

**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
SAIPAN, TINIAN, ROTA and NORTHERN ISLANDS**



COMMONWEALTH REGISTER

**VOLUME 38
NUMBER 12**

DECEMBER 28, 2016

COMMONWEALTH REGISTER

VOLUME 38
NUMBER 12

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MARIANAS VISITORS AUTHORITY

P.O. BOX 500861 CK
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**Public Notice of Adoption of Amendments to the Procurement Regulations
for the Marianas Visitors Authority**

Notice of Adoption: The Marianas Visitors Authority (MVA) approved the adoption of the following amendments to its Procurement Regulations at its meeting of December 7, 2016.

Prior Publication: These regulations were proposed on July 19, 2016, and appeared in the September 28, 2016 Commonwealth Register [38 Com. Reg. 38598].

Modifications from Proposed Regulations, If Any: The proposed amendment to NMIAC § 90-20-210(b)(2) is amended to read as follows:

“The Managing Director may make small purchases of \$5,000.00 or less by any commercially reasonable method and shall exercise best efforts to ensure responsible expenditure of MVA funds. Purchase orders may be used for such transactions. Procurement requirements shall not be artificially divided so as to constitute a small purchase of \$5,000.00 or less.”

Authority: These amendments are promulgated under the authority of 4 CMC § 2124(d), which authorizes MVA to adopt procurement and supply regulations consistent with those of the Commonwealth government, and 4 CMC § 2128, which grants MVA the authority to adopt rules and regulations.

Effective Date: These amendments will become effective ten days after publication of this Notice of Adoption in the Commonwealth Register. 1 CMC § 9105(b).

Comments and Agency Concise Statement: These proposed amendments would change the way the MVA conducts small purchases. MVA received no written or oral comments from the public regarding these amendments.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 7th day of December, 2016, at Saipan, Commonwealth of the Northern Mariana Islands.

Submitted by:

Date: 07 Dec. 2016

Marian Aldan-Pierce, MVA Chair



Filed and Recorded by: Esnerbitt
Esther SN. Nesbitt
Commonwealth Register

Date: 12.14.16

I certify, pursuant to 1 CMC § 2153(e) and 1 CMC § 9104(a)(3), that I have reviewed and approved these regulations as to form and legal sufficiency. I approve their publication pursuant to 1 CMC § 2153(f).

Edward Manibusan
Edward Manibusan
Attorney General

Date: 12/14/16



COMMONWEALTH PORTS AUTHORITY

Main Office: FRANCISCO C. ADA/SAIPAN INTERNATIONAL AIRPORT

P.O. Box 501055, Saipan, MP 96950-1055

Phone: (670) 237-6500/1 Fax: (670) 234-5962

E-mail Address: cpa.admin@pticom.com

Website: www.cpa.gov.mp



PUBLIC NOTICE

Proposed Amendments to the Airport Rules and Regulations of the Commonwealth Ports Authority

The Executive Director of the Commonwealth Ports Authority hereby notifies the public that the Commonwealth Ports Authority intends to promulgate amendments to its Airport Rules and Regulations.

INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS:

Notice is hereby given pursuant to 1 CMC § 9104(a) of the Administrative Procedure Act that the Commonwealth Ports Authority publishes the following revised Airport regulations for the agency and its intended action to become the complete Airport Rules and Regulations for the agency.

AUTHORITY: The following proposed revised regulations have been fully reviewed by the CPA Board of Directors, vested with authority as the governing body, and during its Regular Board meeting held January 13, 2016, hereby approved the publication in the Commonwealth Register for Notice and Comment pursuant to the Administrative Procedure Act and as administered by the CNMI Law Revision Commission and for approval by the Attorney General pursuant to 1 CMC § 2153(e). The authority for the promulgation of regulations for the Commonwealth Ports Authority is set forth in 2 CMC § 2122(g) as an autonomous agency of the Commonwealth of the Northern Mariana Islands. 2 CMC § 2111(b)

THE TERMS AND SUBSTANCE: The proposed amendment sets forth the Chapter 40-10, Commonwealth Ports Authority Airport Rules and Regulations.

THE SUBJECTS AND ISSUES INVOLVED: The revised regulations update the existing regulations particularly removes § 40-10.1-1201 on Fees for Non Signatory Carriers; updates §40-10.1-1205 on Landing Fees; revises §40-10.1-1215 on Departure Facility Service Charge (DFSC) to Terminal Rental Rate; revises §40-10.1-1220 from International Arrival Facility Service Charge to Per Use Fees; and updates §40-10.1-1275 on Public Parking Fees.

DIRECTIONS FOR FILING AND PUBLICATION: These Proposed Regulations shall be published in the Commonwealth Register in the section on Proposed and Newly Adopted Regulations (1 CMC § 9102(a)(1)) and posted in convenient places in the civic

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FRANCISCO C. ADA / SAIPAN INTERNATIONAL AIRPORT

Port of Saipan

P.O. Box 501055, Saipan, MP 96950

BENJAMIN TAISACAN MANGLONA INTERNATIONAL AIRPORT

Rota West Harbor

P.O. Box 561, Rota, MP 96951

TINIAN INTERNATIONAL AIRPORT

Port of Tinian

P.O. Box 235, Tinian, MP 96952

center and in local governments in each senatorial district, both in English and in the principal vernacular. (1 CMC § 9104(a)(1))

TO PROVIDE COMMENTS: Persons or entities wishing to submit comments must do so in writing to Mr. Christopher S. Tenorio, Acting Executive Director, at the following address, fax or hand-deliver to the CPA Administrative Office located on the 2nd Floor of the Arrival Terminal at the Francisco C. Ada/Saipan International Airport with the subject line “Comments on Proposed Airport Rules and Regulations – Rate Methodology”.

Commonwealth Ports Authority
P.O. Box 501055
Saipan, MP 96950
Tel. (670) 237-6500/6501; Fax: (670) 234-5962

All written comments must be submitted within 30 days after publication of this notice.

Submitted by:



CHRISTOPHER S. TENORIO
Acting Executive Director, CPA

12/13/16

Date

Received by:



SHIRLEY CAMACHO-OGUMORO
Special Assistant for Administration

12/27/16

Date

Filed and
Recorded by:



ESTHER SN. NESBITT
Commonwealth Register

12.28.2016

Date

Pursuant to 1 CMC § 2153(e) and 1 CMC §9104 (a)(3) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published. (1 CMC § 2153 (f))

Dated this 28th day of December, 2016.



EDWARD MANIBUSAN
Attorney General

NUTISIAN PUPBLIKU

I Manmaproponi na Amendasion siha para i Areklamenton i Plåsa yan Regulasion siha gi Commonwealth Ports Authority

I Direktot Eksakatibu gi Commonwealth Ports Authority guini ha nutisia i pupbliku na i Commonwealth Ports Authority ha intensiona para u ma'cho'gui i amendasion siha gi iyon i Airport na Areklamentu yan Regulasion siha.

MA'INTENSIONA NA AKSION PARA U MA'ADAPTA ESTE SIHA I MANMAPROPO NI NA

AREKLAMENTU YAN REGULASION SIHA: I nutisia guini ha nã'i sigun gi 1 CMC § 9104(a) gi Åktun i Administrative Procedure na i Commonwealth Ports Authority ha pupblika i sigienti ni manmaribisa na regulasion i Plåsa para i ahensia yan i intensiona na aksion para u manakumplidu i Areklamentu yan Regulasion i Plåsan para i ahensia.

ÅTURIDÅT I sigienti maproponi i maribisa na regulasion siha marinibisa ginin i Kuetpun Direktot CPA, ma-vested i åturidåt kumu ginibebetna i kuepu, yan duråntin i Regulåt na huntan Kuetpu gi Ineru 13, 2016, manmaprueba i publikasion gi hãlom i Rehistran Commonwealth para nutisia yan upiñon sigun gi para i Åktun Administrative Procedure yan kumu ma'-administered ginin i CNMI Law Revision Commission yan para inaprueba ginin i Abugådu Heneråt sigun gi 1 CMC § 2153(e). I åturidåt ni para u ma'diklãra i regulasion siha para i Commonwealth Ports Authority mapega mo'na gi 2 CMC § 2122(j) kumu autonomous agency gi Commonwealth gi Sangkattan na Islas Marianas siha. (2 CMC § 2111(b))

I TEMA YAN SUSTÅNSIAN I PALÅBRA SIHA: I manmaproponi na amendasion mapega mo'na i Pãtti 40-10, gi Commonwealth Ports Authority gi Areklamentu yan Regulasion i Plåsa.


SUHETU NI MASUMÅRIA YAN ASUNTU NI TINEKKA: I maribisa na regulasion siha ma'update i presentin na regulasion siha pattikulåtmienti nina'suha i §40-10.1-1201 gi Fees para Non Signatory Carriers; ma'update i §40-10.1-1205 gi Åpas i Landing; rinibisa i §40-10.1-1215 gi Åpas Setbision i Fasilidåt i Departure (DFSC) para Terminal Rental Rate; rinibisa i §40-10.1-1220 ginen i Åpas Setbision Fasilidåt i International Arrival para Åpas Kada Ma'usa; yan ma'update i §40-10.1-1275 i Åpas i Parking Pupbliku.


DIREKSION PARA U MAPO'LU YAN PARA PUPBLIKASION: Esti i Manmaproponi na Regulasion siha debi na u mapupblika gi hãlom i Rehistran Commonwealth gi seksiona ni Manmaproponi yan Nuebu na Ma'adapta na Regulasion siha, 1 CMC § 9102(a)(1), yan u mapega gi kumbinienti na lugåt siha gi halum i civic center yan i ufisinan gubietnamentu siha gi kada distritun senadot, parehu English yan prinsipåt na lingguåhin natibu. 1 CMC § 9104(a)(1).

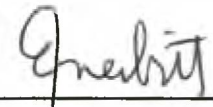
PARA U MAPRIBENIYI UPIÑON SIHA: Petsona siha pat indibiduåt ni malagu para u na'hãlom upiñon siña ha na hãlom tinigi' upiñon siha guatu gi as: Siñot Christopher S. Tenorio, Acting na Direktot Eksakatibu, CPA, gi sigienti na address, fax pat u machuli' guatu gi Ufisinan Atministrasion ni gaigi gi 2nd Floor gi Francisco C. Ada/Saipan Internation Airport yan i subject line "I Upiñon Manmaproponi na Areklamentu yan Regulasion i Plåsa — Rate Methodology".

Commonwealth Ports Authority
P.O. Box 501055
Saipan, MP 96950
Tel. (670) 237-6500/6501 Fax: (670) 234-5962.

Todu tinigi' upiñon siha debi na u manahalom trenta (30) dihas dispues di publikasion esti na nutisia.

Nina'halom as: 
CHRISTOPHER S. TENORIO
Acting Na Direktot Eksakatibu, CPA
Fetcha 12/13/16

Rinisibi as: 
SHIRLEY P. CAMACHO-OGUMORO
Ispisiat Na Ayudanti Para I Atministrasion
Fetcha 12/27/16

Pine'lu yan
Ninota as: 
ESTHER SN. NESBITT
Rehistran Commonwealth
Fetcha 12.28.2016

Sigun i 1 CMC § 2153(e) yan i 1 CMC § 9104(a)(3) i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan manma' aprueba kumu fotma yan sufisienti ligat ginin i CNMI Abugadu Henerat yan debi na u mapublika, 1 CMC § 2153(f).

Mafetcha guini gi diha 28th, gi Decumbar, 2016.


EDWARD MANIBUSAN
Abugadu Henerat

ARONGORONGOL TOULAP

Pommwol Liiwel ngáli Allégh me Mwóghutúghútúl Plaasa reel Commonwealth Ports Authority

Executive Director-il Commonwealth Ports Authority re arongowow ngáliir toulap bwe Commonwealth Ports Authority re mángemángil bwe ebwe fil reel fféerúl liiwel kkal ngáli Alléghúl me Mwóghutúghútúl Plaasa.

