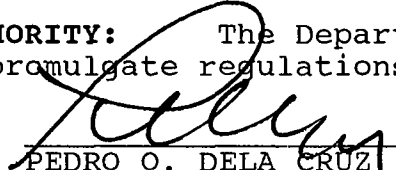
C. Renewal of Labor Certificates.

1. Procedures and Requirement

- a. Payment of application fee;
- b. DOL Form 88-007 (Application for
Renewal of Labor Certificate);
- c. Labor Identification Certificate
(work permit) and Entry Permit;
- d. Proof of physical examination showing
a freedom of communicable disease;
- e. Police Clearance showing the Employee has
not been convicted of a crime carrying a
penalty of one year or more in prison;
- f. Proof of Employee's Payroll, Employer's
Quarterly Withholding Returns and Business
Gross Revenue Tax Returns [four quarters];
- g. A policy of Personal Accident Insurance
covering the Employee in the Commonwealth
in the event the Employee shall sustain
bodily injury caused directly by violent
accidental external and visible means and
being the direct cause of the injury.

PUBLIC COMMENTS: All interested persons may submit written data,
views, or arguments about the proposed amendments to the Director,
Department of Commerce and Labor, Administration Building, Capitol
Hill, Saipan, MP 96950, on or before June 24, 1994.

AUTHORITY: The Department of Commerce and Labor is authorized
to promulgate regulations pursuant to 1 CMC §§ 2454, 9104.



PEDRO Q. DELA CRUZ
Director, Department of Commerce and Labor

5/23/94
Date



SOLEDAD B. SASAMOTO
Filed by Registrar of Corporations

5/28/94
Date

Rec'd in Governor's office 5/27/94

NUTISIAN PUPBLIKU PUT I INTENSION PARA U MA ADAPTA I
AMENDASION SIHA GI AREKLAMENTO YAN REGULASION ALIEN LABOR

SUHETU: PROPOSITU NA AMENDASION GIREGULASION YAN
AREKLAMENTON ALIEN LABOR Commonwealth Register, vol. 10,
no. 4, gi 5516, (Abrit 15, 1988), na Seksiona II C 1:

SEKSIONA II. APLIKASION AREKLAMENTO.

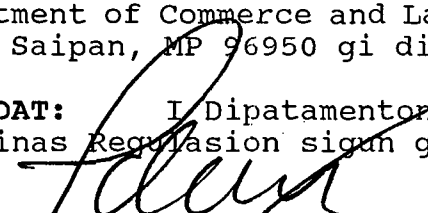
C. Renueban I Labor Certificasion.

1. Areklamento yan Nisisidat

- a. Abona gi aplikasion;
- b. DOL Form 88-007 (Aplikasion para Renueban I Labor Settifiku);
- c. Labor Aidentifikasion Settifiku (empleo petmiti) yan Entry Petmiti;
- d. Eksaminasion prueba pot mediku para u indika taya transferi malangonia;
- e. Areklamentun Settifiku para indika prueba na Empleao taya isaona kon kastigu gi un ano pat mas di un ano gi halom presu;
- f. Prueban apas Empleana, Quarterly Witholding Returns yan Business Gross Revenue Tax Returns para Amuna [kuattro kuattet];
- g. Siguridat para Petsona Aksidenten Empleao gi halom Commonwealth sienkasu na Empleao a risibi un desgrasio sigun ginen i aksidente dirihimente ginen i desgrasio i Empleao.

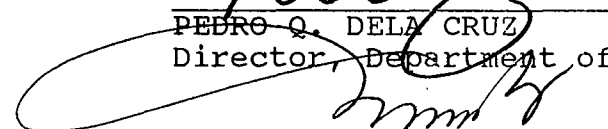
KOMENTUN PUPBLIKU: Todu man enteresau na taotao pot i propositu amendasion, pot fabot, tugi pa ya na halom gi Ofisina Direktot, Department of Commerce and Labor, Administration Building, Capitol Hill, Saipan, MP 96950 gi dia Juniu 24, 1994.

ATURIDAT: I Dipatamenton Commerce and Labor ma aturisa para u famatinas Regulasion sigun gi sinangan i 1 CMC §§ 2454, 9104.



PEDRO Q. DELA CRUZ
Director, Department of Commerce and Labor

5/23/94
Fecha



SOLEDAD B. SASAMOTO
Ha file i Registrar of Corporations

5/23/94
Fecha

ARONGORONGOL TOWLAP REKKE MANGIIY BWE REBWE
ADAPTAALIL LLIWEL KKA LLOL OWTOL ALLEGHUL ALIEN LABOR

OWTOL: NGELAR LLIWEL MELLOL OWTOL ALLEGHUL ALIEN LABOR
Commonwealth Register, vol. 10, no. 4,
rel 5516, (Abrit 15, 1988), rel Talil VII A:

TALIL II. MWOGHUTUGHUTUL TINGOROL APPLICATION.

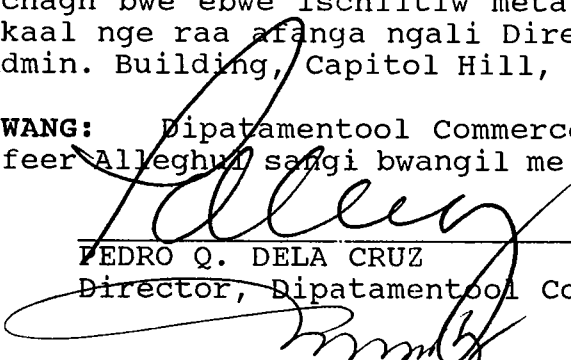
C. Ffeer Sefaalil Certificates-il Application.

1. Mwoghutughut me Ffeerul

- a. Abwossul Application;
- b. DOL Form 88-007 (Application-ul igha ebwe Ffeer Sefaal Labor Certificate);
- c. Labor Identification Certificate (liseniyaal angaang) me Entry Permit;
- d. Tilighiil bwe rerisetaay nge esoor sumwaayul;
- e. Tiligh sangi Pulusiiya bwe esoor ffeer nngow ye e feeru me eselo lloL kalabwoos eew me ngare lap sangi eew raagh;
- f. Tiliighil fitoow abwossul me fitoow rekke tai sangi reel Witholding Returns and Business Gross Revenue Tax Returns [lloL faawu quarters];
- g. Policy-il Personal Accident Insurance iye e abwaari bwe e bwalabwal school angaang we mellol Commonwealth ngare e ghal tooto bwe e filiwos nge e ghilas, mellol yaal angaang, school angaang we.

TIPEER ME MANGEMANGIIR TOWLAP: Aramas ye e tipali nge emmwel schagh bwe ebwe ischiitiw meta tipal me mangemangil reel lliiwel kkaal nge raa afanga ngali Director, Dept. of Commerce and Labor, Admin. Building, Capitol Hill, Saipan, MP 96950 mwal Juniu 24, 1994.

BWANG: Dipatamentool Commerce and Labor eyoor bwangil bwe ebwe ffeer Alleghul sangi bwangil me aileewal mille 1 CMC §§ 2454, 9104.



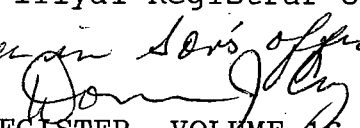
PEDRO Q. DELA CRUZ
Director, Dipatamentool Commerce and Labor

5/23/94
Ral



SOLEDAD B. SASAMOTO
File-liiyal Registrar of Corporations

5/23/94
Ral

Rec'd in Serv. office 5/27/94


PUBLIC NOTICE OF INTENT TO ADOPT AMENDMENTS
TO THE ALIEN LABOR RULES AND REGULATIONS

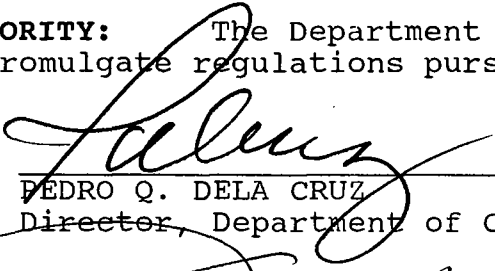
CONTENTS: PROPOSED AMENDMENT TO THE ALIEN LABOR
RULES AND REGULATIONS, Commonwealth Register,
vol. 10, no 4, at 5518, (April 15, 1988), Section III C:

SECTION III. CONDITIONS OF EMPLOYMENT.

C. Maximum Food and Housing Deductions. The maximum deduction to be made from the wages of a nonresident worker for food and housing shall be \$100.00 per month for food and \$100.00 per month for housing, **provided:** the nonresident worker voluntarily elects to accept food and housing provided by the employer; in writing, in the official language of the point of recruitment, and with the option to withdraw from employer-provided food and housing upon one month's advance written notice to the employer. Food and housing deductions which do not comply with the provisions of this regulation shall be presumed to be unlawful deductions. No deductions for food and housing shall be made from the wages of nonresident workers earning less than the minimum wage.

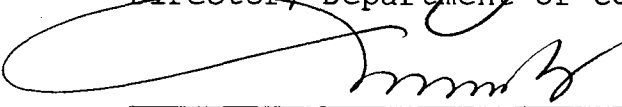
PUBLIC COMMENTS: All interested persons may submit written data, views, or arguments about the proposed amendments to the Director, Department of Commerce and Labor, Administration Building, Capitol Hill, Saipan, MP 96950, on or before June 24, 1994.

AUTHORITY: The Department of Commerce and Labor is authorized to promulgate regulations pursuant to 1 CMC §§ 2454, 9104.



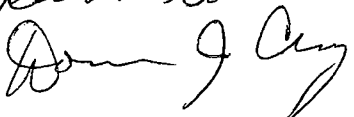
PEDRO Q. DELA CRUZ
Director, Department of Commerce and Labor

5/23/94
Date



Soledad B. Sasamoto
Filed by Registrar of Corporations

5/23/94
Date

Rec in Governor's office 5/27/94


NUTISIAN PUBLIKU PUT I INTENSION PARA U MA ADAPTA I
AMENDASION SIHA GI AREKLAMENTO YAN REGULASION ALIEN LABOR

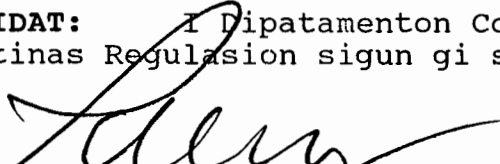
SUHETU: PROPOSITU NA AMENDASION GIREGULASION YAN
AREKLAMENTON ALIEN LABOR Commonwealth Register, vol. 10,
no. 4, gi 5518, (Abrit 15, 1988), na Seksiona III C:

SEKSIONA III. KONDISIAN MANEMPEHA.

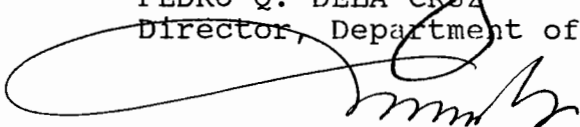
- C. I Totat Gi Manasuha Para Nengkkano Yan Guma .
I totat ni para u manasuha ginen a'pas i
nonresident worker para nengkkano' yan guma'
debi di u \$100.00 kada mes para nengkkano yan
\$100.00 kada mes para guma u ma pribeniyi: i
nonresident worker guiya ha' namaisa u
boluntarici kao para u aksepta nengkkano yan
guma ni pribeniyi ni amu-na pat ama-na; gi
tinigen i ofisiat ma lennguahe siha gi anai
makonne, yan i opson komu para laknos gue
ginen i mapribeniyi na nengkkano yan guma'
ginen i manempleha, ya debu di u guaha tinige'
un mes guatu gi manempleha. I total gi
manasura para nengkkano yan guma komu ti ha
tattiyi este na regulasion u ma polo komu
ilegat na total manasuha. Taya totat manasuha
u macho' gue komu i a'pas i nonresident worker
menos di i minimum wage.

KOMENTUN PUBLIKU: Todu man enteresau na taotao pot i propositu
amendasion, pot fabot, tugi pa ya na halom gi Ofisina Direktot,
Department of Commerce and Labor, Administration Building, Capitol
Hill, Saipan, MP 96950 gi dia Junio 24, 1994.

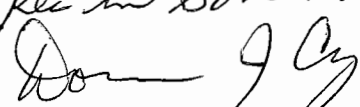
ATURIDAT: I Dipatamenton Commerce and Labor ma aturisa para u
famatinas Regulasion sigun gi sinangan i 1 CMC §§ 2454, 9104.


PEDRO Q. DELA CRUZ
Director, Department of Commerce and Labor

5/23/94
Fecha


SOLEDAD B. SASAMOTO
Ha file i Registrar of Corporations

5/23/94
Fecha

Rec in Sonoma office 5/27/94


**ARONGORONGOL TOWLAP
ARONGORONG IGHA REKKE MANGIY BWE REBWE ADAPTAALIL
LLIIWEL KKA LLOL OWTOL ALLEGHUL ALIEN LABOR**

**OWTOL: NGELAR LLIWEL MELLOL OWTOL ALLEGHUL ALIEN LABOR
Commonwealth Register, vol. 10, no. 4,
rel 5518, (Abrit 15, 1988), rel Talil III C:**

TALIL III. MWOGHUTUGHUTUL UMWUUMWUL SCHOOL ANGAANG.