MÁNGEMÁNGIL MWÓGHUT REBWE ADÓPTÁÁLI POMMWOL ALLÉGH ME MWÓGHUTUGHUT: Arongorong yeel nge sáangi 1 CMC § 9104(a) reel Administrative Procedure Act bwe Commonwealth Ports Authority re mángemángil bwe ebwe fil reel fféerúl liiwel kkal ngáli Alléghúl me Mwóghutúghútúl Plaasa.

BWÁNGIL: Milikka e amwirimwirti w iye pommwol mwóghutughut iye re fféerú sefááli nge ra takkal amwuri fischiiy sáangi CPA Board-il Directors, iye eyoor bwángiir bwe iir schóól lemelem, me igha re yéélágh reel aar Regular Board wóól Eneero 13, 2016, iye e átirow reel arongowowul me llól Commonwealth Register-il Arongorong me Kkupas sáangi Administrative Procedure Act iye re lemeli reel CNMI Law Revision Commission me aa bwal átirow merel Soulemelemil Allégh Lapalap sáangi 1 CMC § 2153(e). E bwaáng bwe e fil reel fféerúl mwóghutughut kkal ngáli Commonwealth Ports Authority nge ebwe mweteló mmwal llól 2 CMC § 2122(g) bwe autonomous aar agency reel Commonwealth Téél Falúw kka Efang llól Marianas. 2 CMC § 2111(b)

KKAPASAL ME AWEEWEL: Pommwol liiwel kkal ebwal sóbweeytá reel Chapter 40-10, Alléghúl me Mwóghutúghútúl Plaasa reel Commonwealth Ports Authority.

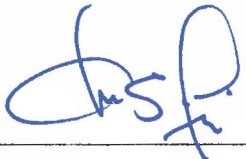
KKAPASAL ME ÓUTOL: Mwóghutughut ikka re fféerú sefááli mwóghutughut ikka e lo nge ebwe toowow § 40-10.1-1201 wóól Fees reel Non Signatory Carriers; fféerú sefaali § 40-10.1-1205 wóól Landing Fees; fféerú sefaali § 40-10.1-1215 wóól Departure Facility Service Charge (DFSC) ngáli Terminal Rental Rate; fféerú sefaali § 40-10.1-1220 sáangi International Arrival Facility Service Charge ngáli Per Use Fees; me fféerú sefaali § 40-10.1-1275 wóól Public Parking Fees.

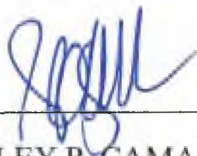
AFAL REEL AMMWELIL ME AKKATEEWOWUL: Pommwol Mwóghutughut kkal ebwe akkatéewow llól Commonwealth Register llól tánil Pommwol me Ffél Mwóghutughut ikka ra Adóptááli (1 CMC § 9102(a)(1)) me ebwe appaschatá llól civic center me bwal llól bwulasiyol senatorial district, fengál reel kkasal English me mwáliyaasch.(1 CMC § 9104(a)(1))

ATOTTOLONGOL KKAPAS: Aramas ngáre schóó kka re mwuschel rebwe isiislong mwalili ebwe ischi ngáli Mr. Christopher S. Tenorio, Acting Executive Director, rel féléféel iye, fax ngáre bwughiló reel bwulasiyol CPA Administration iye e lo 2nd Floor reel Arrival Terminal reel Francisco C. Ada/Saipan International Airport nge ebwe lo reel róóza bwe “Comments on Proposed Airport Rules and Regulations – Rate Methodology”.

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Alongal ischil kkapas nge ebwe toolong llól eliigh (30) ráál mwiril aal akkatéwów arongorong yeel.


Isáliyalong:  12/13/16
CHRISTOPHER S. TENORIO
Acting Executive Director, CPA
Ráál

Bwughiyal :  12/27/16
SHIRLEY P. CAMACHO-OGUMORO
Special Assistant ngáli Administration
Ráál

Ammwelil:  12.28.2016
ESTHER SN. NESBITT
Commonwealth Register
Ráál

Sáangi 1 CMC § 2153(e) me 1 CMC §9104 (a)(3) pommwol mwóghutúghút kka e appaschlong igha nge aa takkal amwuri fischiiy me lléghló fféerúl me legal sufficiency sáangi Soulemelemil Allégh Lapalal CNMI me ebwele akkatéwów. (1 CMC § 2153(f))

E aghikkilatiw wóól 28th ráálil iye December, 2016.


EDWARD MANIBUSAN
Soulemelemil Allégh Lapalal

Part 1200 – Schedule of Fees and Charges

§40-10.1-1201 Fees for Non-signatory Carriers Reserved

~~The fees and charges set forth in § 40-10.1-1205 through §40-10.1-1220 multiplied by a factor 1.5 shall be payable for the use of facilities at the Saipan International Airport by any air carrier which is not a party to a valid airline use agreement with the Authority pursuant to §40-10.1-740. At Rota International Airport and West Tinian International Airport, and the Saipan Commuter Terminal, the multiplying factor for non-signatory carriers shall be 1.25.~~

§40-10.1-1205 Landing Fees

A residual calculation for Landing Fees shall be completed before the beginning of every fiscal year and distributed to all air carriers operating at the Saipan International Airport, Saipan Commuter Airport, Rota International Airport and the West Tinian International Airport, collectively the Airport System.

- ~~(a) A charge of one dollar and forty cents per thousand pounds certified maximum gross landing weight of the aircraft as determined by the FAA for said aircraft, for each landing at Saipan International Airport, shall be paid to the Authority.~~
- (a) The landing fee will be calculated as the Airfield Requirement divided by the total landed weight for the Airport System.
- ~~(b) A charge of one dollar and six cents per thousand pounds certified maximum gross landing weight of the aircraft as determined by the FAA for said aircraft, for each landing at West Tinian International Airport or at Rota International Airport, shall be paid to the Authority.~~
- (b) The landing fee shall be charged per thousand pounds of certified maximum gross landing weight of the aircraft as determined by the FAA for said aircraft.
- (c) The landing fee charged to airlines operating at the Saipan Commuter Terminal, Rota International Airport and the West Tinian International Airport shall be calculated as twenty five percent less than the landing fee charged to airlines operating at the Saipan International Airport.
- ~~(c)~~(d) Exempted from paying landing fees are diplomatic, U.S. military, and Mariana Islands government aircraft, and any other operator which has a valid agreement with the Authority, which provides for landing fees other than as provided for in this section.

§40-10.1-1210 Public Apron and Operational Area Charge

- (a) A minimum charge of twenty-five dollars, or if greater, fifteen cents per thousand pounds maximum gross certified landing weight, as determined by FAA for said aircraft for each one hour, or fraction thereof, for parking on the public apron adjacent to the terminal building shall be paid to the Authority by the aircraft operator. The payment of which shall, in addition to permitting the parking of the aircraft, also permit the use by the aircraft crew and nonrevenue passengers of the public facilities in the departure building and on the airport (but not including use of the arrival building and in-bound baggage handling facilities). Maximum time limit for aircraft apron use is three and one half hours, after which aircraft must be moved to the public aircraft parking area.
- (b) Exceptions:

- (1) Diplomatic, U.S. military, and Mariana Islands government aircraft.
- (2) Any airline which has executed an operating agreement with the Authority pursuant to the provisions of §40-10.1-740, while such an agreement remains in force or effect. Any such airline operating under such an agreement shall pay a public apron and operational charge as set forth in its operating agreement. The Authority shall take all steps necessary to ensure that all operating agreements currently in effect shall be brought into compliance with the schedule of fees and charges set forth in this part on or before October 1, 1992.

§40-10.1-1215 ~~Departure Facility Service (DFSC) Terminal Rental Rate~~

A compensatory calculation for the Terminal Rental Rates shall be completed before the beginning of every fiscal year and distributed to all air carriers operating at the Saipan International Airport, Saipan Commuter Airport, Rota International Airport and the West Tinian International Airport.

- ~~(a) To cover costs of operations and maintenance of terminal buildings and to service the revenue bond debt payment obligations incurred by the Authority to operate and maintain the various airport facilities, a departure facility service charge shall be assessed each aircraft operator, which charge shall be calculated on a per revenue passenger basis as follows:

 - ~~(1) The DFSC at Saipan International Airport for FY 2001 shall be \$6.35 per passenger; for FY 2002, it shall be \$6.90 per passenger; for FY 2003, it shall be \$7.45 per passenger and for FY 2004 and thereafter, it shall be \$8.00 per passenger.~~
 - ~~(2) The DFSC at Rota International Airport and at West Tinian International Airport for FY 2001 shall be \$4.58 per passenger; for FY 2002, it shall be \$4.70 per passenger; for FY 2003, it shall be \$4.82 per passenger; and for FY 2004 and thereafter, it shall be \$4.95 per passenger.~~
 - ~~(3) The DFSC at the Saipan Commuter Terminal for FY 2001 shall be \$2.98 per passenger for FY 2002, it shall be \$3.10 per passenger; for FY 2003, it shall be \$3.25 per passenger; and for FY 2004 and thereafter, it shall be \$3.35 per passenger~~~~
- (a) The Average Terminal Rental Rate will be calculated as the Terminal Requirement divided by the total rentable space in the Airport System's terminal buildings. The Terminal Requirement shall be equal to the sum of the Operating Expenses, Debt Service, Debt Service Coverage and Capital equipment less Passenger Facility Charge revenues eligible for debt service and coverage attributable to the Main Terminal Cost Center, Commuter Terminal Cost Center, Rota Terminal Cost Center, and Tinian Terminal Cost Center.
- (b) The Average Terminal Rental Rate is differentiated so that the terminal rental rate for the Saipan Commuter Terminal, Rota Terminal and Tinian Terminal will be 50 percent less than the terminal rental rate for the Saipan Main Terminal.
- ~~(b) The DFSC schedule set forth in subsection (a) above shall be paid to the Authority by every aircraft operator transporting revenue passengers from such airports. Diplomatic aircraft and U.S. military aircraft are exempted from the departure facility service charge.~~
- ~~(c) Notwithstanding the foregoing departure facility service charge schedule, the Commonwealth Ports Authority may provide to signatory airlines servicing the airports of the Commonwealth, an airline incentive fee discount on the applicable departure facility service charge, the passenger arrival fee, and other airport fees and charges, based on a discount rate which the~~

~~Authority determines to be reasonable and appropriate under future revenue projection, the Authority's revenue bond debt service obligations, and its operations and maintenance expenses. The airline incentive fee discount program is intended to encourage the signatory airlines to bring more visitors to the Commonwealth and stimulate its economy.~~

~~(c) The foregoing amendments shall retroactively commence on January 1, 2001 October 1, 2016.~~

§40-10.1-1220 International Arrival Facility Service Charge Per Use Fees

A per use fee means a charge assessed by the Authority for each use of an unassigned Ticket Counter (including queuing space) or holdroom / gates.

~~(a) To cover the added costs of operations and maintenance of the arrival terminal building for international deplaned passengers at the Saipan International Airport, a service charge calculated on the basis of two dollar and twenty cents per revenue passenger shall be paid to the Authority by every aircraft operator transporting international revenue passengers to the Saipan.~~

~~For the purposes of this part, "international deplaned passengers" is defined as all those deplaned passengers at the Saipan International Airport whose departure did not originate in Tinian, Rota, Guam and whose destination is Saipan.~~

(a) The Ticket Counters/Queuing Space – Per use Fee is equal to the Average Terminal Rental multiplied by the Average Leased Ticket Counter/Queuing square feet divided by the days of the year, divided by the average turns per day.