- C. Llapal selaapi ye rebwe tailo reel abwossul mwungo me iimw. Llapal selaapi ye rebwe tailo reel abwossul mwungo me iimw nge rebwe tay mellol abwossul nonresident worker reel mwungo me iimw nge ebwe \$100.00 doola eew maram reel mwungo me \$100.00 doola eew maram reel iimw ye school umwuumwul school angaang e ayoora ngaliir: nonresident worker ye ii ipighil e fysali bwe ebwe risibi mwungo me iimw kka school umwuumwul angaang; nge ebwe iisch reel kkasal ofisiyool igha re umwuuw bwe ebwe angaang, nge emmwel schagh bwe ebwe toowow mellol ngare ese tipali nge ebwe ayoora alughulugh ye e ishitiiw ngali school umwuumwul angaang eew maramelo mmwal. Llapal selappi ye re tailo reel abwossul iimw me mwungo ngare ese tabweey alleghyool nge rebwe esali ngare e alleew. Essobw yoor abwos ye rebwe tailo ngare abwossul nonresident worker we e ghitighitiw mmwal minimum wage.

TIPEER ME MANGEMANGIIR TOWLAP: Alangor aramas towlap rebwe isalillang emmwel schagh ebwe ischiitiw meta tipal me mangemangil reel lliiwel kkaal nge raa afanga ngali Director, Department of Commerce and Labor, Administration Building, Capitol Hill, Saipan, MP 96950 mwal Juniu 24, 1994.

BWANG: Dipatamentool Commerce and Labor eyoor bwangil bwe ebwe ffeer Alleghul sangi bwangil me aileewal mille 1 CMC §§ 2454, 9104.



PEDRO Q. DELA CRUZ
Director, Dipatamentool Commerce and Labor

5/23/94
Ral



SOLEDAD B. SASAMOTO
File-liiyal Registrar of Corporations

5/23/94
Ral

Rec in Governor's office 5/27/94

PUBLIC NOTICE OF INTENT TO ADOPT AMENDMENTS
TO THE ALIEN LABOR RULES AND REGULATIONS

CONTENTS: PROPOSED AMENDMENT TO THE ALIEN LABOR
RULES AND REGULATIONS, Commonwealth Register,
vol. 10, no 4, at 5527, (April 15, 1988), Section VII A:

SECTION VII. FEE SCHEDULE.

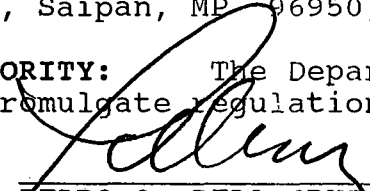
- A. Application for and renewal of Labor Identification Certificate, to include Transfer Relief without-
 - (i) the conclusion of an Administrative Hearing based on an alleged violation of the Commonwealth Labor Law; or,
 - (ii) the bona fide merger, acquisition, reorganization, or incorporation of a valid business entity:

One Year \$200.00
 Transfer Relief \$200.00
 Two Years \$400.00

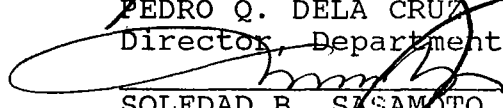
- A1. Penalty fee for failure to submit a complete renewal application for the period beginning the day following the expiration of the labor identification certificate:
 - (a) The first through the seventh day of the expiration of the labor identification certificate: \$50.00 per day;
 - (b) The eighth through the fifteenth day of the expiration of the labor identification certificate: \$100.00 per day;
 - (c) After the fifteenth day of expiration of the labor identification certificate: \$500.00 per day.

PUBLIC COMMENTS: All interested persons may submit written data, views, or arguments about the proposed amendments to the Director, Department of Commerce and Labor, Administration Building, Capitol Hill, Saipan, MP 96950, on or before June 24, 1994.

AUTHORITY: The Department of Commerce and Labor is authorized to promulgate regulations pursuant to 1 CMC §§ 2454, 9104.



 PEDRO Q. DELA CRUZ
 Director, Department of Commerce and Labor



 SOLEDAD B. SASAMOTO
 Filed by Registrar of Corporations

5/23/94
 Date

5/23/94
 Date

See in Governor's office 5/27/94

NUTISIAN PUPBLIKU PUT I INTENSION PARA U MA ADAPTA I
AMENDASION SIHA GI AREKLAMENTO YAN REGULASION ALIEN LABOR

SUHETU: PROPOSITU NA AMENDASION GIREGULASION YAN
AREKLAMENTON ALIEN LABOR Commonwealth Register, vol. 10,
no. 4, gi 5527, (Abrit 15, 1988), na Seksiona VII A:

SEKSIONA VII. I PRECIO REGISTRASION.

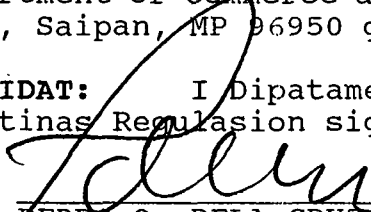
- A. Aplicasion para yan mananuebo na Labor
Identificasion Certificate para manadana
Trinansferin Alibio sin-
(i) i finakpo' i Administrative Hearing
sigun gi sinisedi gi nilache gi halom
Commonwealth Labor Law; pat,
(ii) i bona fide merger, acquisition,
reorganization, pat incorporation gi
manmaolek siha na bisnis:

Uno Ano \$200.00
Trinansferin Alibio . \$200.00
Dos Anos \$400.00

- A1. Penan a'pas komu ti ma'submiti halom komplidu
na ma renueban aplikasion gi primet dia anai
expired i settifikasion labor identification:
- (a) Desde primet asta mina' siette dias gi
despues di expired i settifikasion labor
identification: \$50.00 gi dia;
- (b) Desde mina' ocho asta mina' kinse na dia
despues di expired i settifikasion labor
identification: \$100.00 gi dia;
- (c) Ultimo gi kinse dia despues di expired
settifikasion labor identification:
\$500.00 gi dia.

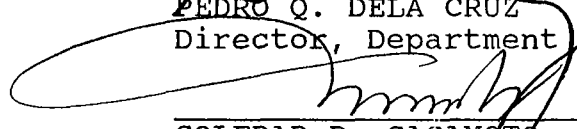
KOMENTUN PUPBLIKU: Todu man enteresau na taotao pot i propositu
amendasion, pot fabot, tugi pa ya na halom gi Ofisina Direktot,
Department of Commerce and Labor, Administration Building, Capitol
Hill, Saipan, MP 96950 gi dia Juniu 24, 1994.

ATURIDAT: I Dipatamenton Commerce and Labor ma aturisa para u
famatinas Regulasion sigun gi sinangan i 1 CMC §§ 2454, 9104.



PEDRO Q. DELA CRUZ
Director, Department of Commerce and Labor

5/23/94
Fecha



SOLEDAD B. SASAMOTO
Ha file i Registrar of Corporations

5/23/94
Fecha

ARONGORONGOL TOWLAP ARONGORONG IGHA REKKE MANGIY BWE
REBWE ADAPTAALIL LLIIWEL KKA LLOL OWTOL ALLEGHUL ALIEN LABOR

OWTOL: NGELAR LLIIWEL MELLOL OWTOL ALLEGHUL ALIEN LABOR
Commonwealth Register, vol. 10, no. 4,
rel 5527, (Abrit 15, 1988), rel Talil VII A:

TALIL VII. TALIL ABWAS.

- A. Applicasion eye me renewal rel Labor Identification Certificate ebwe tolong llal Transfer Relief mwutchulool-
(i) Administrative Hearing sigun wal mille kka reghula bwe allugh rel Commonwealth Labor Law; ngare,
(ii) mille bona fide merger, acquisition, reorganization, me ngare incorporation igha ebwetoolong llol bisnis kka e ghatch:

Ewel Rogh \$200.00
Transfer Relief \$200.00
Rwoow Rogh \$400.00

A1. Abwos reel ngare rese atolongooy renewal application ye e takk fisch sangi raalil la mwiril igha expired labor identification certificate:

- (a) Mesammwal ral mwet ngali afisirallil igha e expired labor identification certificate nge: \$50.00 doola eral;
- (b) Sangi awabarallil mwet ngali aseigh me limirallil igha e expired labor identification certificate nge: \$100.00 doola eral;
- (c) Motchellol asigh me limirallil igha expired la labor identification certificate nge: \$500.00 doola eral.

TIPEER ME MANGEMANGIIR TOWLAP: Aramas ye e tipali nge emmwel schagh bwe ebwe ischiitiw meta tipal me mangemangil reel lliiwel kkaal nge raafanga ngali Director, Department of Commerce and Labor, Administration Building, Capitol Hill, Saipan, MP 96950.

BWANG: Dipatamentool Commerce and Labor eyoor bwangil bwe ebwe ffeer Alleghul sangi bwangil me aileewal mille 1 CMC SS 2454, 9104.

PEDRO Q. DELA CRUZ
Director, Dipatamentool Commerce and Labor

SOLEDAD B. SASAMOTO
File-liiyal Registrar of Corporations

Rec. in Governor's office 5/27/94

5/29/94
Ral
5/23/94
Ral



BOARD OF PROFESSIONAL LICENSING
Commonwealth of the Northern Mariana Islands

P.O. Box 2078
Saipan, MP 96950
Tel. No.: (670) 234-5897
Fax No.: (670) 234-6040

NOTICE OF PROPOSED AMENDMENTS
TO THE
REGULATIONS FOR
REAL ESTATE APPRAISERS
OF THE
BOARD OF PROFESSIONAL LICENSING

The Board of Professional Licensing hereby notifies the General Public that it proposes to amend the Regulations for Real Estate Appraisers. Interested persons may obtain copies of the proposed amendment from the Board of Professional Licensing.

Anyone interested in commenting on the proposed amendments may do so within 30 days from the date this notice is published in the Commonwealth Register. Such comments should be sent to:

Chairperson
Board of Professional Licensing
P.O. Box 2078
Saipan, MP 96950

Dated this 20th day of May, 1994.

ELIZABETH H. SALAS-BALAJADIA
Chairperson

Received by:
Governor's Office
Date: 5/20/94 Time: 8:35 AM

Received by:
Registrar of Corporations, AG's Office
Date: 5/20/94 Time: 8:45 AM



BOARD OF PROFESSIONAL LICENSING
Commonwealth of the Northern Mariana Islands

P.O. Box 2078
Saipan, MP 96950
Tel. No.: (670) 234-5897
Fax No.: (670) 234-6040


**NUTISIA PUT I MAPROPOPONI SIHA NA AMENDASION
GI REGULASION
REAL ESTATE APPRAISERS
PARA I
BOARD OF PROFESSIONAL LICENSING**

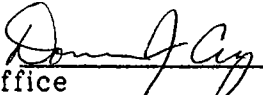
I Board of Professional Licensing ginen este ha nutisia i pupbliku henerat na ha propoponi umamenda i Regulasion Real Estate Appraisers. Todu maninteresante siha na petsona siha manmañule kopian i mapropoponi na amendasion siha gi Ufusinan Board of Professional Licensing.

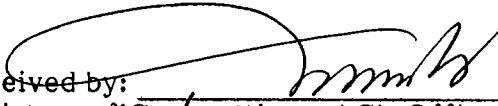
Maninteresante siha na petsona siha manmama'tinas komento put i mapropoponi na amendasion u gi halom gi trenta (30) dias despues di fecha ni malaknos este na nutisia gi halom Rehistran Commonwealth. Este siha na komentu debi di u manahanao guatu gi:

Chairperson
Board of Professional Licensing
P.O. box 2078
Saipan, MP 96950

Ma'cho'gue gieste na dia i 20th este na mes May 1994


ELIZABETH SALAS BALAJADIA
CHAIRPERSON

Received by: 
Governor's Office
Date: 5/20/94 Time: 8:35 AM

Received by: 
Registrar of Corporations, AG's Office
Date: 5/20/94 Time: 8:45 PM



BOARD OF PROFESSIONAL LICENSING
Commonwealth of the Northern Mariana Islands

P.O. Box 2078
Saipan, MP 96950
Tel. No.: (670) 234-5897
Fax No.: (670) 234-6040

ARONGORONGOL FFEÉRÚL LLIWEL MELÓL ÓWTOL
ALLÉGHÚL
REAL ESTATE APPRAISERS
MELLÓL
BOARD OF PROFESSIONAL LICENSING

Schóól Board of Professional Licensing sáangi arongorong yeel, nge rekke arongaar towap igha rebwe ayoora liiwel mellól ówtol Alléghúl Real Estate Appraisers. Arams ye e tipali nge emmwel schagh bwe ebwe lo bweibwogh kkopiyaal liiwel kkaal sáangi bwulasiyool Board of Professional Licensing.

Aramas ya e tipalibwe ebwe atotoolong tipal me ngáre mánghemángil reel liiwel kkaal nge emmwel schagh bwe ebwe ischiitiw nge aa afanga llól elligh (30) ral sáangi igha e toowow arongong yeel mellól Commonwealth Register nge rebwe afaf ngáli address ye:

Chairperson
Board of Professional Licensing
P.O. Box 2078
Saipan, MP 96950

E Ffeer llól ráalil ye 20th Mararam ye May, 1994

Elizabeth Salas Balajadia
ELIZABETH SALAS BALAJADIA
Chairperson

Received by: [Signature]
Governor's Office
Date: 5/20/94 Time: 8:35 AM

Received by: [Signature]
Registrar of Corporations, AG's Office
Date: 5/20/94 Time: 8:45 AM

**REGULATIONS
OF THE
BOARD OF PROFESSIONAL LICENSING
FOR
REAL ESTATE APPRAISERS**

PART I. GENERAL PROVISIONS

- 1.1 PURPOSE. The purpose of these regulations is to comply with applicable federal law, specifically the Financial Institutions Reform, Recovery and Enforcement Act of 1989, and federal regulations, as well as to protect the interests of land owners, financial institutions, appraisers and other interested persons in the Commonwealth of the Northern Mariana Islands (hereafter "CNMI").
- 1.2 INTENT AND EFFECT. It is the intent of these regulations to ensure high standards of professional competence for real estate appraisers in the CNMI and to comply with applicable federal statutes and regulations.