(b) The Holdrooms/Gates – Per Use Fee is equal to the Average Terminal Rental multiplied by the Average Holdroom gate square feet divided by the days of the year, divided by the average turns per day.

§40-10.1-1225 Aircraft Parking Charge

Aircraft shall be parked at designated locations only.

- (a) For aircraft paying the public apron and operational area charges cited in §40-10.1-1210, aircraft parking charges shall be three cents per thousand pounds maximum gross certified landing weight as determined by FAA for said aircraft for each twenty-four hours, or fraction thereof, beginning at the time the aircraft moves to the parking area from the public apron.
- (b) For aircraft not requiring use of the public apron and thus not subject to a charge thereof, aircraft parking charges shall be a minimum of five dollars, or three cents per thousand pounds, for each twenty-four hours, or fraction thereof, thereafter.
- (c) Monthly rates shall be twenty-two times the daily rate. All such charges shall be paid by the aircraft operator to the Authority prior to departure of the aircraft from the assigned parking position.
- (d) Locally based aircraft parked in areas designated by the Executive Director for such purpose shall pay fifteen dollars per month, payable in advance.
- (e) Exceptions:
 - (1) Diplomatic, U.S. military, and Mariana Islands government aircraft

- (2) Any airline which has executed an operating agreement with the Authority pursuant to the provisions of §40-10.1-740, while such agreement remains in force or effect. Any such airline operating under such an agreement shall pay an aircraft parking charge as set forth in its operating agreement. The Authority shall take all steps necessary to ensure that all operating agreements currently in effect shall be brought into compliance with the schedule of fees and charges set forth in this part on or before October 1, 1992.

§40-10.1-1230 In-transit Passenger Service Charge

- (a) Any operator using the airport for an in-transit stop (i.e., not involving airport originating or terminating passengers) shall pay a service charge of a minimum of ten dollars or, if greater, a service charge calculated on the basis of thirty-five cents for each in-transit passenger to cover the costs of operating and maintaining the public use portion of the terminal buildings utilized by said in-transit passengers.
- (b) Exceptions:
 - (3) Diplomatic, U.S. military, and Mariana Islands government aircraft
 - (4) Any airline which has executed an operating agreement with the Authority pursuant to the provisions of §40-10.1-740, while such agreement remains in force or effect. Any such airline operating under such an agreement shall pay an aircraft parking charge as set forth in its operating agreement. The Authority shall take all steps necessary to ensure that all operating agreements currently in effect shall be brought into compliance with the schedule of fees and charges set forth in this part on or before October 1, 1992.

§40-10.1-1235 Catering Fee

- (a) A fee equal to twelve percent of the gross billings (charges) made for the sale, delivery, boarding, and removal of inflight catering food and beverages shall be paid to the Authority by the supplier thereof as a condition of access to the airport.
- (b) Exceptions:

In flight catering provided directly and not by contract, by a bona fide airline lessee of the airport, or by a concessionaire operating on the airport, under the terms of a valid lease.

§40-10.1-1240 Fuel Flowage Fee

A fee equal to one and one half cents for each gallon of aviation gasoline and jet fuel delivered to the airport is hereby imposed. Effective July 1, 1999, the fuel flowage fee shall increase to two and one-half cents per gallon. The fuel flowage fee shall be paid by the seller thereof, upon the delivery of aviation gasoline and jet fuel to the airport. The seller shall deliver to the Authority, no later than the 15th day of every month, the fuel flowage fee payable for deliveries made to the airport during the previous month, together with appropriate documentation evidencing such fuel deliveries.

§40-10.1-1245 Ground Handling Permit Fee

The fee for a ground handling permit shall be five thousand dollars per calendar quarter. Effective July 1, 1999, the ground handling permit fee shall increase to ten thousand dollars per calendar quarter.

§40-10.1-1250 Ground Rent

- (a) Any exclusive use of ground space on the airport shall be subject to ground rent.

- (b) Any such exclusive use of ground space shall encompass the entire amount of ground space effectively occupied (i.e., in the case of building or facility, the ground space underlying that building or facility; and, in addition, all surrounding area effectively utilized for setbacks, parking, access, etc., shall be included). In the case where such effectively utilized area cannot be precisely described, it shall be assumed that the effective area shall be, at a minimum, equal to five times the ground space occupied by the building or facility.
- (c) No tenant of the Authority may sublease or assign its leased premises or any interest thereon, without the prior consent of the Authority. Such consent, if granted, shall be conditioned upon payment to the Authority of not less than 25% of the total consideration for such sublease or assignment.

§40-10.1-1255 Passenger Facility Charges

The Authority is authorized to impose a passenger facility charge (PFC) not to exceed three dollars per enplaning passengers. All charges shall comply with applicable federal laws, rules, and regulations as amended from time to time.

§40-10.1-1260 Payment of Charges

All fees are to be paid in U.S. currency by the aircraft operator to the Office of the Executive Director, upon arrival (except in the case of parking charges which are to be paid prior to departure, and fuel flowage fees which shall be paid upon purchase of fuels) unless special arrangements have been made with the Authority in writing in advance. The Executive Director may authorize, in writing, fees to be paid in a manner different from that provided herein.

§40-10.1-1265 Surcharges on Airline Tickets Prohibited

No airline or other seller of tickets for air transportation operating at any airport owned and operated by the Authority shall state, charge, or collect any fees and charges specified in §40-10.1-1205 through §40-10.1-1225 separately from the price of an airline ticket; provided, however, that nothing herein shall prevent or restrict any such airline or other seller from charging and collecting a single fare, which may be periodically adjusted, subject to applicable restrictions imposed by law, to reflect the airline's costs, which costs include but are not limited to such fees and charges.

§40-10.1-1270 Taxicab Operator Permit Fee

- (a) All taxicab operators authorized by the Executive Director to operate a taxicab at the airport shall pay a monthly taxicab permit fee of \$25.00 per vehicle, payable upon issuance of the taxicab permit.
- (b) No vehicles or taxicab may operate at the airport without a valid taxicab decal issued by the Authority on an annual basis. This fee shall become effective on July 1, 1999.

§40-10.1-1275 Public Parking Fee

- (a) All vehicles owned by members of the general public shall park their vehicles in designated public parking areas, and shall pay a public parking fee, as follows:

Parking Category	Fee

<u>0-15 minutes</u>	<u>Free</u>
Minimum fee (less than 1 hour) <u>16 minutes to 1 hour</u>	\$1.00 <u>\$2.00</u>
Hourly Rate	\$1.00 <u>\$2.00</u>
Each additional hour (or fraction thereof)	\$1.00 <u>\$2.00</u>
Daily Rate (maximum 24 hours)	\$10.00 <u>\$15.00</u>
Annual Rate per Vehicle for Employees of Airport Tenants	\$35.00 <u>\$50.00</u>
Rate per Vehicle for Frequent Flyers - Annual	\$400.00
Rate per Vehicle for Frequent Flyers – Semi Annual	\$250.00
Annual Rate per Vehicle for Service and Delivery Vehicles	\$200.00

- (b) No fee is imposed for CPA vehicles, for vehicles owned by CPA employees and officials, for ~~permitted car rental vehicles~~ cars rented from companies with whom CPA has an operating agreement, and for U.S. government~~federal~~ and CNMI government vehicles.



COMMONWEALTH PORTS AUTHORITY

Main Office: FRANCISCO C. ADA/SAIPAN INTERNATIONAL AIRPORT

P.O. Box 501055, Saipan, MP 96950-1055

Phone: (670) 237-6500/1 Fax: (670) 234-5962

E-mail Address: cpa.admin@pticom.com

Website: www.cpa.gov.mp



PUBLIC NOTICE

Proposed Amendments to the Personnel Rules and Regulations of the Commonwealth Ports Authority

The Executive Director of the Commonwealth Ports Authority hereby notifies the public that the Commonwealth Ports Authority intends to promulgate amendments to its Personnel Rules and Regulations.

INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS: Notice is hereby given pursuant to 1 CMC § 9104(a) of the Administrative Procedure Act that the Commonwealth Ports Authority publishes the following revised Salary Schedule for the agency and its intended action is for it to be a permanent salary scale for the Authority.

AUTHORITY: The following revised salary schedule has been fully reviewed by the CPA Board of Directors, vested with authority as the governing body, and during its Regular Board meeting held August 25, 2016, who hereby approved the publication in the Commonwealth Register for Notice and Comment pursuant to the Administrative Procedure Act, as administered by the CNMI Law Revision Commission and for approval by the Attorney General pursuant to 1 CMC § 2153(e). The authority for the promulgation of regulations for the Commonwealth Ports Authority is set forth in 2 CMC § 2130 as an autonomous agency of the Commonwealth of the Northern Mariana Islands. 2 CMC § 2111(b)

THE TERMS AND SUBSTANCE: The proposed amendment complements Chapter 40-40 as "Exhibit C" of the Commonwealth Ports Authority Personnel Rules and Regulations.

THE SUBJECTS AND ISSUES INVOLVED: Exhibit C of Title 40-40, The salary scale, is outdated so the proposed schedule adjusts the scale to a little over the CNMI Minimum wage which is CPA's standards. This is in line with the recently passed Public Law 19-71, which exempts CPA from the Salary Cap Law and pursuant to 2 CMC 2122 (n). It replaces it in its entirety.

DIRECTIONS FOR FILING AND PUBLICATION: The Proposed Salary Schedule shall be published in the Commonwealth Register in the section on Proposed and Newly Adopted Regulations (1 CMC § 9102(a)(1)) and posted in convenient places in the civic

COMMONWEALTH REGISTER VOLUME 38 NUMBER 12 DECEMBER 28, 2016 PAGE 039052

FRANCISCO C. ADA / SAIPAN INTERNATIONAL AIRPORT

Port of Saipan

P.O. Box 501055, Saipan, MP 96950

BENJAMIN TAISACAN MANGLONA INTERNATIONAL AIRPORT

Rota West Harbor

P.O. Box 561, Rota, MP 96951

TINIAN INTERNATIONAL AIRPORT

Port of Tinian

P.O. Box 235, Tinian, MP 96952

center and in local governments in each senatorial district, both in English and in the principal vernacular. (1 CMC § 9104(a)(1))

TO PROVIDE COMMENTS: Persons or entities wishing to submit comments must do so in writing to Mr. Christopher S. Tenorio, Acting Executive Director, CPA, at the following address, fax or hand-delivered to the CPA Administrative Office located on the 2nd Floor of the Arrival Terminal at the Francisco C. Ada/Saipan International Airport with the subject line “Comments on Proposed Salary Schedule”.

Commonwealth Ports Authority
P.O. Box 501055
Saipan, MP 96950
Tel. (670) 237-6500/6501 Fax: (670) 234-5962

All written comments must be received by CPA within 30 days after publication of this notice.

Submitted by:  CHRISTOPHER S. TENORIO
Acting Executive Director, CPA
Date: 12/13/16

Received by:  SHIRLEY CAMACHO-OGUMORO
Special Assistant for Administration
Date: 12/27/16

Filed and Recorded by:  ESTHER SN. NESBITT
Commonwealth Register
Date: 12.28.2016

Pursuant to 1 CMC § 2153(e) and 1 CMC §9104 (a)(3) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published. (1 CMC § 2153 (f))

Dated this 28th day of December, 2016.


EDWARD MANIBUSAN
Attorney General

NUTISIAN PUBLIKU

I Manmaproponi na Amendasion siha para i Areklamentu yan Regulasion Personnel gi Commonwealth Ports Authority

I Direktot Eksakatibu gi Commonwealth Ports Authority gi presenti ha infotma i publiku na i Commonwealth Ports Authority ha intensiona para u ma'cho'gui i amendasion siha gi iyon i Personnel na Areklamentu yan Regulasion siha.