Due to the scarcity of qualified persons in the CNMI, it is the intent of these regulations to establish two classes of approved real estate appraisers:

Non-Federally Related Transactions

**Licensed Residential Real Estate
Appraiser
Licensed General Real Estate
Appraiser**

Federally Related Transactions

**Licensed Real Estate Appraiser
Transitional Licensed Real
Estate Appraiser
Certified Residential Real
Estate Appraiser
Certified General Real
Estate Appraiser**

The first class of appraisers will qualify to do appraisals in non-federally related real estate transactions and will not qualify under federal law and these regulations to perform federally related real estate transactions. The second class of real estate appraisers will qualify to perform appraisals in both federally related and non-federally related real estate transactions, the difference between licensed and certified status being further defined.

- 1.3 AUTHORITY. The CNMI Board of Professional Licensing (hereafter "Board") has the authority to regulate real estate appraisers pursuant to 4 CMC, Div. 3, Section 3105 and Section 3108.

PART II. DEFINITIONS

- 2.1 APPRAISAL OR APPRAISAL REPORT. A statement independently and impartially prepared by an appraiser setting forth an opinion as to the market value of an adequately described property as of a specific date (s), supported by the presentation and analysis of relevant market information.
- 2.2 APPRAISAL FOUNDATION. The Appraisal Foundation established on November 30, 1987, as a non-for-profit corporation under the laws of Illinois.
- 2.3 APPRAISAL QUALIFICATIONS BOARD. The board appointed by the Appraisal Foundation to establish criteria for appraiser licensing and certification.
- 2.4 APPRAISAL SUBCOMMITTEE. The Appraisal subcommittee of the Federal Financial Institutions Examination Council (FFIEC) consisting of representatives from the federal financial institutions regulatory agencies.
- 2.5 **APPRAISER OR REAL ESTATE APPRAISER. A CNMI Licensed Residential Real Estate Appraiser, non-federally related real estate transactions, or a CNMI Licensed General Real Estate Appraiser, non-federally related real estate transactions, or a CNMI Licensed Real Estate Appraiser, federally related real estate transactions, or a Transitional Licensed Real Estate Appraiser, federally related real estate transactions, or a Certified Residential Real Estate Appraiser, federally related real estate transactions, or a Certified General Real Estate Appraiser, federally related real estate transactions, who for a fee or other valuable consideration prepares an appraisal assignment.**
- 2.6 APPRAISER ASSISTANT. A person who is not licensed or certified as an appraiser but who assists in the preparation of an appraisal under the direct supervision of a CNMI certified or CNMI licensed appraiser and who is a bona fide employee of a licensed or certified appraiser or an employee of the same entity that employs the licensed or certified appraiser.
- 2.7 BONA FIDE EMPLOYEE OR EMPLOYEE. An individual who works for wages as the individual's primary compensation and who is not an independent contractor.
- 2.8 CERTIFICATE. A document issued by the Board indicating that the person named thereon has satisfied the requirements for certification as CNMI certified real estate appraiser, federally related real estate transactions.
- 2.9 **CERTIFIED APPRAISER. A CNMI certified Residential or General real estate appraiser, federally related real estate transactions.**
- 2.10 CERTIFICATE HOLDER. The person in whose name the Board grants a certificate.

2.11 CLASSROOM HOUR. A classroom hour is defined as fifty minutes out of each sixty minute segment and may include time devoted to examinations.

2.12 COMPLEX ONE -TO-FOUR FAMILY RESIDENTIAL PROPERTY APPRAISAL. One in which the property to be appraised, market conditions, or form of ownership is atypical and which have a significant value contribution. For example, atypical factors may include but are not limited to:

- (A) architectural style;
- (B) age of improvements;
- (C) size of improvements;
- (D) size of lot;
- (E) neighborhood land use;
- (F) potential environmental hazard liability;
- (G) leasehold interests;
- (H) limited readily available comparable sales data; or
- (I) other unusual factors.

2.13 CONTINUING EDUCATION. Education that is creditable toward the education requirements that must be satisfied to renew licensure or certification as a Licensed Real Estate Appraiser, Certified Residential Real Estate Appraiser, and Certified General Real Estate Appraiser.

2.14 DIRECT SUPERVISION. To actively and personally review the appraisal report of an appraiser assistant, to accept responsibility for the appraisal, and to sign the report attesting to the acceptance of the appraisal as being independently and impartially prepared and in compliance with the uniform standards of professional appraisal practice (USPAP).

2.15 FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL. The council created under the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. § 3301 et seq.) consisting of representatives from the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of Thrift Supervision and the National Credit Union Administration Board.

2.16 FEDERALLY RELATED REAL ESTATES TRANSACTION. Any real estate-related financial transaction entered into on or after December 31, 1992, that:

- (A) any regulated institution engages in or contracts for; and
- (B) requires the services of an appraiser.

2.17 FORFEIT OR FORFEITURE. The immediate and automatic termination of a license or certificate without any prior consultation with the licensee or certificate holder caused by the licensee or certificate holder's failure to comply with the requirements for maintaining or renewing the license or certificate.

2.18 LICENSE. The document indicating that the person named thereon has satisfied all requirements for licensure as a CNMI licensed appraiser.

2.19 LICENSED APPRAISER. **Licensed Residential Real Estate Appraiser, non-federally related real estate transactions, or a Licensed General Real Estate Appraiser, non-federally related real estate transactions, or a Licensed Real Estate Appraiser, federally related real estate transactions, or a Transitional Licensed Real Estate Appraiser, federally related real estate transactions.**

2.20 LICENSEE. The person in whose name the Board grants a license.

2.21 MARKET VALUE. The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- (A) buyer and seller are typically motivated;
- (B) both parties are well informed or well advised, and each acting in what each party considers in the party's own best interest;
- (C) a reasonable time is allowed for exposure in the open market;
- (D) payment is made in terms of cash in United States dollars or in terms of financial arrangements comparable thereto; and
- (E) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by a person associated with the sale.

In applying this definition of market value, adjustments to the comparable properties must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs that are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable properties by comparisons to financing terms offered by a third party financial institution that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar-for-dollar cost of the financing or concession, but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgment.

2.22 NON-FEDERALLY RELATED REAL ESTATE TRANSACTION. Any transaction which does not meet the definition of a federally related real estate transaction.

2.23 QUALIFYING EDUCATION. Education that is creditable toward the education requirements for initial licensure or certification under one or more of the three real estate appraiser classifications (Licensed Real Estate Appraiser, Certified Residential Real Estate Appraiser, and Certified General Real Estate Appraiser).

2.24 REAL ESTATE-RELATED FINANCIAL TRANSACTION. Any transaction involving:

- (A) the sale, lease, purchase, investment in, or exchange of real property, including interests in property, or the financing thereof; or
- (B) the refinancing of real property or interests in real property; or
- (C) the use of real property or interests in real property as security for a loan or investment, including mortgage-backed securities.

2.25 REGULATED INSTITUTION OR FEDERALLY FINANCIAL INSTITUTION. Any institution regulated by the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, or the National Credit Union Administration.

2.26 RESIDENTIAL PROPERTY. Any parcel of real estate, improved or unimproved, that is utilized for one-to-four family purposes and where the highest and best use is for one-to-four family purposes. A residential unit in a condominium, townhouse or cooperative complex is considered to be residential real estate. Residential property does not include subdivisions wherein a development analysis or appraisal is necessary or utilized.

2.27 RESTORE OR RESTORATION. The granting of permission to perform appraiser work by the Board to a person whose license or certificate has been previously forfeited or suspended.

2.28 TRACT DEVELOPMENT. A project of five units or more that is constructed or is to be constructed as a single development. A tract development may be units in a subdivision, condominium project, time share project, or any similar project meant to be sold as individual units over a period of time. A project is deemed to be a tract development whether it currently is or is intended to sell as a single development.

2.29 TRANSACTION VALUE. Transaction Value means:

- (A) for loans, participation, or other extensions of credit, the amount of the loan, participation, or extension of credit;
- (B) for sales, leases, purchases, and investments in or exchanges of real property, the market value of the real property involved; or

- (C) for the purchase or sale of loans or interests in real property pooled for sale, the amount of the loan or the market value of the real property calculated with respect to each loan or real property interest in the pool.

The transaction value for a series of related transactions will be calculated as if only one transaction is involved if it appears that an entity is attempting to evade the requirements to have the appraisal performed by a licensed or certified appraiser.

Master appraisals performed in support of Housing and Urban Development, Federal Housing Administration, or Veterans Administration loan transactions will not be considered as one transaction.

- 2.30 TRANSITIONAL LICENSE. The permission granted by the Board to a person to act as a transitional licensed appraiser.
- 2.31 TRANSITIONAL LICENSED APPRAISER. Any individual who has met all requirements for licensure as a CNMI license appraiser, federally related real estate transaction, except the education or the experience requirement.
- 2.32 UNIFORM STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE OR USPAP. The uniform appraisal standards including ethics and competency provisions established by the Appraisal Standards Board as adopted and as it may subsequently be amended by the Appraisal Foundation.
- 2.33 YEARS OF EXPERIENCE. **A year is defined in terms of hours within a calendar year. One thousand (1,000) hours constitutes a year of appraisal experience.**

PART III. POWERS AND DUTIES OF THE BOARD

- 3.1 POWERS AND DUTIES OF THE BOARD. In addition to those powers and duties specifically enumerated by law, the Board shall have the following powers and duties:
 - (A) to grant, deny, renew, or refuse to renew permission to practice as a licensed or certified real estate appraiser in the CNMI;
 - (B) to adopt, amend, or repeal rules and/or regulations as necessary to effectuate fully the law;
 - (C) to enforce the law and rules and regulations adopted pursuant thereto;
 - (D) to discipline a real estate appraiser for any cause prescribed by law or for any violation of the rules and regulations and refuse to grant a person permission to practice as a real estate appraiser for any cause that would be grounds for disciplining a real estate appraiser;

- (E) to act as the designated representative of the CNMI to exempt, waive or implement the requirements of 12 U.S.C. § 3301 et seq.;
- (F) to revoke or suspend the permission to practice as an appraiser or otherwise condition the scope of the license or certification of the appraiser for any violation of the law or these regulations;
- (G) to impose continuing education requirements as a prerequisite to renewal of licensing or certification, as necessary;
- (H) to issue an annual statement describing the receipts and expenditures in the administration of these regulations during each fiscal year;
- (I) to compel the attendance of witnesses and production of books, documents, records, and other papers; to administer oaths; and to take testimony and receive evidence concerning all matters within their jurisdiction. These powers may be exercised directly by the Board or the Board's authorized representative acting by authority of law;
- (J) to contract with qualified persons, including attorneys, hearing officers, accountants, investigators, and other necessary personnel to assist the Board in exercising the Board's powers and duties;
- (K) to contract with a professional testing agency to develop and administer examinations;
- (L) to appoint an Appraiser Advisory Committee to assist and inform the Board in its implementation of these regulations and all applicable law; and
- (M) to do all other things necessary to carry out the provisions of these regulations and to meet the requirements of federal law where necessary regarding licensing and certification of appraisers that the Board determines are appropriate for licensed and certified appraisers in the CNMI.

3.2 IMMUNITY. The members of the Board, or individuals acting on their behalf are immune from suit in any action, civil or criminal, based on any facts performed in the course of their duties except for their intentional or willful misconduct.

PART IV. REAL ESTATE APPRAISER ADVISORY COMMITTEE

4.1 MEMBERS.

(A) There shall be a Real Estate Appraiser Advisory Committee ("Committee") consisting of three (3) members appointed by the Governor to assist with the implementation of these regulations

(B) Two members of the committee shall be appraisers who have been actively performing appraisal work for a period of not less than three (3) years preceding the date of the member's appointment. The third member shall be as selected in the discretion of the Governor.

(C) Except for appraiser members first appointed, appraiser members subsequently appointed shall be licensed or certified appraisers holding a current license or certificate.

(C) Except for appraiser members first appointed, appraiser members subsequently appointed shall be CNMI Licensed or Certified Real Estate Appraisers, federally related transactions, holding a current license or certificate.

(D) Each member of the committee shall serve without pay.

(E) The committee shall meet not less than once a year at a time and place determined by the Board or two members of the committee.

(F) Immediately upon the appointment and qualification of the original members, and annually thereafter, the committee shall organize by election of one member as Chair and one as Vice Chair.

4.2 TERMS OF MEMBERS.

(A) The terms of the members shall be for two years.

(B) Appraiser members first appointed shall have obtained a license or certificate as a CNMI Licensed or Certified Real Estate Appraiser, federally related transactions, to continue in office after December 31, 1992.

(C) Any member whose term has expired may continue in office as a holdover member until a successor is appointed; provided that a holdover member shall not hold office beyond the end of the calendar year that the member's term expired.

(D) A vacancy occurring in the membership of the committee during a term shall be filled for the unexpired term thereof by the Governor.

(E) The Governor may remove or suspend for cause any member of the committee after due notice.