MA'INTENSIONA NA AKSION PARA U MA'ADAPTA ESTE SIHA I MANMAPROPO NI NA

AREKLAMENTU YAN REGULASION SIHA: I nutisia guini ha na'i sigun gi 1 CMC § 9104(a) gi Aktun i Administrative Procedure na i Commonwealth Ports Authority ha publiku i tinatituyi ni manmaribisa i Schedule I Suedu para i ahensia yan i intensiona nu i aksion para u manapetmanenti i salary scale para i Aturidat.

ATURIDAT: I tinatituyi ni manmaribisa na schedule i suedu marinibisa ginin i Kuetpun Direktot CPA, ma-vested i aturidat kumu ginibebetna i kuepu, yan durantin i Regulat na huntan Kuetpu gi Agostu 25, 2016, manmaprueba i publikasion gi halom i Rehistran Commonwealth para nutisia yan upiñon sigun gi para i Aktun Administrative Procedure yan kumu ma'-administered ginin i CNMI Law Revision Commission yan para inaprueba ginin i Abugadu Henerat sigun gi 1 CMC § 2153(e). I aturidat ni para u ma' dikhara i regulasion siha para i Commonwealth Ports Authority mapega mo'na gi 2 CMC 2130 kumu autonomous agency gi Commonwealth gi Sangkattan na Islas Marianas siha. (2 CMC § 2111(b))

I TEMA YAN SUSTANSIAN I PALABRA SIHA: I manmaproponi na amendasion ha kapasidat i Patti 40-40, halom "Exhibit C" gi Commonwealth Ports Authority gi Areklamentu yan Regulasion i Personnel siha.

SUHETU NI MASUMARIA YAN ASUNTU NI TINEKKA: I Exhibit C nu i Titulu 40-40, I scale i suedu, outdated pues i manmaproponi i ahusta na schedule siha para mas tatkilo' didide' kinu i CNMI Minimum wage ni ma'aksepta ni CPA. Pumarehu esti yan i mapus ni mapasa na Lai Publiku 19-71 ni ti humalom i CPA ginen Cap I Suedu na Lai yan sigun para 2 CMC 2122(n). Tinilaika todug gi sanhalom-ña.

DIREKSION PARA U MAPO'LU YAN PARA PUBLIKASION: I Manmaproponi na Schedule I Suedu debi na u mapublika gi halom i Rehistran Commonwealth gi seksiona ni Manmaproponi yan Nuebu na Ma'adapta na Regulasion siha, 1 CMC § 9102(a)(1), yan u mapega gi kumbinienti na lugat siha gi halom i civic center yan i ufisinan gubietnamentu siha gi kada distritun senadot, parehu English yan prinsipat na lingguahin natibu. (1 CMC § 9104(a)(1)).

PARA U MAPRIBENIYI UPIÑON SIHA: Petsona siha pat indibidu'at ni malagu para u na'halom upiñon siña ha na halom tinigi' upiñon siha guatu gi as: Siñot Christopher S. Tenorio, Acting na Direktot Eksakatibu, CPA, gi sigienti na address, fax pat u machuli' guatu gi Ufisinan Atministrasion ni gaigi gi 2nd Floor gi Francisco C. Ada/Saipan Internation Airport yan i subject line "I Upiñon Manmaproponi na Schedule I Suedu".

Commonwealth Ports Authority
P.O. Box 501055
Saipan, MP 96950
Tel. (670) 237-6500/6501 Fax: (670) 234-5962.

Todu tinigi' upiñon siha debi na u manahalom trenta (30) dihas dispues di publikasion esti na nutisia.

Nina'halom as: 

CHRISTOPHER S. TENORIO
Acting Na Direktot Eksakatibu, CPA

12/13/16

Fetcha

Rinisibi as: 

SHIRLEY P. CAMACHO-OGUMORO
Ispisiat Na Ayudanti Para I Atministrasion

12/27/16

Fetcha

Pine'lu yan
Ninota as: 

ESTHER SN. NESBITT
Rehistran Commonwealth

12.20.2016

Fetcha

Sigun i 1 CMC § 2153(e) yan i 1 CMC § 9104(a)(3) i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan manma' aprueba kumu fotma yan sufisienti ligat ginin i CNMI Abugadu Henerat yan debi na u mapublika, 1 CMC § 2153(f).

Mafetcha guini gi diha 28th, gi December, 2016.



EDWARD MANIBUSAN
Abugadu Henerat

ARONGORONGOL TOULAP

Pommwol Liiwel ngáli Allégh me Mwóghutughutúl Personnel reel Commonwealth Ports Authority

Executive Director-il Commonwealth Ports Authority re arongowow ngáliir toulap bwe Commonwealth Ports Authority re mángemángil rebwe arongowow reel liiwel kkal ngáli Alléghul me Mwóghutughutúl Personnel.

MÁNGEMÁNGIL MWÓGHUT YEEL BWE EBWE ADÓPTÁÁLI POMMWOL MWÓGHUTUGHUTÚL ALLÉGH: Arongorong yeel nge sáangi 1 CMC § 9104(a) rel Administrative Procedure Act bwe Commonwealth Ports Authority ebwe arongowow reel Salary Schedule ngáli bwulasiyo me re mángemángil rebwe mwóghutughutághali bwe ebwe lléghló salary scale reel Authority.

BWÁNGIL: Milikka e amwirimwirtiwi iye revised salary schedule nge ra takkal amwuri fischiiy sáangi CPA Board-il Directors, iye eyoor bwángiir bwe iir schóól lemelem, me igha re yéélágh reel aar Regular Board wóól Agosto 25, 2016, iye e átirow reel arongowowul me llól Commonwealth Register-il Arongorong me Kkpas sáangi Administrative Procedure Act, iye re lemeli reel CNMI Law Revision Commission me aa bwal átirow merel Soulemelemil Allégh Lapalap sáangi 1 CMC § 2153(e). E bwááng bwe ebwe fil reel fféerúl mwóghutughut kkal ngáli Commonwealth Ports Authority nge ebwe mweteló mmwal llól 2 CMC § 2130 bwe autonomous aar agency reel Commonwealth Téél Falúw kka Efáng llól Marianas.

KKAPASAL ME AWEEWEL: Pommwol liiwel kkal ebwal sóbweeytá reel Chapter 40-40 bwe “Exhibit C” reel Alléghul me Mwóghutughutúl aar Commonwealth Ports Authority Personnel.

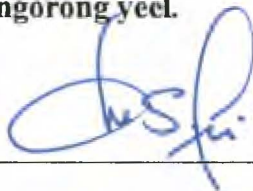
KKAPASAL ME OUTOL: Exhibit C reel Title 40-40, mille salary scale, nge aa fasúl nge pommwol schedule yeel ebwe awelaló scale bwe ebwe yoor ló eghus reel CNMI Minimum wage iye aar CPA standard. Ebwe weewe fengál me mille re gheláál kke aiti bwe Public Law 19-71, nge esóóbw toolong CPA reel Salary Cap Law sáangi 2 CMC 2122(n). E siiweli alongal ótol.

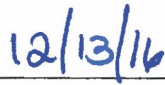
AFAL REEL ISHISILONGOL ME AKKATÉÉWOWUL: Pommwol Salary Schedule ebwe akkatééwow llól Commonwealth Register llól tánil llól pommwol me ffél mwóghutughut ikka ra adóptááli (1 CMC § 9102(a)(1)) me ebwe appaschatá llól civic center me bwal llól bwulasiyol senatorial district, fengál reel kkasal English me mwáliyaasch. (1 CMC § 9104(a)(1))

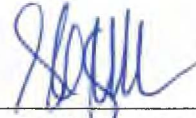
ATOTTOLONGOL KKAPAS: Aramas ngáre schóó kka re mwuschel rebwe isiislong mwalili ebwe ischi ngáli Mr. Christopher S. Tenorio, Acting Executive Director, CPA, rel féléfél ye, fax ngáre bwughiló reel Bwulasiyol CPA Administrative iye e lo 2nd Floor reel Arrival Terminal reel Francisco C. Ada/Saipan International Airport nge ebwe lo reel róózal subject bwe “Comments on Proposed Salary Schedule”.


Commonwealth Ports Authority
P. O. Box 501055
Saipan, MP 96950
Tel. (670) 237-6500/6501 Fax: (670) 5962

Alongal ischil kkapas nge ebwe toolong reel CPA llól eliigh (30) ráál mwiril aal akkatééwow arongorong yeel.

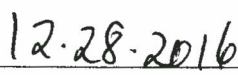
Isáliyalong: 
CHRISTOPHER S. TENORIO
Acting Executive Director, CPA


Ráál

Bwughiyal: 
SHIRLEY P. CAMACHO-OGUMORO
Special Assistant ngáli Administration

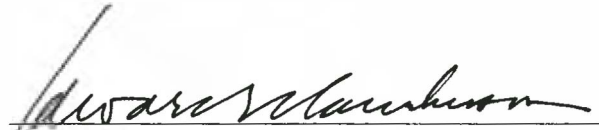

Ráál

Ammwelil: 
ESTHER SN. NESBITT
Commonwealth Register


Ráál

Sáangi 1 CMC § 2153(e) me 1 CMC §9104 (a)(3) pommwol mwóghutúghút ikka e appaschlong igha nge aa takkal amwuri fischiiy me aa lléghló fféerúl me legal sufficiency sáangi Sóllemelemil Allégh Lapalpal CNMI me ebwele akkatééwow. (1 CMC § 2153 (f))

E aghikkilatiw 28th wóól ráálil iye December, 2016.