PART V. LICENSE AND CERTIFICATION REQUIREMENTS

- 5.1 LICENSE OR CERTIFICATION REQUIRED. It shall be unlawful for an individual who is not licensed or certified in the CNMI to prepare or hold oneself out as being able to prepare an appraisal in connection with a real estate related transaction requiring licensure or certification under these regulations. It shall be unlawful for a person with one class of license to perform an appraisal requiring a different class of license.
- 5.2 GENERAL REQUIREMENTS. All applicants for a license or certificate shall possess a reputation for honesty, trustworthiness, fairness, and financial integrity; meet educational and experience requirements; and shall pass an examination approved by the Appraiser Qualifications Board of the Appraisal Foundation **and a local appraisal examination approved by the Board** and not have been convicted of **a crime related to real estate appraisal profession. Applicants for the non-federally related appraiser license must take and pass the local appraisal examination as part of the requirement.**
- 5.3 EDUCATION/EXAMINATION/EXPERIENCE REQUIREMENT FOR A REAL ESTATE APPRAISER, FEDERALLY RELATED REAL ESTATE TRANSACTIONS. Applicants must meet the following education, examination and experience requirements.

(A) Education.

(1) The applicant must have completed courses in subjects related to real estate appraisal which shall include coverage of the Uniform Standards of Professional Appraisal Practice (USPAP). Subjects related to real estate appraisal shall include the following topics listed below:

- (a) Influences on real estate value;
- (b) Legal considerations in appraisal;
- (c) Types of value;
- (d) Economic principles;
- (e) Real estate markets and analysis;
- (f) Valuation process;
- (g) Property description;
- (h) Highest and best use analysis;
- (i) Appraisal math and statistics;
- (j) Sales comparison approach;
- (k) Site value;
- (l) Cost approach

- (m) Income approach;
- (n) Valuation of partial interests; and
- (o) Uniform Standards of Professional Appraisal Practice.

(2) Prerequisites to taking the examination:

(a) Licensed classification - requires 75 classroom hours of courses in subjects related to real estate appraisal which shall include coverage of the Uniform Standards of Professional Appraisal Practice (USPAP).

(b) Certified Residential classification - requires 120 classroom hours which may include the 75 classroom requirement for the Licensed classification, of courses in subjects related to real estate appraisal which shall include coverage of the Uniform Standards of Professional Appraisal Practice (USPAP).

(c) Certified General classification - requires 165 classroom hours which may include the 75 hour classroom requirement for the Licensed classification and/or the 105 hour requirement for the Certified Residential classification of courses in subjects related to real estate appraisal which shall include coverage of Uniform Standards of Professional Appraisal Practice(USPAP).

(3) A classroom hour is defined as fifty minutes out of each sixty minute segment. The prescribed number of classroom hours includes time devoted to examinations which are considered to be part of the course.

(4) Credit toward the classroom hour requirement will not be granted unless the length of the educational offering is at least fifteen hours and the applicant successfully completes an examination pertinent to the education offering.

(5) Credit for the classroom hour requirement may be obtained from the following:

- (a) Colleges or Universities**
- (b) Community or Junior Colleges**
- (c) Real Estate Appraisal or Real Estate Related Organizations**
- (d) State or Federal Agencies or Commissions**

- (e) Proprietary Schools**
- (f) Other providers approved by the state certification/licensing agency**

(6) Credit may be granted for teaching a course, provided the course is an approved course and further provided that the same teaching credit is not credited to meet the experience requirement.

(7) It shall be the applicant's responsibility to ensure that the course provider verifies the number of classroom hours, the length of the education offering and that the applicant successfully completed an examination for the course.

(8) An academic credit hour for a semester earned from an accredited college, university and community or junior college shall be equal to fifteen hours and academic credit hour for a quarter shall be equal to ten hours.

(9) There is no time limit regarding when qualifying education credit must have been obtained.

(10) Experience may not be substituted for education.

(11) Correspondence courses may be acceptable to meet the classroom hour requirement provided each course is approved by the Board and meets the following conditions:

(a) The course has been presented by an accredited (Commission on Colleges or a regional accreditation association) college or university which offers correspondence programs in other disciplines;

(b) An individual successfully completes a written examination administered at a location by an official approved by the college or university; and

(c) The content and length of the offering must meet the requirements stated on Section 5.3 (A) (1) and (4) for real estate appraisal-related courses.

(d) Correspondence courses may be acceptable to meet the classroom hour requirement provided the course has received the American Council on Education's Program on Non-collegiate Sponsored Instruction (PONS) approval for college credit.

(B) Examination.

(1) Each applicant for a license or a certificate shall successfully pass the appropriate examinations which has been approved by the Appraiser Qualifications Board of the Appraisal Foundation or its equivalent and the local appraisal examination approved by the Board. The examination must be successfully completed. There is no alternative to successful completion of the examination.

(2) Passage of an examination taken in another jurisdiction may be approved as meeting the examination requirement provided the examination has been approved by the Appraiser Qualifications Board of the Appraisal Foundation and the applicant also take and passed the local appraisal examination.

(C) Experience.

(1) Each applicant shall obtain a minimum of two thousand hours of appraisal experience and shall submit notarized verification of appraisal experience in the form of reports or file memoranda obtained prior to the date of application.

(2) Acceptable appraisal experience includes, but is not limited to the following:

Fee and staff appraisal, ad valorem tax appraisal, review appraisal, appraisal analysis, real estate counseling, highest and best use analysis, feasibility analysis/study, and teaching of appraisal courses, provided credit for teaching a course was not applied toward the educational requirement.

(3) The Licensed Real Estate Appraiser Classification applies the appraisal of (a) non-complex one to four residential units having a transaction value less than \$1,000,000; (b) other appraisals rendered in connection with any federally-related transaction having a transaction value up to, but not including, \$250,000; and (c) appraisals of rural properties where the rural property is a one-to-four family residential property where production of agricultural income is not significant or is primarily used for recreation or other non-income producing purposes.

(4) The Certified Residential Real Estate Appraiser Classification is certified to perform appraisals of residential property without regard to transaction value or complexity and appraisals of non-residential property rendered in connection with any federally-related transaction having a transaction value up to but not including \$250,000.

(5) The Certified General Real Estate Appraiser Classification is certified to perform appraisals for all real estate property types.

(6) All Licensed and Certified Appraisers are bound by the Competency Provision of the Uniform Standards of Professional Appraisal Practice.

5.4 APPROVAL OF COURSE PROVIDERS.

(A) Colleges, universities, and community and junior colleges accredited by nationally recognized accreditation organizations and State or Federal agencies or commissions or other entities or persons approved by the Board are approved course providers.

(B) Real estate appraiser or real estate related organizations, proprietary schools, and others shall be approved provided the course provider or the course offered by the course provider has been endorsed by the Appraisal Subcommittee or the Appraiser Qualifications Board and proof of the endorsement is filed with the Board.

(C) Real estate appraisal or real estate related organizations, proprietary schools, and other providers may be approved by the Board provided the course provider submits the course outline, course objectives, and instructor qualifications for approval, and agrees to:

- (1) submit, upon request, the copy of the course examination for review;
- (2) provide completion certificates to attendees which include information regarding the number of classroom hours, successful passage of examination and the index number assigned by the Board to the courses within two weeks of completion of the courses;
- (3) permit, upon request, the Board or the Board's representative to audit the course at no cost to the Board or the Board's representative;

- (4) provide that non-members of the association or organization may apply for the course without membership in the association or organization on the same terms and conditions as members of the association or organization; and
- (5) keep attendance records for a minimum of three years.
- (6) Completion certificates shall be issued only if the attendee physically attended at least eighty-five percent of the classroom hours.**

(D) Upon approval of the course, an index number shall be assigned to indicate approval.

5.5 DISAPPROVAL OF COURSE PROVIDERS OR COURSES

- (A) Course providers or courses may be disapproved when:
 - (1) The instructor or administrators of the course provider has had any disciplinary proceeding filed or disciplinary action taken by any jurisdiction;
 - (2) The instructor fails to demonstrate knowledge and competency in the subject matter being taught;
 - (3) The course is not equivalent in content and complexity to a college or professional level course;
 - (4) The course does not contribute to the professional competence of participants; or
 - (5) Five percent or more of the course covers nonsubstantive material such as, but not limited to personnel management, office management, or computer program courses not related to the appraisal practice.
- (B) Course approval may be withdrawn for cause after notification to the course provider by the Board.

5.6 EDUCATION/EXPERIENCE REQUIREMENTS FOR NON-FEDERALLY RELATED REAL ESTATE TRANSACTIONS.

(A) Applicants must meet the following requirements for licensing as a CNMI Licensed Residential Appraiser or CNMI Licensed General Appraiser, non-federally related transactions, or for renewal, and must take and successfully pass the local appraisal examination approved by the Board.

- (1) Fifty (50) classroom hours of appraisal related courses with six (6) years experience as an appraiser ; or**
- (2) An AA in Business Administration with Thirty (30) classroom hours of appraisal related courses with (4) years experience as an appraiser ; or**
- (3) A Bachelor's degree or higher with Fifteen (15) classroom hours of appraisal related courses and two (2)years experience as an appraiser ; and**
- (4) That the applicant has not been convicted of a crime related to real estate appraisal profession.**

(B) Police clearance from all states where licensed or certified or presently or formerly residing shall be furnished as a condition to apply for a license or certification or renewal.

(C) To verify appraisal experience as required in (1), (2), (3), the applicant must submit at least one appraisal report he or she has written for each of the required years of experience abovementioned.

(D) The examination shall be based upon recognized appraisal standards, to be selected and administered by the Board pursuant to its rulemaking power.

(E) Classification of Licensed Residential and General Real Estate Appraiser , Non-Federally Related Transactions is:

- (1) Licensed Residential Classification – includes the appraisal of vacant or unimproved land of one to four residential units. This classification does not include the appraisal of subdivisions wherein a development appraisal is necessary and utilized. At least 50% of the experience claimed must have been in major residential appraisal work.**

- (2) Licensed General Classification - This classification requires that at least 50% of the experience claimed must have been in non-residential appraisal work and can do appraisals of all real estate transactions without regard to transaction value or complexity.**

5.7 CONTINUING EDUCATION.

(A) The equivalent of ten (10) classroom hours of instruction in courses or seminars for each year during the period preceding the renewal is required. (For example, a two-year certification term would require twenty hours. These hours may be obtained anytime during the two-year term.)

(B) As a prerequisite to renewal of a license or certificate, a real estate appraiser shall present satisfactory evidence of having met the continuing education requirements.

(C) The offering is equivalent to a minimum of 10 classroom hours in length on acceptable real estate appraisal or related topics.

(D) Approved course providers shall be as stated in Section 5.4. Course providers and courses may be disapproved as provided for in Section 5.5.

(E) Credit awarded for the continuing education requirement may also be awarded for the classroom hour requirement when an individual seeks a different classification than that held, provided the educational offering meets the criteria established for both the classroom hour and continuing education requirements.

(E) Credit for the classroom hour requirements may be obtained from the following:

- (1) colleges or universities;
- (2) community or junior colleges;
- (3) real estate appraisal or real estate related organizations;
- (4) commonwealth, state or federal commissions;
- (5) proprietary school;
- (6) other providers approved by the state certification/licensing agency.

(F) Credit may be granted for educational offerings which cover real estate appraisal related topics such as those listed below and which are consistent with the purposes of continuing education stated in subsection (E) below.

- (1) ad valorem taxation
- (2) arbitrations
- (3) business courses related to real estate appraisal
- (4) construction estimating
- (5) ethics and standards of professional practice
- (6) land use planning, zoning and taxation
- (7) management, leasing, brokerage, timesharing
- (8) property development
- (9) real estate appraisal (valuations/evaluations)
- (10) real estate financing and investment
- (11) real estate law
- (12) real estate litigation
- (13) real estate appraisal related computer applications
- (14) real estate securities and syndication
- (15) real property exchange

(G) Continuing education credit may also be granted for participation, other than as a student, in appraisal educational processes and programs. Examples of activities for which credit may be granted are teaching, program development, authorship of textbooks, or similar activities which are determined to be equivalent to obtained continuing education.

(H) Correspondence courses are acceptable for credit provided:

- (1) The course has been presented by an accredited (Commission on Colleges or a regional accreditation association) college or university which offers correspondence programs in other disciplines;
- (2) An individual successfully completes a written examination administered at a location by an official approved by the college or university; and
- (3) The offering is equivalent to a minimum of 10 classroom hours in length and is consistent with the accepted topics listed in section 5.3 (A).
- (4) Correspondence courses may be acceptable to meet the classroom hour requirement provided the course has received the American Council on Education's Program on Non-collegiate Sponsored Instruction (PONSII) approval for college credit.

(J) The purpose of continuing education is to ensure that the appraiser participates in a program that maintains and increases his or her skill, knowledge and competency in real estate appraising.

(K) Continuing education credit hours in excess of the twenty continuing education hours for each biennial year shall not be credited to satisfy continuing education hours for the next biennial renewal period.

- 5.9 REPUTATION FOR HONESTY, TRUTHFULNESS, FAIRNESS AND FINANCIAL INTEGRITY. Applicants shall demonstrate that the applicant possesses a good reputation for honesty, truthfulness, fairness and financial integrity.
- 5.10 EXAMINATION REQUIREMENT. Each applicant for a license (federally related) or a certificate (federally related) shall successfully pass the appropriate examination which has been approved by the Appraiser Qualifications Board of the Appraisal Foundation for federal related real estate transaction **and a local appraisal examination** approved by the Board.
- 5.11 ISSUANCE OF LICENSE OR CERTIFICATE. The CNMI appraiser license or CNMI appraiser certificate shall be issued upon the applicant meeting all appropriate requirements and **must be renew every two years from date of issue or renewal.**
- 5.12 LICENSE OR CERTIFICATE ISSUED. A CNMI license or CNMI certificate shall only be issued to individuals and the license or certificate shall not be transferable.
- 5.13 FILING OF CURRENT ADDRESS. Every licensee or certificate holder shall provide written notice to the Board of any changes of the licensee's or certificate holder's mailing, business, or residence address within ten days of the change. Any requirements that the Board provide notice to licensed or certified appraisers shall be deemed met if notice is sent to the address on file with the Board.
- 5.14 TRANSITIONAL APPRAISERS.