EDWARD MANIBUSAN
Soulemelemil Allégh Lapalap

**COMMONWEALTH PORTS AUTHORITY (CPA)
SALARY SCHEDULE**

PAY LEVEL	STEP <i>Minimum</i>	1	2	3	4	5	STEP <i>Intermediate</i>					11	STEP <i>Maximum</i>
							6	7	8	9	10		12
1													
Hourly	7.263	7.626	8.007	8.408	8.828	9.270	9.733	10.220	10.731	11.267	11.831	12.422	
Biweekly	581.04	610.09	640.60	672.63	706.26	741.57	778.65	817.58	858.46	901.38	946.45	993.78	
Annual	15,107.04	15,862.39	16,655.51	17,488.29	18,362.70	19,280.84	20,244.88	21,257.12	22,319.98	23,435.98	24,607.78	25,838.17	
2													
Hourly	7.626	8.007	8.408	8.828	9.270	9.733	10.220	10.731	11.267	11.831	12.422	13.043	
Biweekly	610.09	640.60	672.63	706.26	741.57	778.65	817.58	858.46	901.38	946.45	993.78	1,043.46	
Annual	15,862.39	16,655.51	17,488.29	18,362.70	19,280.84	20,244.88	21,257.12	22,319.98	23,435.98	24,607.78	25,838.17	27,130.07	
3													
Hourly	8.007	8.408	8.828	9.270	9.733	10.220	10.731	11.267	11.831	12.422	13.043	13.695	
Biweekly	640.60	672.63	706.26	741.57	778.65	817.58	858.46	901.38	946.45	993.78	1,043.46	1,095.64	
Annual	16,655.51	17,488.29	18,362.70	19,280.84	20,244.88	21,257.12	22,319.98	23,435.98	24,607.78	25,838.17	27,130.07	28,486.58	
4													
Hourly	8.408	8.828	9.270	9.733	10.220	10.731	11.267	11.831	12.422	13.043	13.695	14.380	
Biweekly	672.63	706.26	741.57	778.65	817.58	858.46	901.38	946.45	993.78	1,043.46	1,095.64	1,150.42	
Annual	17,488.29	18,362.70	19,280.84	20,244.88	21,257.12	22,319.98	23,435.98	24,607.78	25,838.17	27,130.07	28,486.58	29,910.91	
5													
Hourly	8.828	9.270	9.733	10.220	10.731	11.267	11.831	12.422	13.043	13.695	14.380	15.099	
Biweekly	706.26	741.57	778.65	817.58	858.46	901.38	946.45	993.78	1,043.46	1,095.64	1,150.42	1,207.94	
Annual	18,362.70	19,280.84	20,244.88	21,257.12	22,319.98	23,435.98	24,607.78	25,838.17	27,130.07	28,486.58	29,910.91	31,406.45	
6													
Hourly	9.270	9.733	10.220	10.731	11.267	11.831	12.422	13.043	13.695	14.380	15.099	15.854	
Biweekly	741.57	778.65	817.58	858.46	901.38	946.45	993.78	1,043.46	1,095.64	1,150.42	1,207.94	1,268.34	
Annual	19,280.84	20,244.88	21,257.12	22,319.98	23,435.98	24,607.78	25,838.17	27,130.07	28,486.58	29,910.91	31,406.45	32,976.77	
7													
Hourly	9.733	10.220	10.731	11.267	11.831	12.422	13.043	13.695	14.380	15.099	15.854	16.647	
Biweekly	778.65	817.58	858.46	901.38	946.45	993.78	1,043.46	1,095.64	1,150.42	1,207.94	1,268.34	1,331.75	
Annual	20,244.88	21,257.12	22,319.98	23,435.98	24,607.78	25,838.17	27,130.07	28,486.58	29,910.91	31,406.45	32,976.77	34,625.61	
8													
Hourly	10.220	10.731	11.267	11.831	12.422	13.043	13.695	14.380	15.099	15.854	16.647	17.479	
Biweekly	817.58	858.46	901.38	946.45	993.78	1,043.46	1,095.64	1,150.42	1,207.94	1,268.34	1,331.75	1,398.34	
Annual	21,257.12	22,319.98	23,435.98	24,607.78	25,838.17	27,130.07	28,486.58	29,910.91	31,406.45	32,976.77	34,625.61	36,356.89	
9													
Hourly	10.731	11.267	11.831	12.422	13.043	13.695	14.380	15.099	15.854	16.647	17.479	18.353	
Biweekly	858.46	901.38	946.45	993.78	1,043.46	1,095.64	1,150.42	1,207.94	1,268.34	1,331.75	1,398.34	1,468.26	
Annual	22,319.98	23,435.98	24,607.78	25,838.17	27,130.07	28,486.58	29,910.91	31,406.45	32,976.77	34,625.61	36,356.89	38,174.74	

**COMMONWEALTH PORTS AUTHORITY (CPA)
SALARY SCHEDULE**

PAY LEVEL	STEP	STEP										STEP			
	<i>Minimum</i>	1	2	3	4	5	<i>Intermediate</i>	6	7	8	9	10	11	<i>Maximum</i>	12
10															
Hourly	11.267	11.831	12.422	13.043	13.695	14.380	15.099	15.854	16.647	17.479	18.353	19.271	20.234	21.246	
Biweekly	901.38	946.45	993.78	1,043.46	1,095.64	1,150.42	1,207.94	1,268.34	1,331.75	1,398.34	1,468.26	1,541.67	1,618.76	1,699.69	
Annual	23,435.98	24,607.78	25,838.17	27,130.07	28,486.58	29,910.91	31,406.45	32,976.77	34,625.61	36,356.89	38,174.74	40,083.47	42,087.65	44,192.03	
11															
Hourly	11.831	12.422	13.043	13.695	14.380	15.099	15.854	16.647	17.479	18.353	19.271	20.234	21.246	22.308	
Biweekly	946.45	993.78	1,043.46	1,095.64	1,150.42	1,207.94	1,268.34	1,331.75	1,398.34	1,468.26	1,541.67	1,618.76	1,699.69	1,784.68	
Annual	24,607.78	25,838.17	27,130.07	28,486.58	29,910.91	31,406.45	32,976.77	34,625.61	36,356.89	38,174.74	40,083.47	42,087.65	44,192.03	46,401.63	
12															
Hourly	12.422	13.043	13.695	14.380	15.099	15.854	16.647	17.479	18.353	19.271	20.234	21.246	22.308	23.424	
Biweekly	993.78	1,043.46	1,095.64	1,150.42	1,207.94	1,268.34	1,331.75	1,398.34	1,468.26	1,541.67	1,618.76	1,699.69	1,784.68	1,873.91	
Annual	25,838.17	27,130.07	28,486.58	29,910.91	31,406.45	32,976.77	34,625.61	36,356.89	38,174.74	40,083.47	42,087.65	44,192.03	46,401.63	48,721.71	
13															
Hourly	13.043	13.695	14.380	15.099	15.854	16.647	17.479	18.353	19.271	20.234	21.246	22.308	23.424	24.595	
Biweekly	1,043.46	1,095.64	1,150.42	1,207.94	1,268.34	1,331.75	1,398.34	1,468.26	1,541.67	1,618.76	1,699.69	1,784.68	1,873.91	1,967.61	
Annual	27,130.07	28,486.58	29,910.91	31,406.45	32,976.77	34,625.61	36,356.89	38,174.74	40,083.47	42,087.65	44,192.03	46,401.63	48,721.71	51,157.80	
14															
Hourly	13.695	14.380	15.099	15.854	16.647	17.479	18.353	19.271	20.234	21.246	22.308	23.424	24.595	25.825	
Biweekly	1,095.64	1,150.42	1,207.94	1,268.34	1,331.75	1,398.34	1,468.26	1,541.67	1,618.76	1,699.69	1,784.68	1,873.91	1,967.61	2,065.99	
Annual	28,486.58	29,910.91	31,406.45	32,976.77	34,625.61	36,356.89	38,174.74	40,083.47	42,087.65	44,192.03	46,401.63	48,721.71	51,157.80	53,715.69	
15															
Hourly	14.380	15.099	15.854	16.647	17.479	18.353	19.271	20.234	21.246	22.308	23.424	24.595	25.825	27.116	
Biweekly	1,150.42	1,207.94	1,268.34	1,331.75	1,398.34	1,468.26	1,541.67	1,618.76	1,699.69	1,784.68	1,873.91	1,967.61	2,065.99	2,169.29	
Annual	29,910.91	31,406.45	32,976.77	34,625.61	36,356.89	38,174.74	40,083.47	42,087.65	44,192.03	46,401.63	48,721.71	51,157.80	53,715.69	56,401.47	
16															
Hourly	15.099	15.854	16.647	17.479	18.353	19.271	20.234	21.246	22.308	23.424	24.595	25.825	27.116	28.424	
Biweekly	1,207.94	1,268.34	1,331.75	1,398.34	1,468.26	1,541.67	1,618.76	1,699.69	1,784.68	1,873.91	1,967.61	2,065.99	2,169.29	2,273.68	
Annual	31,406.45	32,976.77	34,625.61	36,356.89	38,174.74	40,083.47	42,087.65	44,192.03	46,401.63	48,721.71	51,157.80	53,715.69	56,401.47	59,107.36	
17															
Hourly	15.854	16.647	17.479	18.353	19.271	20.234	21.246	22.308	23.424	24.595	25.825	27.116	28.424	29.767	
Biweekly	1,268.34	1,331.75	1,398.34	1,468.26	1,541.67	1,618.76	1,699.69	1,784.68	1,873.91	1,967.61	2,065.99	2,169.29	2,273.68	2,378.07	
Annual	32,976.77	34,625.61	36,356.89	38,174.74	40,083.47	42,087.65	44,192.03	46,401.63	48,721.71	51,157.80	53,715.69	56,401.47	59,107.36	61,843.24	

**COMMONWEALTH PORTS AUTHORITY (CPA)
SALARY SCHEDULE**

PAY LEVEL	STEP	1	2	3	4	5	STEP	7	8	9	10	11	STEP
	<i>Minimum</i>						<i>Intermediate</i>						<i>Maximum</i>
18							6						12
Hourly	16.647	17.479	18.353	19.271	20.234	21.246	22.308	23.424	24.595	25.825	27.116	28.472	
Biweekly	1,331.75	1,398.34	1,468.26	1,541.67	1,618.76	1,699.69	1,784.68	1,873.91	1,967.61	2,065.99	2,169.29	2,277.75	
Annual	34,625.61	36,356.89	38,174.74	40,083.47	42,087.65	44,192.03	46,401.63	48,721.71	51,157.80	53,715.69	56,401.47	59,221.55	
19													
Hourly	17.479	18.353	19.271	20.234	21.246	22.308	23.424	24.595	25.825	27.116	28.472	29.895	
Biweekly	1,398.34	1,468.26	1,541.67	1,618.76	1,699.69	1,784.68	1,873.91	1,967.61	2,065.99	2,169.29	2,277.75	2,391.64	
Annual	36,356.89	38,174.74	40,083.47	42,087.65	44,192.03	46,401.63	48,721.71	51,157.80	53,715.69	56,401.47	59,221.55	62,182.63	
20													
Hourly	18.353	19.271	20.234	21.246	22.308	23.424	24.595	25.825	27.116	28.472	29.895	31.390	
Biweekly	1,468.26	1,541.67	1,618.76	1,699.69	1,784.68	1,873.91	1,967.61	2,065.99	2,169.29	2,277.75	2,391.64	2,511.22	
Annual	38,174.74	40,083.47	42,087.65	44,192.03	46,401.63	48,721.71	51,157.80	53,715.69	56,401.47	59,221.55	62,182.63	65,291.76	

* Adopted by the Board of Directors on August 25, 2016.



COMMONWEALTH PORTS AUTHORITY

Main Office: FRANCISCO C. ADA/SAIPAN INTERNATIONAL AIRPORT

P.O. Box 501055, Saipan, MP 96950-1055

Phone: (670) 237-6500/1 Fax: (670) 234-5962

E-mail Address: cpa.admin@pticom.com

Website: www.cpa.gov.mp



PUBLIC NOTICE

Proposed Amendments to the Airport Rules and Regulations of the Commonwealth Ports Authority

The Executive Director of the Commonwealth Ports Authority hereby notifies the public that the Commonwealth Ports Authority intends to promulgate amendments to its Airport Rules and Regulations.

INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS:

Notice is hereby given pursuant to 1 CMC § 9104(a) of the Administrative Procedure Act that the Commonwealth Ports Authority publishes the following revised airport regulations for the agency and its intended action to become the complete operative airport regulations for the agency.

AUTHORITY: The authority for the promulgation of regulations for the Commonwealth Ports Authority is set forth in 2 CMC § 2122(j) as an autonomous agency of the Commonwealth of the Northern Mariana Islands. 2 CMC § 2111(b)

The following proposed revised regulations have been fully reviewed and approved by the CPA Board of Directors and as mandated by the Federal Aviation Administration as a comprehensive republication and revision of the CPA Rules and Regulations set for in the Commonwealth Register and NMI Administrative Code set forth at Chapter 40-10. The Board hereby approves for the publication in the Commonwealth Register for Notice and Comment pursuant to the Administrative Procedure Act and as administered by the CNMI Law Revision Commission and for approval by the Attorney General pursuant to 1 CMC § 2153(e).

THE TERMS AND SUBSTANCE: The proposed amendment sets forth the Chapter 40-10, Commonwealth Ports Authority Airport Rules and Regulations.

THE SUBJECTS AND ISSUES INVOLVED: The revised regulations update the definitions of the existing regulations particularly to § 40-10.1-010 (v), definition of Commercial Aircraft Operator and § 40-10.1-010(w), definition of General Aviation Operator; and to revise § 40-10.1-745 on Insurance for Commercial Aircraft Operators and General Aviation Operators which will address the insurance requirements for aircraft operators landing at airports owned or operated by the Commonwealth Ports Authority as it is compelled as a bond signatory to maintain insurance protection.