(A) An applicant for transitional CNMI license shall meet all requirements for licensure as a licensed appraiser except the education or experience requirement. No transitional license shall be issued to any applicant who fails to meet both the education or experience requirements.

(B) The transitional CNMI license appraiser may perform reports and advertise as a "transitional licensed appraiser".

(C) The validity of the transitional license shall not exceed two years and, in every case, shall expire on December 31, 1995. not be renewed. All provisions of these regulations shall be applicable to transitional licensed appraisers. Application for issuance or licensure or certification may be made at any time by the transitional licensed appraiser. The application shall apply as a new applicant.

PART VI. APPLICATION

6.1 APPLICATION FOR LICENSURE OR CERTIFICATION. Application for licensure or certification shall be made under oath on a form to be furnished by the Board. The form may require the applicant to provide:

- (A) The applicant's full name;
- (B) A statement that the applicant has attained the age of majority (18);
- (C) The applicant's current business or mailing address for publication, and the applicant's current resident address;
- (D) The applicant's social security number;
- (E) The applicant's employment history during the five years preceding the date of the filing of the application, with names and addresses of each employer;
- (F) The date and place of any conviction of felony or any crime directly related to any appraisal practice;
- (G) Information regarding any disciplinary proceedings or disciplinary actions taken by any jurisdiction;
- (H) A designation in writing appointing the Board to act as the applicant's agent upon whom all judicial and other process or legal notices directed to the applicant may be served. The applicant shall agree that service upon the Board shall have the same legal force and validity as if personally served upon the applicant and the authority of the Board shall remain in force as long as any liability remains outstanding;
- (I) A photograph of the applicant for identification purposes;
- (J) A statement that the applicant is a United States citizen or an alien authorized to work in the CNMI; and
- (K) Any other information the Board may require to investigate the applicant's qualifications for licensure or certification.

6.2 SUPPORTING DOCUMENTS REQUIRED. Every applicant shall furnish the following with the application:

- (A) The appropriate fees;
- (B) Proof that the applicant has met the educational and experience requirements;
- (C) Notarized statement of experience;
- (D) Three references from lenders or other individuals who have had dealings relating to the applicant's appraisal assignments attesting to the applicant's experience and reputation for honesty, truthfulness, fairness, and financial integrity;
- (E) If requested, proof that the applicant is a CNMI or United States citizen or alien authorized to work in the CNMI; or
- (F) If requested, appraisal reports or file memoranda.

6.3 RESPONSIBILITY OF APPLICANT TO FURNISH INFORMATION AND DOCUMENTATION. It shall be each applicant's responsibility to furnish the information and documents requested. In the event of any change of information provided, the applicant shall notify the Board in writing within thirty days of any change.

6.4 SIGNING AND VERIFICATION OF APPLICATION. Every application and all references shall be signed by the applicant or the person attesting to the experience and reputation of the applicant. All persons signing shall swear to the truth of the statements contained therein before a notary public.

6.5 APPLICATION FOR CERTIFIED REAL ESTATE APPRAISER, FEDERALLY RELATED TRANSACTIONS FROM LICENSED REAL ESTATE APPRAISER, FEDERALLY RELATED TRANSACTIONS.

(A) An individual holding a current real estate appraiser, federally related transaction license may apply for certified real estate appraiser, federally related transactions status upon submittal of the following:

(1) Certified Residential Real Estate Appraiser:

(a) appropriate fees;

- (b) proof that the applicant has met the education requirement of one hundred twenty classroom hours, which may include the seventy-five classroom hour requirement for licensed classification, of courses in subjects related to real estate appraisal which shall include coverage of the USPAP; and
- (c) proof that the applicant has performed one thousand hours of major residential appraisal work.

(2) Certified General Real Estate Appraiser:

- (a) appropriate fees;
- (b) proof that the applicant has met the education requirement of one hundred sixty-five classroom hours, which may include the seventy-five classroom hour requirement for the licensed classification and/or the one hundred twenty hour requirement for the certified residential classification of courses in subjects related to real estate appraisal which shall include coverage of the USPAP and successful completion of the Appraiser Qualifications Board endorsed Uniform State Certification Examination or its equivalent;
- (c) proof that the applicant has performed one thousand hours of non-residential appraisal work.

(B) Credit awarded for the continuing education requirement may also be awarded for the classroom hour requirement when an individual seeks a different classification than that held, provided the educational offering meets the criteria established for both the classroom hour and continuing education requirements.

(C) A transitional licensed appraiser shall submit educational requirements as stated above and required experience requirements, as the case may be, for certification.

6.6 CRIMINAL CONVICTION. When an applicant has been convicted of felony or a crime related to the appraisal profession the Board may request the following documents from the applicant: copies of any court records, orders, or other documents that state the facts and statutes upon which the applicant was convicted, the verdict of the court with regard to that conviction, the sentence imposed, and the actual terms of the sentence.

6.7 DENIAL OR REJECTION OF APPLICATION.

(A) An application for issuance of a license or certificate shall be denied when an application is insufficient or incomplete or when an applicant has failed to provide satisfactory proof that the applicant meets the requirements hereunder. In addition, the Board may deny issuance of a license or certificate:

- (1) When the applicant is known to have committed any of the acts for which a license or certificate may be suspended or revoked hereunder.
- (2) If the applicant fails to demonstrate that the applicant possesses a good reputation for honesty, truthfulness, fairness, and financial integrity; or
- (3) If the applicant has had disciplinary action taken by any jurisdiction, including any federal or state regulatory body.

(B) An applicant shall be automatically rejected and the applicant shall be denied licensure or certification when the applicant, after having been notified to do so:

- (1) Fails to pay the appropriate fees within sixty days from notification; or
- (2) Fails to submit, after notification, any of the information or documentation requested to comply with any of the requirements for licensure or certification within sixty days of notification.

(C) Any application which has been denied or rejected shall remain in the possession of the Board and shall not be returned.

(D) An applicant, whose application has been denied or rejected, may file for an administrative hearing as provided under applicable law and regulations.

6.8 **TERM. All licenses and certificates expires two years following its issuance or renewal and becomes invalid after that date unless renewed.**

6.9 **DATE OF FILING FOR RENEWAL. All licenses and certificate holders shall complete and submit an application together with the required fees, and proof of the required completed continuing education hours on or before the date of expiration. A completed application with the required documents sent by United States mail shall be considered timely filed if the envelope bears a postmark no later than the date of expiration.**

6.10 AUTOMATIC FORFEITURE FOR FAILURE TO RENEW. The failure to timely renew the license or certificate, pay the applicable fees, submit the required continuing education hours, or paying fees with a check which is dishonored upon first deposit shall cause the license or certificate to be automatically forfeited.

6.11 RESTORATION OF FORFEITED LICENSE OR CERTIFICATE.

(A) A license or certificate which has been forfeited may be restored within two years after the date of forfeiture provided the applicant pays the appropriate fees including restoration fees, and submits all continuing education hours that would have been required had the licensee or certificate holder maintained licensure or certification.

(B) An individual whose license or certificate has been forfeited and who fails to restore the license or certificate as provided above, shall apply as a new applicant.

6.12 BOARD MAY REFUSE TO RENEW OR RESTORE LICENSE OR CERTIFICATE.

(A) The Board may refuse to renew or restore a license or certificate for failure or refusal of the licensee or certificate holder:

- (1) To properly complete or timely submit the renewal application form and submit all fees and required documentation;
- (2) To maintain a good reputation for honesty, truthfulness, fairness, and financial integrity;
- (3) To meet and maintain the conditions and requirements necessary to qualify for the issuance of the license or certificate; or
- (4) To comply with these regulations.

(B) An applicant, whose application has been refused by the Board to be renewed or restored for the above reasons may file for an administrative hearing as provided by law.

6.13 INACTIVE STATUS.

(A) A license or certificate may be placed on an inactive status upon notification to the Board by the licensee or certificate holder in writing of the effective date of inactivation and payment of an inactive file.

(B) A licensee or certificate holder on inactive status shall be considered as unlicensed or uncertified.

6.14 REQUIREMENTS TO REACTIVATE.

(A) An inactive licensee or certificate holder may apply for reactivation upon payment of all fees due and owing from the time of inactivity and proof of completion of all continuing education hours the applicant would have had to submit if the applicant has maintained licensure or certification from the date of inactivation.

(B) Failure to meet the requirements for reactivation shall require a person desiring licensure or certification to apply as a new applicant.

PART VII. SCOPE OF APPRAISERS

7.1 SUPERVISION OF APPRAISER ASSISTANTS. Licensed and certified appraisers may directly supervise appraiser assistants provided:

(A) The appraiser assistant is a bona fide employee of the licensed or certified appraiser, or an employee of the same entity who employs the licensed or certified appraiser; or

(B) The licensed or certified appraiser signs the report attesting to the acceptance of the appraisal as being independently and impartially prepared and in compliance with the USPAP.

7.2 USE OF TERMS "TRANSITIONAL LICENSED APPRAISER", "LICENSED APPRAISER", AND "CERTIFIED APPRAISER".

(A) The terms "transitional licensed real estate appraiser", "licensed real estate appraiser," "certified residential real estate appraiser", and "certified general real estate appraiser" for federally related transactions and "licensed residential real estate appraiser", and "licensed general real estate appraiser" for non-federally related transactions, may only be used to refer to an individual who is licensed or certified, federally or non-federally related transactions, as the case may be, under these regulations and may not be used following, or immediately in connection with, the name or signature of a corporation, partnership, association, or any group practice, or in any manner that might be interpreted as referring to anyone other than the individual who is licensed or certified.

(B) This requirement shall not be construed to prevent a licensee or certificate holder from signing an appraisal report on behalf of a corporation, partnership, association, or any other group practice if it is clear that only the individual is licensed or certified and the corporation, partnership, association, or group practice is not.

(C) No person may assume or use the title "transitional licensed appraiser", "CNMI licensed appraiser", or "CNMI certified appraiser" as the case may be, or any title designation or abbreviation likely to create the impression of licensure or certification unless that person holds a current license or certificate hereunder.

(C) No person may assume or use the title "transitional licensed real estate appraiser", "licensed real estate appraiser", "certified residential real estate appraiser", and "certified general real estate appraiser" for federally related transactions, or "licensed residential real estate appraiser", and licensed general real estate appraiser" for non-federally related transactions, as the case may be, or any title designation or abbreviation likely to create the impression of licensure or certification unless that persons holds a current license or certificate hereunder.

7.5 REAL ESTATE-RELATED FINANCIAL TRANSACTIONS NOT REQUIRING APPRAISAL BY A LICENSED OR CERTIFIED APPRAISER. An appraisal performed by a licensed or certified appraiser (federally related transaction) is not required for any real estate-related financial transaction in which:

(A) The transaction value is at or below the de minimus level established by a federal financial institutions regulatory agency;

(B) A lien on real property has been taken as collateral solely through an abundance of caution and where the terms of the transaction as a consequence have not been more favorable than it would have been in the absence of the lien;

(C) Real estate is leased unless the lease is the economic equivalent of a purchase or sale of the leased real estate;

(D) There is a renewal of an existing transaction in which the maturity and amortization of the obligation are intentionally mismatched for repricing or credit quality consideration, provided that:

- (1) The borrower has performed satisfactorily according to the original terms;**
- (2) No new monies have been advanced;**

- (3) The credit standing of the borrower has not deteriorated; and
- (4) There has been no obvious and material deterioration in market conditions or physical aspects of the property which would threaten the institution's collateral protection; or

(E) A regulated institution purchases a loan or interest in a loan, pooled loan, or interests in real property, including mortgage-backed securities, provided that the appraisal prepared for each pooled loan or real property interest met the requirements of this part, if applicable, at the time of origination.

7.5 NONAPPLICABILITY TO REAL ESTATE BROKERS OR REAL ESTATE SALESPERSONS.

These regulations shall not apply to a real estate broker or salesperson, who, in the ordinary course of the real estate broker's or salesperson's business, gives an opinion as to the recommended listing price of real estate or an opinion to a potential purchaser or third party as to the recommended purchase price of real estate, provided:

- (A) The opinion as to the listing or the purchase price shall not be referred to as an appraisal;
- (B) No compensation, fee, or other consideration is charged for such opinion other than the normal brokerage fee rendered in connection with the sale of the property; or
- (C) No representation is made that the real estate broker or salesperson is a certified or licensed real estate appraiser.

PART VIII. TEMPORARY RECOGNITION OF LICENSURE OR CERTIFICATION OF OUT-OF-CNMI APPRAISERS

8.1 RECOGNITION OF LICENSE OR CERTIFICATE. The Board may recognize the license or certification of an appraiser licensed or certified in another jurisdiction provided:

- (A) The licensure and certification requirements in that other jurisdiction are substantially equivalent to the CNMI **and the applicant take and passed the local appraisal examination** and further provided that:
 - (1) the property to be appraised is part of a federally related transaction;
 - (2) the appraiser's business is of a temporary nature; and
 - (3) the appraiser applies for the temporary license or certificate.

(B) The out-of-CNMI appraiser may elect to obtain licensure or certification of CNMI by filing an application.