DIRECTIONS FOR FILING AND PUBLICATION: These Proposed Regulations shall be published in the Commonwealth Register in the section on Proposed and Newly Adopted Regulations (1 CMC § 9102(a)(1)) and posted in convenient places in the civic

COMMONWEALTH REGISTER VOLUME 38 NUMBER 12 DECEMBER 28, 2016 PAGE 039062

FRANCISCO C. ADA / SAIPAN INTERNATIONAL AIRPORT

Port of Saipan

P.O. Box 501055, Saipan, MP 96950

BENJAMIN TAISACAN MANGLONA INTERNATIONAL AIRPORT

Rota West Harbor

P.O. Box 561, Rota, MP 96951

TINIAN INTERNATIONAL AIRPORT

Port of Tinian


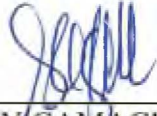

P.O. Box 235, Tinian, MP 96952

center and in local governments in each senatorial district, both in English and in the principal vernacular. (1 CMC § 9104(a)(1))

TO PROVIDE COMMENTS: Persons or entities wishing to submit comments must do so in writing to Mr. Christopher S. Tenorio, Acting Executive Director, at the following address, fax or hand-deliver to the CPA Administrative Office located on the 2nd Floor of the Arrival Terminal at the Francisco C. Ada/Saipan International Airport with the subject line "Comments on Proposed Airport Rules and Regulations – Insurance Requirements."

Commonwealth Ports Authority
P.O. Box 501055
Saipan, MP 96950
Tel. (670) 237-6500/6501; Fax: (670) 234-5962

All written comments shall be submitted within 30 days after publication of this notice.

Submitted by:		<u>12/13/14</u>
	CHRISTOPHER S. TENORIO Acting Executive Director, CPA	Date
Received by:		<u>12/27/16</u> <u>12/28/16</u>
	SHIRLEY CAMACHO-OGUMORO Special Assistant for Administration	Date
Filed and Recorded by:		<u>12-28-2016</u>
	ESTHER SN. NESBITT Commonwealth Register	Date

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC §9104 (a)(3) (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published (1 CMC § 2153 (f) (publication of rules and regulations)).

Dated this 28th day of Dec, 2016.


EDWARD MANIBUSAN
Attorney General

NUTISIAN PUPBLIKU

I Manmaproponi na Amendasion para i Areklamentu yan

Regulasion i Plâsa giya i Commonwealth Ports Authority

I Direktot Eksakatibu nu i Commonwealth Ports Authority guini ha info'fotma i publiku na i Commonwealth Ports Authority ha intensiona para u ma'cho'gui i amendasion siha gi iyon i Airport na Areklamentu yan Regulasion i Plâsa.

MA'INTENSIONA NA AKSION PARA U MA'ADÂPTA ESTE SIHA I MANMAPROPONI NA AREKLAMENTU YAN REGULASION SIHA: I Nutisia guini ha nâ'i sigun gi 1 CMC § 9104(a) gi Âktun i Administrative Procedure na i Commonwealth Ports Authority ha publika i tinatitiji ni manmaribisa na regulasion i Plâsa para i ahensia yan i intensiona na aksion para u makumpli i Areklamentu yan Regulasion i Plâsa para i ahensia.

ÂTURIDÂT: I aturidât para i manmacho'cho'gui na regulasion siha gi Commonwealth Ports Authority mapega mo'na gi hâlom 2 CMC § 2122(j) komu autonomous agency gi Commonwealth gi Sangkattan Islas Mariânas Siha. 2 CMC § 2111(b)

I tinatitiji i maribisa na regulasion ni maproponi todû ma kunsidera yan ma'aprueba ginen i Kuetpun Direktot CPA siha yan manma'aturisa ginen i Federal Aviation Administration komu comprehensive republication yan ribision nu i Areklamenton yan regulasion i CPA siha ni mapega gi halom i Rehistran Commonwealth yan gi Administrative Code i NMI ni mapega mo'na gi Patti 40-10.1 Kuepu guini pa'gu ma'aprueba i publikasion gi halom i Rehistran Commonwealth para nutisia yan upiñon sigun gi para i Aktun Administrative Procedure yan komu mamanea ginin i CNMI Law Revision Commission yan para inaprueba ginin i Abugadu Henerât sigun gi 1 CMC § 2153(e).

I TEMA YAN SUSTÂNSIAN I PALÂBRA SIHA: I manmaproponi na amendasion mapega mo'na I Pâtti 40-10, gi Commonwealth Ports Authority gi Areklamenton yan Regulasion liPlâsa.

SUHETU NI MASUMÂRIA YAN ASUNTU NI TINEKKA: I maribisa na regulasion manamaolik i definision i mangaigi na regulasion siha pattikulâtmienti i §40-10.1-010(v), definision nu i Draiban Komisiât Bâtkon Airi yan § 40-10.1-010(w), definision nu i Draiban i General Aviation; yan para maribisa § 40-10.1-745 gi insurance para Draiban Komisiât Bâtkon Airi yan Draiban I General Aviation siha ni para u ma'address i nisisidât-ña i insurance para draiban bâtkon airi ni pumâpâra gi plâsa iyon pat masusugon ni Commonwealth Ports Authority inafuetsas komu bond signatory para u mentieni I Pruteksion I insurance.

DIREKSION PARA U MAPO'LU YAN PARA PUPBLIKASION: Esti i Manmaproponi na Regulasion siha debi na u mapublika gi hâlom i Rehistran Commonwealth gi seksiona ni Manmaproponi yan Nuebu na Ma'adâpta na Regulasion siha, 1 CMC § 9102(a)(1), yan u mapega gi kumbinienti na lugât siha gi hâlum i civic center yan i ufisinan gubietnamentu siha gi kada distritun senadot, parehu English yan prinsipât na linguâhin natibu, 1 CMC § 9104(a)(1).

PARA U MAPRIBENIYI UPIÑON SIHA: Petsona siha pat indibiduât ni malagu para u na'hålom upiñon siña ha na hålom tinigi' upiñon siha guatu gi as: Siñot Christopher S. Tenorio, Acting na Direktot Eksakatibu, CPA, gi sigienti na address, fax pat u machuli' guatu gi Ufisinan Atministrasion ni gaigi gi 2nd Floor gi Francisco C. Ada/Saipan International Airport yan i subject line "I Upiñon Manmaproponi na Areklamentu yan Regulasion I Plâsa – Nisisidât I Insurance".

Commonwealth Ports Authority
P.O. Box 501055
Saipan, MP 96950
Tel. (670) 237-6500/6501 Fax: (670) 234-5962


Todu tinigi' upiñon siha debi na u manahålom trenta (30) dihas dispues di pupublikasion esti na nutisia.

Nina'halom as:


CHRISTOPHER S. TENORIO
Acting Na Direktot Eksakatibu, CPA

12/23/16
Fetcha

Rinisibi as:


SHIRLEY P. CAMACHO-OGUMORO
Ispisiât Na Ayudânti Para I Atministrasion

12/27/16
12/20/16
Fetcha

Pine'lu yan
Ninota as:


ESTHER SN. NESBITT
Rehistran Commonwealth

12-28-2016
Fetcha

Sigun i 1 CMC § 2153(e)(Inapruedan Abugâdu Henerât ni regulasion siha na para u macho'gui kumo fotma) yan 1 CMC § 9104(a)(3)(inahentan inapruedan Abugâdu Henerât) i manmaproponi na regulasion siha ni mafechettun guini ni manmaribisa yan manma'aprueda kumo fotma yan sufisienti ligât ginin i CNMI Abugâdu Henerât yan debi na u mapuplika, (1 CMC § 2153(f)(pupublikasion areklamentu yan regulasion siha)).

Mafetcha guini gi diha 28th, gi December, 2016.


EDWARD MANIBUSAN
Abugâdu Henerât

ARONGORONGOL TOULAP

Pommwol Liiwel ngáli Allégh me Mwóghutughutúl Plaasa reel Commonwealth Ports Authority

Executive Director-il Commonwealth Ports Authority re arongowow ngáliir toulap bwe Commonwealth Ports Authority re mánghemángil bwe ebwe fil reel fféerúl liiwel kkal ngáli Alléghúl me Mwóghutughutúl Plaasa.

MÁNGEMÁNGIL MWÓGHUT REBWE ADÓPTÁÁLI POMMWOL ALLÉGH ME MWÓGHUTUGHUT: Arongorong yeel nge sáangi 1 CMC § 9104(a) reel Administrative Procedure Act bwe Commonwealth Ports Authority re mánghemángil bwe ebwe fil reel fféerúl liiwel kkal ngáli Alléghul me Mwóghutughutúl Plaasa.

BWÁNGIL: Eyoor bwángiir bwe ebwe fil reel fféerúl mwóghutughut ngáli Commonwealth Ports Authority nge ebwe mwteló mmwal llól 2 CMC § 2122(j) igha e autonomous aar agency reel Commonwealth Téél Falúw kka Efáng llól Marianas. 2 CMC § 2111 (b)

Pommwol mwóghutughut ikka re fféerú sefááli ikka e amwirimwirtiwi nge ra takkal amwuri fischiiy me aa átirow merel CPA Board-il Directors igha re afal ngáliir schóól Federal Aviation Administration igha takkaló reel igha e akkatééwow sefáál me re fféerú sefááli reel Alléghúl me Mwóghutughutúl CPA iye e lo llól Commonwealth Register me NMI Administrative Code iye e lo nge aa mwteló mmwal reel Chapter 40-10. Ra átirow merel Board reel akkatééwowul llól Commonwealth Register ngáli Notice me Comment sáangi Administrative Procedure Act me igha re lemeli reel CNMI Law Revision Commission me ebwe átirow merel Attorney General sáangi 1 CMC § 2153(e).

KKAPASAL ME AWEEWEL: Pommwol liiwel kkal nge ebwe mwteló mmwal reel Chapter 40-10, Commonwealth Ports Authority Alléghúl me Mwóghutughutúl Plaasa.

KKAPASAL ME ÓUTOL: Mwóghutughut ikka re fféerú sefááli ebwe liiweli meta faal reel mwóghutughut ikka e lo reel § 40-10.1-010 (v), meta faal reel Commercial Aircraft Operator me § 40-10.1-010(w), meta faa reel General Aviation me General Aviation Operator; me rebwe fféerú sefááli § 40-10.1-745 reel Insurance ngááilr Commercial Aircraft Operators me General Aviation Operators iye ebwe appasa insurance requirements ngáli aircraft operators landing me plaasa iye yaal or re yááli reel Commonwealth Ports Authority ewei schagh igha re ppwomwoli reel bond signatory bwe rebwe lemeli me leghileghiiy insurance.

AFAL REEL AMMWELIL ME AKKATÉÉWOWUL: Pommwol Mwóghutughut kkal ebwe akkatééwow llól Commonwealth Register llól táilil Pommwol me Ffél Mwóghutughut ikka ra Adóptááli (1 CMC § 9102(a)(1)) me ebwe appaschatá reel civic center me bwal llól bwulasiyol

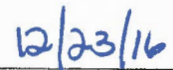
gobetnameento reel senatorial district, fengál reel English me mwaliyaasch. (1 CMC § 9104(a)(1))


ATOTOOLONGOL KKAPAS: Aramas ngáre schóo kka re mwuschel rebwe isiislong mwalili rebwe ischi ngáli Mr. Christopher S. Tenorio, Acting Executive Director, reel féléfél iye, fax ngáre bwughiló reel Bwulasiyol CPA Administrative iye e lo 2nd Floor reel Arrival Terminal reel Francisco C. Ada/Saipan International Airport nge ebwe lo wóol róóza bwe “Comments on Proposed Airport Rules and Regulations -- Insurance Requirements.”