8.2 REQUIREMENTS FOR RECOGNITION.

(A) Application for recognition of appraiser licensure or certification shall be made under oath on a form to be furnished by the Board. The form may require the applicant to provide items abovementioned, and in addition, the applicant shall:

- (1) submit evidence of current license or certificate from the other jurisdiction;
- (2) submit a copy of the contract for appraisal services that requires the applicant to appraise real estate in the CNMI and certify that such contract is in full force and effect;
- (3) certify that disciplinary proceedings are not pending against the applicant in any jurisdiction;
- (4) agree, in writing, to conform with all the provisions of these regulations; and
- (5) file a designation in writing which appoints the Board to act as the appraiser's licensed agent upon whom all judicial and other process or legal notices directed to the appraiser may be served. The appraiser shall agree that service upon the Board shall have the same legal force and validity as if personally served upon the appraiser and that the authority of the Board shall continue in force as long as any liability of the appraiser remains outstanding in this jurisdiction.

8.3 BOARD MAY REFUSE TO RECOGNIZE. The Board may refuse to recognize licensure or certification for reasons hereunder:

- (A) If the applicant fails to submit appropriate fees, within sixty days of notification to do so; or
- (B) The applicant fails to meet equivalent qualifications or requirements for appraiser licensure or certification of this jurisdiction.

8.4 TERM OF RECOGNITION; RENEWAL.

- (A) Recognition shall remain in force as long as the license or certificate is current in the other jurisdiction; provided however, that any new contracts for appraisal assignments shall be filed with the Board.
- (B) The appraiser shall file with the Board evidence of renewal of license or certificate in the other jurisdiction, within two months of renewal.

- 8.5 WITHDRAWAL OF RECOGNITION. Recognition of the licensure or certification may be withdrawn after a hearing pursuant to law and these regulations if the appraiser is found to have violated the provisions of this law and/or these regulations or if the appraiser's license or certificate is disciplined, suspended, revoked or forfeited in the other jurisdiction.

PART IX. APPRAISAL STANDARDS

9.1 APPRAISAL STANDARDS FOR FEDERALLY RELATED REAL ESTATE TRANSACTIONS.

(A) For federally related real estate transactions valued at or above the de minimus level established by a federal financial institutions regulatory agency, all appraisals shall be performed by a licensed, transitional or certified appraiser and shall, at a minimum:

- (1) conform to the current standards of professional appraisal practice (USPAP);
- (2) if appropriate, disclose any steps taken to comply with the competency provision of the USPAP;
- (3) be based upon the definition of market value as defined in these regulations;
- (4) be written and be sufficiently descriptive to enable the reader to ascertain the estimated market value and the rationale for the estimate; and provide detail and depth of analysis that reflect the complexity of the real estate appraised which can be readily understood by a third party;
- (5) analyze and report in reasonable detail any prior sales of the property being appraised that occurred within the following minimum time periods:
 - (a) for one-to-four family residential property, one year preceding the date when the appraisal was prepared; or
 - (b) for all other property, three years preceding the date when the appraisal was prepared.
- (6) analyze and report data on current rents and current vacancies for the subject property if it is and will continue to be income-producing;
- (7) analyze and report data on current revenues, expenses and vacancies for the subject property if it is and will continue to be income producing;**

- (8) analyze and report a reasonable marketing period for the subject property and disclose the assumptions used;
- (9) analyze and report on current market conditions and trends such as, but not limited to increasing vacancy rates, greater use of rent concessions, or declining sales prices that will affect projected income of the absorption period, to the extent they affect the value of the subject property;
- (10) analyze and report appropriate deductions and discounts for any proposed construction, or any completed properties that are partially leased or leased at other than market rents as of the date of the appraisal, or any tract developments with unsold units;
- (11) include in the certification required by the USPAP, an additional statement that the appraisal assignment was not conditioned upon the appraisal producing a specific value or a value within a given range or on whether a loan application is approved;
- (12) contain sufficient supporting documentation with all pertinent information reported including acceptance or rejection of a third party study and its impact on value so that the appraiser's logic, reasoning, judgment, and analysis in arriving at a final conclusion will enable the reader to understand the reasonableness of the conclusion;
- (13) include a legal description in addition to, and not in lieu of, the description required in the USPAP of the real estate being appraised;
- (14) identify and separately value any personal property, fixtures, or intangible items that are not real property but are included in the appraisal, and discuss the impact of their inclusion, or exclusion, on the estimate of the market value; and
- (15) follow a reasonable valuation method that addresses the direct sales comparison, income, and cost approaches to market value, reconciles those approaches, and explains the elimination of each approach not used.

(B) If information required or deemed pertinent to the completion of an appraisal is unavailable, that fact shall be disclosed and explained in the appraisal report.

(C) An appraiser shall perform all appraisals, review, or consult with impartiality, objectivity, and independence, without any direct or indirect interest in the property.

9.2 SIGNATURE ON APPRAISAL REPORTS.

(A) If an appraisal report is prepared and signed by CNMI licensed appraiser, the appraisal report shall state, immediately following the signature on the report, "CNMI Licensed Appraiser" and the appraiser's license number and expiration date.

(B) If an appraisal report is prepared and signed by a CNMI certified appraiser, the appraisal report shall state, immediately following the signature on the report, "CNMI Certified Appraiser" and the appraiser's certificate number and expiration date.

(C) If an appraisal report is prepared and signed by a transitional licensed appraiser, the appraisal report shall state, immediately following the signature on the report, "transitional licensed appraiser" and the appraiser's license number and expiration date.

(D) If an appraisal report is prepared and signed by an appraiser licensed or certified in another jurisdiction whose license or certificate has been temporarily recognized by the board, the appraisal report shall state, immediately following the signature, "transitional licensed appraiser," "licensed appraiser," "certified residential appraiser," "certified general appraiser," as the case may be, the appraiser's license or certificate number, the expiration date of the license or certificate, and the jurisdiction in which the appraiser is licensed or certified.

(C) Appraisal reports prepared by appraiser assistants shall be approved and signed by the licensed or certified appraiser.

9.3 RECORDS AND APPRAISAL REPORT RETENTION REQUIREMENT.

(A) Every licensed or certified appraiser shall retain originals or true copies of appraisal contracts, appraisals, and all supporting data and documents for a period of five years.

(B) The five-year period shall commence upon date of delivery of the appraisal report to the client provided that if the appraiser is notified that the appraiser or appraisal report is involved in litigation, the five-year period shall commence upon the date of the final disposition of the litigation.

(C) The appraiser shall make all records available, upon request, to the Board or the Board's authorized delegate.

PART X. ADVERTISING PRACTICES

- 10.1 ADVERTISING PRACTICES. A license or certificate holder advertising through any media shall be identified as a CNMI licensed, transitional CNMI licensed, or CNMI certified appraiser by listing the appropriate designated licensed or certified status and the appraiser's license or certificate number. For purposes of this section, "media" includes, but is not limited to newspapers, magazines, calling cards, and directories, including all listing in telephone directories.

PART XI. DISCIPLINARY SANCTIONS

11.1 DISCIPLINARY SANCTIONS.

(A) The Board, **after a hearing** may order one or more of the following remedies as appropriate relief:

- (1) Refunding the money paid as fees for services;
- (2) Correcting the work done in providing services;
- (3) Revoking the license or certificate;
- (4) Suspending the license or certificate;
- (5) Imposing a fine; and
- (6) Any other reasonable means to secure relief as determined by the Board.

(B) In addition, the Board may also impose conditions or limitations upon a license or certificate after a hearing conducted in accordance with applicable law and regulation. The violation of any condition or limitation on a license or certificate may be cause to impose additional sanctions against the appraiser. Any fine imposed by the Board after a hearing shall be no less than \$100 each violation, and each day of violation may be deemed a separate violation.

- 11.2 HEARINGS. Any proceeding before the Board to take disciplinary action or other sanctions against a licensed or certified appraiser shall be conducted in accordance with applicable law and regulations.

- 11.3 GROUND FOR REVOCATION, SUSPENSION, REFUSAL TO RENEW OR RESTORE, DENIAL, OR CONDITIONING OF LICENSES OR CERTIFICATES. In addition to any other acts or conditions provided by law, the Board may revoke, suspend, refuse to renew or restore, deny, or condition in any manner, any license or certificate for any one or more of the following acts or conditions:

- (A) Procuring a license or certificate through fraud, misrepresentation, or deceit;
- (B) Failing to meet or maintain the requirements or conditions necessary to qualify for licensure or certification;

- (C) Acting negligently or incompetently or failing without good cause to exercise reasonable diligence in developing an appraisal, preparing an appraisal report, or communicating an appraisal;
- (D) Failing to comply with the uniform standards of professional appraisal practice;
- (E) Performing, for any valuable consideration, an appraisal assignment that is contingent upon the appraiser reporting a predetermined estimate, analysis, or opinion or upon the opinion, conclusion, or valuation reached, or upon the consequences resulting from the appraisal assignment;
- (F) Conviction of, or pleading nolo contendere to any felony or any crime that is substantially related to the qualification, functions, or duties of an appraiser;
- (G) Entrance against the appraiser of a civil or criminal judgment on grounds of fraud, misrepresentation, or deceit in the development or communication of an appraisal;
- (H) Committing any act or omission in the practice of real estate appraising which constitutes dishonesty, fraud, or misrepresentation with the intent to substantially benefit the appraiser or another person or with the intent to substantially injure another person;
- (I) Accepting an appraisal assignment if the employment or fee is contingent upon:
 - (1) The appraiser reporting a predetermined estimate, valuation, analysis, or opinion; or
 - (2) The consequences resulting from the appraisal assignment.
- (J) Engaging in the business of real estate appraising under an assumed or fictitious name not properly registered;
- (K) Paying a finder's fee or a referral fee to a person who is not a licensed or certified appraiser in this jurisdiction in connection with appraisal of real estate or real property in this jurisdiction;
- (L) Making a false or misleading statement in that portion of a written appraisal report that deals with professional qualifications or in any testimony concerning professional qualifications;
- (M) Aiding or abetting an unlicensed or uncertified person to directly or indirectly evade these regulations;
- (N) Violating any conditions or limitations upon which the license or certificate was issued;
- (O) Failing to report to the Board, in writing, any disciplinary decision issued against the licensee or certificate holder in another jurisdiction; and
- (P) Violating the provisions in these regulations or any order of the Board.

- 11.4 RESTORATION OF SUSPENDED LICENSE OR CERTIFICATE. A person whose license or certificate has been suspended may apply for restoration of the license or certificate upon complete compliance with any term or condition imposed by the order of suspension. The application for restoration shall be accompanied by the appropriate fees, application, completed continuing education hours, and any other documents required.
- 11.5 REVOKED LICENSE OR CERTIFICATE. Upon the expiration of at least two years from the effective date of the revocation of the license or certificate, a person may apply for a new license or certificate by filing an application and complying with all current requirements for new applicants.
- 11.6 RELINQUISHMENT NO BAR TO JURISDICTION. The forfeiture, nonrenewal, surrender, or voluntary relinquishment of a license or certificate by an appraiser shall not bar jurisdiction by the Board to proceed with any investigation, action, or proceeding against the appraiser to revoke, suspend, condition, or limit the appraiser's license or certificate.
- 11.7 JUDICIAL REVIEW. Any person aggrieved by a final decision and order of the Board in a contested case is entitled to judicial review thereof according to law.

PART XII. UNAUTHORIZED PRACTICE AS AN APPRAISER

- 12.1 NO COMPENSATION FOR UNAUTHORIZED ACTIVITY; CIVIL ACTION. The failure of any person to maintain a current and valid license or certificate prior to engaging in any activity requiring licensure or certification by the Board shall prevent such person from recovering in a civil action for work or services performed on a contract or on any legal basis to recover the reasonable value thereof.
- 12.2 SANCTIONS FOR UNAUTHORIZED ACTIVITY; FINES; INJUNCTIVE RELIEF; DAMAGES.

(A) Any license or certificate holder aiding or abetting an unlicensed or uncertified person to directly or indirectly evade these regulations or knowingly combining or conspiring with an unlicensed or uncertified person, or acting as agent, partner, associate, or otherwise, of an unlicensed or uncertified person with the intent to evade these regulations may be fined up to \$1,000 for each violation.

(B) Any person, who engages in an activity requiring an appraiser's license or certificate issued by the board and who fails to obtain the required license or certificate, or who uses any work, title, or representation to induce the false belief that the person is licensed or certified to engage in said activity, shall be guilty of a misdemeanor and be subject to a fine of not more than \$1,000 or imprisoned not more than one year, or both, and each day of violation shall be deemed a separate offense.

(C) The Board may maintain a suit to enjoin the performance or the continuance of an act or acts by a person acting without a license or certificate where a license or certificate is required by law or these regulations and if injured thereby, for the recovery of damages. The Board may also seek the imposition of fines provided by subsection (A) above. **It shall not be necessary that actual damages to the plaintiff or petitioner be alleged or proved. Reasonable attorney fees and costs shall be allowed by the court to the plaintiff or petitioner as the prevailing party.**

PART XIII. ADMINISTRATIVE REGULATIONS

13.1 ADMINISTRATIVE REGULATIONS. The rules of practice and procedure shall be as provided in the Administrative Regulations of the Board as adopted and as may subsequently be amended which are incorporated by reference and made a part of this regulations.

PART XIII. PUBLICATION OF ROSTER

13.1 PUBLICATION OF ROSTER. The Board shall prepare annually, a roster showing the name and place of business of each individual holding a license as a CNMI licensed appraiser, or transitional CNMI license appraiser, or a certificate as a CNMI certified appraiser. The roster shall be sent to the Appraisal Subcommittee by January 15 of each year.

PART XIV. FEES

14.1 FEES ESTABLISHED. The fees for licensure or certification shall be as follows:

- (A) Application Fee. \$100
- (B) License or Certificate Fee \$100
- (C) Annual Registry Fee. \$ 25
to be transmitted to the Federal Financial Institutions
Examination Council (FFIEC)
- (D) Renewal Fee. \$ 50
- (E) Inactive Fee. \$ 20
- (F) Reactivation Fee. \$ 20
- (G) Restoration Fee. \$ 20
- (H) Examination Fee shall be as provided by contract with
a professional testing organization
- (I) **Local Examination Fee.** **\$75**
- (J) Application Fee for Recognition of \$ 25
license or certificate

The application fees shall be nonrefundable. The annual registry fees may be increased if the Appraisal Subcommittee or the Federal Financial Institutions Examination Council so informs the Board of the increase, and may be imposed on licensees or certificate holders without hearing. Failure to pay any increase of the annual registry fee within sixty days of notification to do so shall result in automatic forfeiture of the license.

- 14.2 FORM OF FEE. The fees, if in the form of money order or check, shall be made payable to the CNMI Treasurer.
- 14.3 DISHONORED CHECKS CONSIDERED FAILURE TO MEET REQUIREMENTS. The dishonoring of any check upon first deposit shall be considered a failure to meet requirements.
- 14.4 FEES DEPOSITED; TRANSMITTAL TO THE FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL.
- (A) All fees fees shall be deposited in the general fund of the CNMI.
 - (B) The annual registry fees shall be transmitted by the Board to the Federal Financial Institutions Examination Council annually.

PUBLIC NOTICE

NOTICE OF ADOPTION OF EMERGENCY REGULATIONS
AND
NOTICE OF INTENT TO ADOPT AMENDMENTS
TO THE ALIEN LABOR RULES AND REGULATIONS

EMERGENCY: There have been several recent cases where a complainant has sought relief from the Department of Labor merely for the purpose of obtaining transfer relief from the complainant's current employer. Consequently, the Department of Labor has expended much time and effort on investigating alleged labor violations of complainant's current employers when the remedy sought by the party was transfer relief instead of money damages.

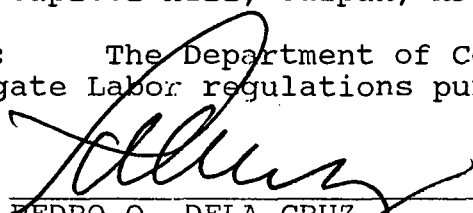
For example, often complainants either settle their dispute over money damages for less than actually owed in order to obtain transfer relief, or complainants bring the actual complaint with little or no expectation of receiving money damages but rather in the expectation of obtaining transfer relief to another employer.

The agency finds that public interest requires amendment to the Labor Regulations to restrict the application of transfer relief to the same grounds as those which authorize the grant of a Temporary Work Permit, with additional requirements as elaborated herein, and to allow the grant of transfer relief pursuant to a bona fide merger, acquisition, reorganization, or incorporation of a valid business entity, and a consensual three party transfer.

CONTENTS:

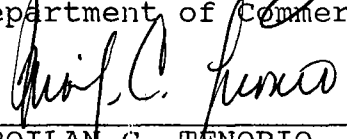
PUBLIC COMMENTS: Comments on the proposed amendments may be sent to the Director, Department of Commerce and Labor, Administration Building, Capitol Hill, Saipan, MP 96950.

AUTHORITY: The Department of Commerce and Labor is authorized to promulgate Labor regulations pursuant to 1 CMC § 2454.



PEDRO Q. DELA CRUZ
Director
Department of Commerce and Labor

5/23/94
Date

Concurred: 

FROILAN C. TENORIO
Governor

5/23/94
Date



Soledad B. Sasamoto
Filed by Registrar of Corporations

5/23/94
Date

ARONGORONG TOW LAP
ARONGORONG REEL ADOPTION-UL ALLEGHUL EMERGENCY
ME
ARONGORONG IGHA REKKE MANGIYY BWE REBWE ADAPTAALIL
LLIIWEL KKA LLOL OWTOL ALLEGHUL ALIEN LABOR

EMERGENCY: Eyoor kausa kka aramas kke re akkafat re mwet ngali Dipatamentool Labor reel igha rebwe mwet sangi aramas ye re angaang ngali (transfer relief) bwe rebwe mwetelo reel eschay. Reel elletal nge Dipatamentool Labor eghi amamaaw bwe ebwe embestigaay alongal ffeer nngow (violation) kka eyoor sangiir scho kka re ghal umwuumw school angaang bw w ilaal tipeer iye rebwe mwetelo nge saabw igha reel absossuur ngare selaapi.

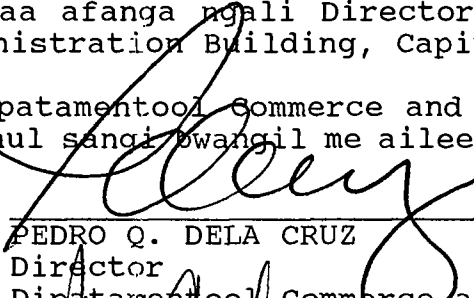
Sibwe ira ngare, sseghul schagh igha aramas we re akkafat bwe eyoor yaal soong, aa ghow schagh ngare e bwughi eghus selaapi nge saabw alongal igha ilaal tipal iye ebwe mwetelo reel eschay, me ngare aramas kke re akkafat (complainant) ese ghi yoor ghuleyeer reel llapal selaapi ye rebwe bwughi nge ilaal tipeerl iye rebwe tabweeylo eschay, me ngare liwili yaar angaang.

Dipatamento yeel e schuungi bwe reel igha ebwe ghatch ngaliir towlap, nge e nisisooriyo bwe ebwe yoor lliiwel mellol owtol Alleghul Labor bwe ebwe aighu mille application-ul transfer relief bwe ebwe weewe fengal me ikka re ngalleer bwangiir reel mille Temporary Working Permit, nge e bwal yoor milikka ebwal atotolong llol, iika elo mwiril scheel tiliigh yeel bwe rebwe ayoora mille transfer relief sangi milikka bona fide (e ghatch leetipal), merger, acquisition, reorganization, me ngare incorporation reel igha e ghatch bisnis ye e toolong llol, me appelughulugh lepateer aramasal lughul me school umwuumwul angaang.

OWTOL:

TIPEER ME MANGEMANGIIR TOW LAP: Aramas ye e tipali nge emmwel schagh bwe ebwe ischiitiw meta tipal me mangemangil reel lliiwel kkaal nge raa afanga ngali Director, Department of Commerce and Labor, Administration Building, Capitol Hill, Saipan, MP 96950.

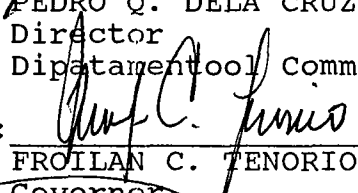
BWANG: Dipatamentool Commerce and Labor eyoor bwangil bwe ebwe ffeer Alleghul sangi bwangil me aileewal mille 1 CMC §§ 2454, 9104.



PEDRO Q. DELA CRUZ
Director
Dipatamentool Commerce and Labor

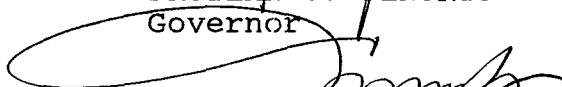
5/23/94
Ral

Alleghuuyal:



FROILAN C. TENORIO
Governor

5/23/94
Ral



SOLEDAD B. SASAMOTO
File-liiyal Registrar of Corporations

5/23/94
Ral

NUTISIAN PUPBLIKU
NUTISIA PUT I MA ADAPTAN I REGULASION SIHA PUT GOTPE NA
NISISIDAT YAN
NUTISIA PUT I INTENSION PARA U MA ADAPTA I AMENDASION SIHA GI
AREKLAMENTO YAN REGULASION ALIEN LABOR

GOTPE NA NISISIDAT: Esta guaha manmasusedi unos kuantu siha na kausa anai i kumekeha manespiha ayudu ginen i Dipatamenton Labor putlo menos put para u i responsabilidat ginen i presente na emplehaon i mangopleplen. Ginen ennao meggai biahe ni humuyong na i Dipatamenton Labor ha gasta meggai tiempo yan cho'cho' ni para u imbestiga kontradision i presente na emplehaon i mangopleplen put abuson hotnaleru gi anai Emplehao ni ma espipiha nu i patteda ayu' ha i para u ma transferi i responsabilidat emplehao di danon salappe'.

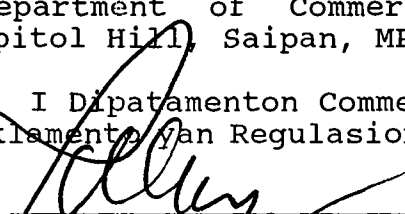
Put ihemplo, sesso i manmangompleplen na siha ha' sumatba i prubleman-niha gi danon salappe' na manera para tutat ni menos kumu ginagagao ha kantida put i para u ma ke transferi responsabiliat ya u guaha osino' u chule' i mangonpleplen i akto na komplepen-na ya ti ha ekspepekta na u fanrisibi salappe' lao mas-na gi ekspektasion ni para u gumai trinansferenalibio guenao gi otro na Emplehao.

I ahensia ha sodda' na i interes pupbliku ha nisisita amendasion gi Regulasion Hotnaleru siha ni para u priba i aplikasion put trinansferen alibio gi parehu na manera yan ayu i umaturisa i mana'en temulario na lisensian cho'cho' yan mas otro siha na nisisidat ni manma po'lo guine, yan para u sedi yan petmiti i mana'en trinansferen alibio sigin gi bona fide (inakomprende), merger, acquisition, reorganization, pat incorporation halom gi manmaolek ni bisnis siha, yan matransfere bulontrariamente i man inafecta siha.

SUHETU:

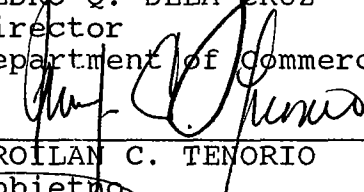
KOMENTUN PUPBLIKU: Komentu siha put i manmapropoponi na amendasion sina manmatu'ge papa ya u manafanhalom guatu gi Ofisina Direktot, Department of Commerce and Labor, Administration Building, Capitol Hill, Saipan, MP 96950.

ATURIDAT: I Dipatamenton Commerce and Labor ma aturisa para u famatina Areklamento yan Regulasion Labor sigun gi sinangan i 1 CMC § 2454.



PEDRO Q. DELA CRUZ
Director
Department of Commerce and Labor

5/23/94
Fecha

Inakonfotman:


FROILAN C. TENORIO
Gobietno

5/23/94
Fecha



SOLEDAD B. SASAMOTO

5/23/94
Fecha

CONTENTS:

**EMERGENCY REGULATION AND AMENDMENT TO THE ALIEN LABOR
RULES AND REGULATIONS, Commonwealth Register, vol. 10,
no. 4, at 5526, (April 15, 1988), Section VI F 10-11:**

10. Transfer Relief: The following criterion shall be grounds for the Granting of Transfer Relief by a Hearing Officer upon the conclusion of an Administrative Hearing:

a. The employer has abandoned his employees and fled the jurisdiction of the Commonwealth;

b. The employer has been declared insolvent or has filed a petition for relief under applicable bankruptcy laws;

c. The employer's business establishment has been destroyed by natural disaster, fire, or other acts of God;

d. The relief available upon the conclusion of a 3 CMC § 4444(a)(2-3) Administrative Hearing provided the employee was not equally in the wrong concerning the matters which gave rise to the filing of the labor complaint.

11. Transfer Relief: The following criterion shall be grounds for the Granting of Transfer Relief by the Chief of Labor:

a. The bona fide merger, acquisition, reorganization, or incorporation of a valid business entity, or,

b. The consensual agreement between the nonresident worker, the employer of the nonresident worker, and the prospective employer of the nonresident worker, provided the prospective employer pays the required fee for the Transfer Relief.

SUHETU:

ADAPTAN I REGULASION SIHA PUT GOTPE NA NISISIDAT YAN AMENDASION GI I REGULASION YAN AREKLAMENTON ALIEN LABOR, Commonwealth Register, vol. 10, no. 4, gi 5526, (Abrit 15, 1988), na Seksiona VI F 10-11:

10. Trinansferin Alibio: I sigiente siha na manera solu u matatiyi i komu para mana'en Trinansferin Alibao i ginen I Hearing Officer gi finakpo' i Administrative Hearing:

a. I manempleleha ha abandona i emplehao siha ya ha dingi i lugat osino aturidat Commonwealth;

b. Madeklara i manempleleha na esta bumaba i bisnis pat manfile petition para u mana'e sotta' sigun gi aplikaple na lai bankruptcy;

c. I bisnis manempleleha yinamak ni dinistroson naturat, kimason, pat hafa siha na eran Yu'us;

d. Mana gua hayi alibio gi kada i ottimon i 3 CMC § 4444(a)(2-3) Administradod Hearing kontad ke i empleo no bumalalancia mona gi tai nilache segan i problema ni gumaha pot i filing pot i Labor Complaint.