Commonwealth Ports Authority
P.O. Box 501055
Saipan, MP 96950
Tel. (670) 237-6500/6501; Fax: (670) 234-5962

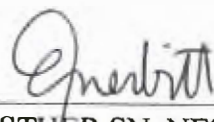
Alongal ischil kkapas nge ebwe toolong llól eliigh (30) ráál mwiril aal akkatéwow arongorong yeel.

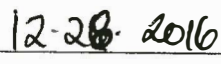
Isaliyalong: 
CHRISTOPHER S. TENORIO
Acting Executive Director, CPA


Ráál

Bwughiyal: 
SHIRLEY P. CAMACHO-OGUMORO
Special Assistant ngáli Administration


Ráál

Ammwelil: 
ESTHER SN. NESBITT
Commonwealth Register


Ráál

Sáangi 1 CMC § 2153(e) (aal takkal átirow me lléghló reel fféerúl mwóghutughut kkal sáangi AG) me 1 CMC § 9104(a)(3) (sáangi átirowal AG) reel pommwol mwóghutughut ikka e appaschlong igha nge ra takkal amwuri fischiiy me lléghló fféerúl me legal sufficiency sáangi CNMI Attorney General me ebwele akkatééwow (1 CMC § 2153 (f) (akkatééwowul allégh me mwóghutughut)).

Wóol 28th ráalil iye December, 2016.



EDWARD MANIBUSAN

Soulemelemil Allégh Lapalap

- a. Add as § 40-10.1-010(v) the following: “Commercial Aircraft Operator’ shall mean an operator conducting civil aviation operations involving scheduled or non-scheduled air transportation operations of persons or property from one place to another for remuneration or hire.”
- b. Add as § 40-10.1-010(w) the following: “General Aviation Operator’ shall mean an operator conducting civil aviation operations other than scheduled or non-scheduled air transportation operations of persons or property from one place to another for remuneration or hire.”
- c. Strike § 40-10.1-745 Insurance and replace as follows:

§ 40-10.1-745 Insurance

(a) Every Commercial Aircraft Operator, unless otherwise directed under the terms of an airline use agreement with the Authority, shall carry liability insurance as follows:

- 1. Auto – Owned and Non-owned
 - i. \$300,000.00 Landside
 - ii. \$4,000,000.00 Airside over 100 feet from aircraft
 - iii. \$10,000,000.00 Airside less than 100 feet from aircraft
- 2. General Liability - \$1,000,000.00 Landside
- 3. Aviation Liability - \$1,000,000.00 per passenger seat, minimum \$10,000,000.00
- 4. Worker’s Compensation - as per statute.

(b) Every General Aviation Operator, or an operator who is not a signatory to an airline use agreement with the Authority, shall carry liability insurance as follows:

- 1. Auto – Owned and Non-owned
 - i. \$300,000.00 Landside
 - ii. \$4,000,000.00 Airside over 100 feet from aircraft
 - iii. \$10,000,000.00 Airside less than 100 feet from aircraft
- 2. General Liability - \$300,000.00 Landside
- 3. Aviation Liability - \$1,000,000.00 per passenger seat, minimum \$4,000,000.00.



Commonwealth of the Northern Mariana Islands

OFFICE OF THE GOVERNOR

Bureau of Environmental and Coastal Quality

DEQ: P.O. Box 501304 Saipan, MP 96950 Tel: (670) 664-8500/01; Fax: (670) 664-8540

DCRM: P.O. Box 10007, Saipan, MP 96950 Tel: (670) 664-8300; Fax: (670) 664-8315

www.deq.gov.mp and www.crm.gov.mp



Ralph DLG. Torres
Governor

Victor B. Hocog
Lt. Governor

Frank M. Rabauliman
Administrator

Ray S. Masga
Director, DEQ

Frances A. Castro
Director, DCRM

**PUBLIC NOTICE OF PROPOSED AMENDMENTS TO
PESTICIDE MANAGEMENT REGULATIONS**

INTENDED ACTION TO ADOPT THESE PROPOSED AMENDED REGULATIONS: The Commonwealth of the Northern Mariana Islands, Office of the Governor, Bureau of Environmental and Coastal Quality (BECQ) intends to amend the Pesticide Management Regulations, pursuant to the procedures of the Administrative Procedure Act (APA), 1 CMC § 9104(a).

EFFECTIVE DATE: Pursuant to APA, 1 CMC § 9105(b), these proposed amended regulations are effective 10 days after compliance with APA, 1 CMC §§ 9102 and 9104 (a) or (b), which, in this instance, is 10 days after this publication in the Commonwealth Register.

AUTHORITY: The Administrator of BECQ is empowered by the Legislature to adopt rules and regulations for the administration and enforcement of the Commonwealth Environmental Protection Act. 2 CMC § 3122.

THE TERMS AND SUBSTANCE: BECQ proposes to amend its Pesticide Management Regulations to adopt the revised federal Worker Protection Standard (WPS) 40 CFR part 170. The proposed amendment seeks to reduce occupational pesticide exposure and incidents of related illness among workers and pesticide handlers, including those who mix, load, and apply pesticides. The current Worker Protection Standard as set forth in the CNMI Pesticide Regulation, NMIAC § 65-70-340 already apply to any agricultural establishment, and any commercial application of pesticides. The proposed amended regulations also seek to assess a storage fee for Detained, Denied, and Impounded Shipments for misbranded pesticides and pesticide devices. BECQ proposes to publish a list of banned pesticides for the purposes of Public Law 19-54 and 6 CMC § 2301(a) in order to protect and safeguard the health and safety of the people of the Commonwealth. The banned pesticides are pesticides with an active ingredient that is toxic, cancer-causing or which poses a well-established risk to human health and the environment.

THE SUBJECTS AND ISSUES INVOLVED:

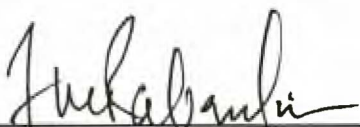
- 1) To publish a list of banned pesticides.
- 2) To ensure compliance with the CNMI Pesticide Regulations, a consignee/importer who imports a pesticide or device that has been detained or denied entry and impounded, shall pay a non-refundable storage fee.

- 3) Fees shall be based on the volume and characteristics of the pesticide or device. Additional fees related to cartage, labor, shipping, and disposal costs may be assessed in accordance with the CNMI Pesticide Regulations.
- 4) Annual mandatory training, either orally from written materials or audio-visually, to inform farm workers on the required protections afforded to them.
- 5) Expanded training, either orally from written materials or audio-visually, including instructions on how to reduce take-home exposure from pesticides on work clothing and other safety topics.
- 6) First-time ever minimum age requirement: workers under 18 years old shall be prohibited from handling pesticides.
- 7) Expanded mandatory posting of no-entry signs for the most hazardous pesticides. These signs shall prohibit entry into pesticide-treated fields until residues decline to a safe level.
- 8) New no-entry application-exclusion zones up to 100 feet surrounding pesticide application equipment so as to protect workers and others from exposure to pesticide overspray.
- 9) Requirement to provide more ways for farm workers and their representatives to gain access to pesticide application information and safety data sheets – centrally posted, or by requesting records.
- 10) Mandatory record-keeping to improve the CNMI's ability to follow up on pesticide violations and enforce compliance. Records of application-specific pesticide information, as well as farmworker training, must be kept for two years.
- 11) Anti-retaliation provisions shall be comparable to the anti-retaliation provisions of the Department of Labor (DOL).
- 12) Changes in personal protective equipment will be consistent with DOL's standards for ensuring respirators are effective, including fit test, medical evaluation and training.
- 13) Specificity the amount of water to be used for routine washing, emergency eye flushing and other decontamination, including eye wash systems for handlers at pesticide mixing/loading sites.

DIRECTIONS FOR FILING AND PUBLICATION: These Proposed Amended Regulations shall be published in the Commonwealth Register in the section on Proposed and Newly Adopted Regulations (1 CMC § 9102(a)(1)) and posted in convenient places in the civic center and in local government offices in each senatorial district, both in English and in the principal vernacular. 1 CMC § 9104(a)(1)

TO PROVIDE COMMENTS: Send or deliver your comments to Reina C. Camacho, Pesticide & Storage Tank Branch Manager, *Re: Pesticide Management Regulations*, at the above address or to the above fax number or email storagetankspesticides@becq.gov.mp. Comments are due within 30 days from the date of publication of this notice.

These proposed regulations were approved by the Administrator on December ____, 2016.

Submitted by: 
 FRANK M. RABAULIMAN
 Administrator
 CNMI Bureau of Environmental & Coastal Quality

12/13/16
 Date

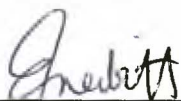
Received by:



SHIRLEY P. CAMACHO-OGUMORO
Governor's Special Assistant
for Administration

12/27/16
Date

Filed and
Recorded by:



ESTHER S.N. NESBITT
Commonwealth Register

12.28.2016
Date

Pursuant to 1 CMC § 2153(e) and 1 CMC § 9104(a)(3) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published, pursuant to 1 CMC § 2153(f)

Dated this 28th day of December, 2016.



EDWARD MANIBUSAN
Attorney General



Commonwealth of the Northern Mariana Islands

OFFICE OF THE GOVERNOR

Bureau of Environmental and Coastal Quality

DEQ: P.O. Box 501304 Saipan, MP 96950 Tel: (670) 664-8500/01, Fax: (670) 664-8540

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www.deq.gov.mp and www.crm.gov.mp



Ralph DLG. Torres
Governor

Victor B. Hocog
Lt. Governor

Frank M. Rabauliman
Administrator

Ray S. Masga
Director, DEQ

Frances A. Castro
Director, DCRM

**ARONGORONG NGÁLIIR ARAMAS TOWLAP SÁNGI FAAL AWEEWEL PESTICIDE
MANAGEMENT REGULATION (SAFEYAL MALÚL-WAL)**

FAAL MILLE REBWE FÉÉRI NGE REBWE ADÓPTÁLI AWEEWE KKA RA FÉÉRIL: LIÓI
Commonwealth of the Northern Mariana Islands, Office of the Governor, Bureau of
Environmental and Coastal Quality (BECQ) ebwe fééri ebwe amendáli Pesticide Management
Regulations (Safeya Malúl-Wal) sáangi aweewe kka elo faal Administrative Procedure Act (APA),
1 CMC § 9104(a).

RÁÁLIL BWÉLETÁL: Sáangi llól APA, 1 CMC § 9105 (b), nge re fféiril aweel kkaal bwe towlap re
bwe attabwey sáangi llól 10 ráilil aweewe me igha e lo llól APA, 1 CMC §§ 9102 and 9104 (a) or
(b), sáangi ighila, nge e bwal yoor 10 rál mwúril yaar re bwe arongorongángáilir towlap me llól
Commonwealth Register.

ATORIDÓD: Kongressol llól Legislatura re apélúghúlúghúw wóol Samwoolul (Administrator of
BECQ) bwe ebwe lemelem me atemeleghúw aweewel allégh me reel Commonwealth
Environmental Protection Act. 2 CMC § 3122.

TOOL AWEEWE ME ÓWTOL: BECQ e fééri me e isiis-long yaal re bwe amendáli Pesticide
Management Regulations me igha rebwe adóptáli aweewe kka federód ra liweliló ówtol Worker
Protection Standard (WPS) 40 CFR part 170. Bwal ééw, re bwal isiis-long mille ebwe essóbw
tumwógh bwe ebwe ghitighiitiw tarabwaaghol fféeril safeyal malúl-wal me ngare eghal yoor
semwaay eghola ngáliir schóól tarabwaagho kka re ghal templa fengáilil me aschufengáilil
safeyal malúl-wal nge essóbw gholaar me essóbw tééghir. Mille Workers Protection Standard
nge re fééritiw sáangi wóol 1992. Igha US Environmental Protection Agency (EPA) aa fééri sefáli
mille Workers Protection Standard nge ra arongaar towlap me re isáliilong llól Federal Register
wóol Novembre 02, 2015, nge yaal allégh nge ebwe ghi alléghúw ghatchúw alongal aweewe,
akkabwung me training, arongorongol ghatchúl safety me mille rebwe yáali mwúngógh me
peirághil essóbw ghula semwaay sáangi safeyal-wal ikka e bineno me ese fil ngáli ilighisch.
Ighila nge Worker Protection Standard aa fféer-tiw me llól CNMI Pesticide Regulations, NMIAC
§ 65-70-340 bwe alongal tarabwaaghol maat me meeta ye rebwe yááyá safeyal malúl-wal nge
rebwe attabweey bwe aa alééghúl féeril tarabwaaghol.