11. Trinansferin Alibio: I sigiente na criterion solu u matattiyi para mana'en Trinansferin Alibio ginen i Chief of Labor:

a. I bona fide merger, acquisition, reorganization, pat incorporation gi manmaolek siha na bisnis.

b. I consensia gi entalo i empleo taotao otro tano, i empleo i empleontaotao otro tano, yan prospectadotin i empleona empleleotaotao otro tano, kontodki i prospectadod na empleoana ana seguru na apasi i guenagagau na apas para i Transferi Alibio.

OWTOL:

ADOPTION-UL ALLEGHUL EMERGENCY ME ADAPTAALIL LLIIWEL
KKA LLOL OWTOL ALLEGHUL ALIEN LABOR Commonwealth Register,
vol. 10, no. 4, rel 5526, (Abrit 15, 1988), rel Talil VI F 10-11:

10. Transfer Relief. Ffeer kka faal nge ikkaal schagh milikka rebwe attabweey ngare rebwe seedi mille Transfer Relief sangi Hearing Officer mwutchulool Administrative Hearing:

a. Ngare school attarabwaagho e ateraarelo layul aramas bwe aa mwet sangi Commonwealth;

b. School attarabwaagho we, nge raa ghuleey bwe aa nngowlo yaal bisnis ngare e isiisilong petition bwe rebwe lighitaalo faal alleghul bankruptcy;

c. Yaal school attarabwaagho we bisnis e ffeyirlo reel malamal ngare selep, me ngare ppwullo me kka fereiyal Liyoos;

d. Mille light nge ebwe yoorota mwuttchulal 3 CMC § 4444(a) (2-3) igha eyoor Administrative Hearing ngare schoo angaang we esoor molofit me ffeer nngow ye e fitilong lloL iye ebwe yoorota.

11. Transfer Relief: Ffeer kka faal nge ikkal schagh milikka emmwel rebwe attabweey ngare rebwe ayooro mille Transfer Relief iye sangi bwangil Chief of Labor:

a. Mille bona fide merger, acquisition, reorganization, me ngare incorporation igha ebwetoolong lloL bisnis kka e ghatch.

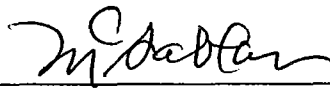
b. Appelughulugh lepateer aramasal lughul me school umwuumwul angaang. Mangemangiir me fferuur reel met kka eyoor lepateer nge e ayooro mille efil ebwe yoor mille Transfer Relief.

PUBLIC NOTICE

**NOTICE OF PERMANENT ADOPTION OF REGULATIONS
AMENDING THE FEE REQUIREMENTS FOR MINOR PERMIT
APPLICATIONS OF THE COASTAL RESOURCES MANAGEMENT
OFFICES RULES AND REGULATIONS**


The CNMI Coastal Resources Management Program hereby notifies the general public of its adoption of regulations which change the fee requirements for CRM Minor Permit Applications. The proposed regulations were published in the Commonwealth Register, Volume 16, Number 04, April 15, 1994. The Administrator of Coastal Resources Management is authorized to do so under 2 CMC Section 1511 (3) B and this adoption is done in accordance with the Administrative Procedures Act, 1 CMC 9101, et. seq. Interested persons may obtain copies of the new regulations incorporating the fee change from the Coastal Resources Management Office located in the second floor of the Morgen Building, San Jose, Saipan.

Date: 5/18/94



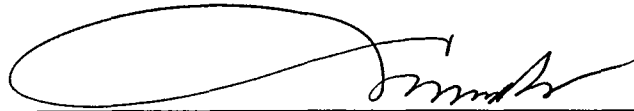
MANUEL C. SABLAN
Administrator, Coastal Resources Management

Date: 5/20/94



DONNA CRUZ
Governor's Secretary

Date: 5/20/94
of
Filing



SOLEDAD B. SASAMATO
Registrar of Corporations



Commonwealth of the Northern Mariana Islands
 Coastal Resources Management
 Office of the Governor
 2nd Floor Morgen Building, San Jose
 Saipan, Mariana Islands 96950




CABLE ADDRESS
 GOV. NMI SAIPAN
 TELS. 234-6623/7320
 FAX 234-0007

NOTISIAN PUBLIKU

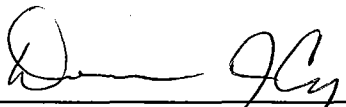
NOTISIA POT PARA UMA'NA PETMANENTE NA'ADOPTASION I REGULASION YA MA'A'GON MA'AMENDA I' APAS NIMAN'GINAGA'GAO POT I MENOT NA'LESENSIA APLIKASION POT I COASTAL RESOURCES MANAGEMENT NA OFISINAN REGULASION YAN LAI.

I CNMI COASTAL RESOURCES MANAGEMENT HA'NANA'I HA'NOTITISIA I HENERAT PUBLIKU POT IMA'ADOPTANA I REGULASION MANAGUAHA TINILAIKA POT APAS NIMAN'GINAGAGAO POT MENOT NA'LISENSIAN APLIKASION GI CRM. I MANMA PROPOPONI NA'REGULASION UMA'PUBLIKA GI HALOM I REHISTRAN COMMONWEALTH, VOLUME 16, NUMERO 4, ABRIT DIA 15, 1994. I ATMINISTRADOT I COASTAL RESOURCES MANAGEMENT MA'AUTORISA NA'HUCHOGUE SEGUN GI PA'PA 2 CMC SEKSIONA 1511(3)B YAN ESTE NA'ADOPTASION NI MONHA'YAN KONSISTE POT I ATMINISTRATIBO NI GINAGAGAO NA AKTO, 1 CMC 9101, ET. SEQ. I MANGAI INTERES NA PETSONAS UFAN MA'NULE KOPIA POT I MAN NUEBO NA REGULASION NI'MANAFANDAÑA POT TINILAIKA NA'APAS GINEN I COASTAL RESOURCES MANAGEMENT NA'OFISINA GAIGE GI SEGUNDO NA 'BIBIENDA GI AS MORGEN NA GUMA, GIYA SAN JOSE, SAIPAN.

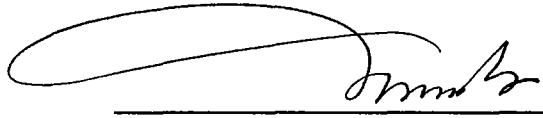
FECHA: 5/18/94


 MANUEL C. SABLAN
 ATMINISTRADOT
 COASTAL RESOURCES MANAGEMENT

FECHA: 5/20/94


 DONNA J. CRUZ
 SECRETARIAN GOBIETNO

FECHA: 5/20/94
 I MANA'HALOM'NA


 SOLIDAD B. SASAMOTO
 REHISTRAN I KORPORASION

ARONGORONG REEL ADOPTIONUL,
ÓWTOL ALLÉGHÚL ABWÓS REEL TINGÓROL
CRM MINOR PERMIT

Schóol Coastal Resouces Management Program sáangi milleel nge ekke arongaar towap igha ebwele adaptáali allégh kka ebwe lliwel abwós reel Tingórol CRM Minor Permit. Administradoodul Coastal Resources Management nge eyoor bwángil bwe ebwe fféer Allégh kkaal sáangi bwángil me ailéewal 2 CMC Tálil ye 1511 (3) B nge adoption yeel rebwe tabweey fféer ye sáangi Administrative Procedures Act, 1 CMC 9101. et seq. Aramas ye e tipáli nge emmwel schagh bwe ebwe ló bweibwogh kopiyaal allégh kkaal mellól Bwulasiyool Coastal Resources Management iye elo aruwoowal bibenda mellól Morgen Building iye elo San Jose, Seipél.

Aramas ye e tipáli nge emmwel schagh bwe ebwe ischiitiw meta tipal me mángemángil reel ówtol allégh kkaal nge aa atolongooy llól eliigh rál (30) sáangi igha e toowow arongorong yeel mellól Commonwealth Register, nge rebwe afanga ngáli Address ye:

Administrator
Coastal Resources Management
Office of the Governor
2nd Floor Morgen Building
Saipan, MP 96950

Rál: 5/18/94



MANUEL C. SABLAN
Administrator, Coastal Resources Management

Rál: 5/20/94



DONNA J. CRUZ
Governor's Secretary

Rállil igha
e
file: 5/20/94



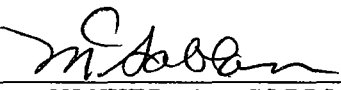
SOLEDAD B. SASAMOTO
Registrar Of Corporations

**PERMANENT ADOPTION OF REGULATIONS
AMENDING COASTAL RESOURCES MANAGEMENT OFFICE
RATES FOR CRM MINOR PERMIT APPLICATIONS**

Section 8 (v) Fees. (part) will be deleted replaced by the following;

- (a) No fee for government projects.
- (b) \$25.00 fee for emergency permits.
- (c) \$100.00 fee for minor permits.
- (d) \$500.00 initial fee and \$400.00 renewal fee for jet ski operating permits.
- (e) All other fees for projects shall be based upon appraisal of construction costs for structures affixed to the ground.

Date: 5/18/94



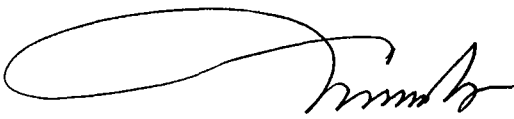
MANUEL C. SABLAN
Administrator, Coastal Resources Management

Acknowledged: 

DONNA J. CRUZ
Governor's Office

Date: 5/20/94

Date of Filing: 5/20/94



SOLEDAD B. SASAMOTO
Registrar of Corporations



Commonwealth of the Northern Mariana Islands
 Coastal Resources Management
 Office of the Governor
 2nd Floor Morgen Building, San Jose
 Saipan, Mariana Islands 96950




CABLE ADDRESS
 GOV. NMI SAIPAN
 TELS. 234-6623/7320
 FAX 234-0007

PETMANENTI NA'ADOPTASION I REGULASION MA'AMENDA POT I COASTAL
 RESOURCES MANAGEMENT NA'OFISINA
 APAS POT MENOT NA'APLIKASION LISENSIAN I CRM.

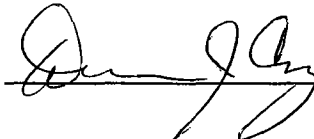
SEKSIONA 8(V) A'PAS. (PATTE) HUMA NA'FANSUHA UFAN MA'A'GO I MAN
 SIGENTI SIHA.


- A. TAYA APAS PARA I CHECHO GOBIETNO
- B. \$25.00 PESOS NA'APAS POT GOTPI NA LISENSIA
- C. \$100.00 PESOS NA'APAS POT MENOT NA'LISENSIA
- D. \$500.00 PESOS I PRIMET APAS YAN \$400.00 PESOS
 APAS MA'RENUEBA POT JET SKI NI'MAN MA'NENEHA NA'LISENSIA
- E. OTRO SIHA NA'APAS POT CHO'CHO' DEBE UFAN SEGURO SEGUN I
 MA'EBALUHAÑA GI KONSTRASION POT I GASTOÑA HUMA'NA SIGURO
 I ESTROTURA GI TANO.

FECHA: 5/18/94


 MANUEL C. SABLAN
 ADMINISTRADOR
 COASTAL RESOURCES MANAGEMENT

RIKONISAÑA: 5/20/94
 DONNA J. CRUZ
 OFISINAN GOBIETNO

FECHA: 

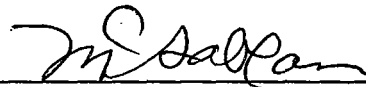
FECHAN MA'NA'HALOMÑA: 5/20/94 
 SOLIDAD B. SASAMOTO
 REGISTRAN I KORPORASION

ALÉGHÉLÉGHIL ADOPTIONUL ALLÉGH
IKKA E LLIIWEL MELLÓL BWULASIYÓOL COASTAL RESOURCE MANAGEMENT
REEL ABWÓSSUL TINGÓROL CRM MINOR PERMIT

Táilil 8 (v) Abwóss. (patti) ebwe atotoowow bwe ebwe toolong milikka faal:

- (a) Esóór abwós reel project-il gubenko
- (b) \$25.00 abwóssul emergency permits
- (c) \$100.00 abwóssul ngäre minor permits
- (d) \$500.00 mesammwal abwós me \$400.00 renewal reel
lisensiyaal jet ski operation.
- (e) alongal abwóssul akkáaw projects nge rebwe base-lil reel
igha re amwuri abwóssul akkayú me structure kka e
ppasch wóol ppwel.

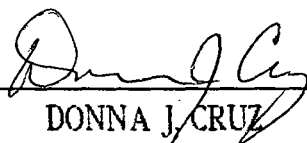
Rál: 5/18/94



MANUEL C. SABLÁN

Administrator, Coastal Resources Management

Alleghuuyal:



DONNA J. CRUZ
Bwulasiyool Gubenko

Rál:

5/20/94

Rállil igha

e

file:

5/20/94




SOLEDAD B. SASAMOTO
Registrar of Corporations

**CERTIFICATION OF ADOPTED REGULATIONS
AMENDING THE FEE REQUIREMENTS FOR
CRM MINOR PERMIT APPLICATIONS**

I, Manuel C. Sablan, Administrator of Coastal Resources Management Office, promulgating the amendments published in the Commonwealth Registrar April 15, 1994, Volume 16, Number 04, by signature below hereby certify tht the published amendments are a true, correct and complete copy of the amendments formally adopted by the Coastal Resources Management Office. I further request and direct that this certification be published in the Commonwealth Registrar and then be attached by the Office of the Governor and Registrar of Corporations to the amendments referenced above.

I declare under the penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 18th day of MAY, 1994 at Saipan, Commonwealth of the Northern Mariana Islands.



MANUEL C. SABLAN

Administrator, Coastal Resources Managment