Ebwal yoor aweewe iye rebwal ayoora abwóssul igha re Amwaschuló, me rese Atoolongow, me
re Bwughiló igha etooto me igha rebwal arongaar towlap reel safeyal malúl-wal.

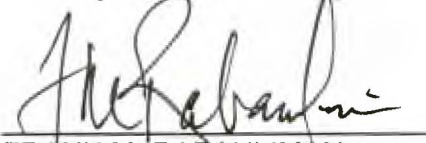
ÓWTOL ME AWEEWE KKA E LO LÓLL:

- 1) Rebwe arongaar towap safeyal malúl-wal ikka esemmwel rebwe atotoolong.
- 2) Rebwe apélúghúwtiw bwe rebwe attabweey meeta ówtol CNMI Pesticide Regulations, bwe schóól atotoolong me bweibwoghlóngol safeyal malúl-wal me meeta iye rebwe amwaschúúl ebwe toolong reel me meeta rebwughiló me abwóssul igha re isáli iye.
- 3) Salapil abwóss kkaal nge re pipiyy llapal me ówtol safeyal malúl-wal me peirághil. Bwal ééw nge tarabwaaghol me leeliyel me igha re afangaato me igha rebwe ataraa ló mille rebwe pipiyy rebwe abwóssuwtiw. Alongal nge e lo llól CNMI Pesticide Regulations.
- 4) Alongal ráágh nge eyoor training ngáliir schóól ammat ngare rebwe tittillap ngaliir me mille rebwe abwáári ngáliir meeta iye rebwe repiya bwe re te ghulaar semwaay reel bineno.
- 5) Alúghúl akkabwung me training nge ebwe eyoor aweewel kkapas me aweewel mili kka ra ischiil-tiw me ngare ówrur pomwol meeta rebwe attabwey bwe ete ghulaar semwaay me rebwe yááyá mwungógh reel tarabwaagho.
- 6) Ebwelál yoor tá aweewel ráágh bwe schóól tarabwaagho kka re sáál ghola 18 ráághir nge ese-mwel rebwe ghétépa safeyal malúl-wal.
- 7) Re bwe ayoor sign-board iye esóór le ebwe toolong ngáre eyoor safeyal malúl-wal. Sign kkaal nge aramas ese mmwel re bwe toolong igha re ghal yááyá safeyal malúl-wal nge mille yaal ghatch ló me e ghasaghas ló bwe aramas emmwel re bwe toolong.
- 8) Rebwe fééri ééw application-exclusion zones sáangi 100 feet wele-arol ngáre peirághil safeyal malúl-wal ebwe pileey schóól angaang bwe rete gholaar binenol safeyal malúl-wal yaar spray li fetáley.
- 9) Rebwe fééri alléghul schóól tarabwaaghol lemaat me afili lair malle ebwe fééri applicationul alléghul mille esóór bineno ebwe gholaar me safety data sheets – bwe e fééiril appaschal notisia me ngare ebwe tingór meeta records kka remwuschel rebwe bwughi.
- 10) Rebwe ghi alléghiw yaar isiis recordul meeta ebwe maas aghatchiw ló yáyáál safeyal malúl-wal me llól CNMI. Rebwal isiis recordul reel meeta ye re kké fééri ngare eghatch me ese ghatch me meeta yaar attabwey me rese attabwey yáyáál safeyal malúl-wal. Alongal recordul safeyal malúl-wal me arongorong me bwal meeta trainingil schóól lemaat re fééri nge rebwal isáli toori ngáli ruwow (2) ráágh.
- 11) Anti-retaliation provision nge esemmwel resóbw attabweey me resóbw fééri apélúghúlul me e towow sáangi Department of Labor (DOL)
- 12) Meeta liwel sáangi peirághil bwalabwal nge ebwe weewe me DOL standards (alléghul) me ebwe yoor fit test, peirághil ngangas, medical evaluation (tesil semwaay) me training.
- 13) Ebwe yoor ssoghul schaal rebwe yááli ngáli tattal, sówsów, wereesil sabweilúl aramas ngáre e yoor bineno e lo wóól, me ebwe lo peirághil tattalúl bineno kkaal sóóbw-la tarabwaaghol templa (mixing) me umpang-wow me umpang-long.


FÉÉRIIL EBWE AMWÉLA FISCHY ME EBWE ABWÁRI NGÁLIR TOWLAP: Alongal Proposed Amended Regulations nge rebwe atemalighatchúw-long llól Commonwealth Register llól peighil sóbwol Proposed and Newly Adopted Regulations (1 CMC § 9102(a)(1)) me rebwe appaschá-fetáley igha aramas towap reghal schú iye me alongal bwulasiyol gobierno me alongal sóóbw llól senatorial district, sáangi English me i me ruwow mwaliyer falúw ngare Refalúwasch me Remaralis. 1 CMC § 9104(a)(1)

ISIISILONG AWEWE: Afanga me isiisilong yóómw aweewe ngáli Reina C. Camacho, Pesticide & Storage Tank Branch Manager, Re: Pesticide Management Regulations, me llól address me ngare ubwe fax ngáli me ngare email ngáli storagetankspesticides@becq.gov.mp. Aweewe nge eghal ghula 30 ráal sáangi igha re arongaar ngáliir towap.

Alongal fféiril aweewe kkaal nge re aprebáli sáangi Administrator wool December ____, 2016.

Isiiss ngáli: 
FRANK M. RABAULIMAN
Administrator
CNMI Bureau of Environmental & Coastal Quality

Date: 12/13/16

Bwughi me reel: 
SHIRLEY CAMACHO-OGUMORO
Governor's Special Assistant
for Administration

Date: 12/27/16

Fayeli me Rekodili: 
ESTHER S. NESBITT
Commonwealth Register

Date: 12.26.2016

Sáangi ówtol 1 CMC § 2153(e) (AG e aprebáli regulations rebwe fééri) me aléghúw fééiril me 1 CMC § 9104(a)(3) (AG e amweschúl lúghúw appreba kkaal) reel proposed regulations kka e appasch bwe ra árághil me aweewel me apprebáli bwe legal me e allégh sáangi CNM Attorney General bwe ebwe atowowul bwe aramas towap rebwe repiyáil (1 CMC § 2153(f)(publication of rules and regulations).

Sáangi lóll 23rd rál wool December ____, 2016


EDWARD MANIBUSAN
Attorney General



Commonwealth of the Northern Mariana Islands
OFFICE OF THE GOVERNOR

Bureau of Environmental and Coastal Quality

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Ralph DLG. Torres
Governor

Victor B. Hocog
Lt. Governor

Frank M. Rabauliman
Administrator

Ray S. Masga
Director, DEQ

Frances A. Castro
Director, DCRM

**NUTISIAN PUBLIKU PUT I MAPROPONIN AMENDASION SIHA PARA I REGULASION GI
MINANEHAN PESTICIDE SIHA(ÂMUT TINANUM)**

I MA'INTENSIONA NA AKSION NA PARA U MA'ADÂPTA ESTI I MANMAPROPONI NI MA'AMENDA NA REGULASION SIHA: I Commonwealth gi Sangkattan na Islas Marianas, Ufisanan Gubietnu, Bureau of Environmental and Coastal Quality (BECQ) ha intensiona para u amenda i Regulasion Siha gi Minanehan Pesticide(Âmut Tinanum), sigun gi manera siha gi Âktun Administrative Procedure (APA), 1 CMC §9104(a).

FETCHAN IFEKTIBU: Sigun gi APA, 1 CMC § 9105(b), esti i manmaproponi na regulasion siha ni ma'amenda u ifektibu gi halum dies(10) dihas dispues di kinimplin APA, 1 CMC §§ 9102 yan i 9104 (a) pat (b), put ihemplu, gi dies(10) dihas dispues di esti na publikasion gi halum i Rehistran Commonwealth.

ÂTURIDÂT: I Atministradot BECQ nina'i fuetsân-ña ni Leyislatura para u adâpta i areklamentu yan regulasion siha para i atministrasion yan ginagagão ni Âktun i Commonwealth Environmental Protection. 2 CMC § 3122.

I TEMA YAN SUSTÂNSIAN I PALÂBRA SIHA: I BECQ ha proponi para u amenda i Regulasion Siha gi Minanehan Pesticide(Âmut Tinanum) ni para u adâpta i maribisan federât Worker Protection Standard (WPS) 40 CFR pâtti 170. Itmâs, i maproponi na amendasion ha aliligão manera ni para u ribâha i occupational pesticide exposure yan i mana'achuli' na sinisedin chetnut gi halum i manhutnaleru siha yan i mumaneneha i pesticides(amut tinanum siha), ingklulusu atyu siha i bumâbatti, kumâkatga, yan umaplilika i pesticides(amut tinanum siha). I Worker Protecion Standard fine'na macho'gui gi 1992. I US Environmental Protection Agency (EPA) ha ribisa i presentu na Worker Protection Standard kumu mapublika gi halum i Rehistran Federât gi Nubembri 2, 2015, yan i intension ni u mana'metgut i elements gi presentu na regulasion, tâtkumu i training, nutifikasion, sinâfu pesticide(âmut tinanum) yan i piligru na infotmasion kumunikasion, usun ramentan petsonât prinutehi, yan prinibeniniyi matiriât siha para i fina'gâsi gi di'âriu na manera yan emergency decontamination. I presentu na Worker Protection Standard kumu mapo'lu gi halum i CNMI na Regulasion Pesticide, NMIAC § 65-70-340 ni esta inaplika para maseha hâfa inestapblesin agrikultura, yan maseha hâfa na commercial na aplikasion pesticides(âmut tinanum).

I maproponi ni ma'amenda na regulasion siha para u aligão lokkui' ni para u ebalua i apas i storage para i Masustieni, Mapuni, yan Mago'ti i Shipments yan para u mapublika i listan i manmapribi na pesticides(âmut tinanum siha).


I SUHETU NI MASUMÁRIA YAN ASUNTU NI MANTINEKKA:

- 1) Para u mapublika i listan i mana'fanpára na pesticides(ámut tinanum siha).
- 2) Para u mana'siguru i ginagagão ni CNMI na Regulasion Pesticide Siha (Ámut Tinanum), congnee/háyi numa'halum ni pesticide pat i device ni masustieni pat mapribi pat mapuni i hinalum yan mago'ti, debi na u apási i non-refundable na ápas storage.
- 3) I apas siha debi na u magiha gi mineggai yan characteristics i pesticide(ámut tinanum) pat i ramenta. Dinaña'i más ápas ni mana'achuli' yan ápas trinanspotta, hutnát, shipping, yan i gástun dispuestu siha ni siña ma'ebalua sigun gi CNMI na Regulasion Pesticide siha.
- 4) I dinimánda na training gi sakkan, maskiseha sinangan ginin i matiriát tinigi' pat inegga' pat inekkuguk, ni para u imfotma i hutnalerun lancheru siha gi madimánda na pruteksion siha ni mana'siña.
- 5) Ma'adilánta i training, maskiseha sinangan ginin i matiriát tinigi' pat inegga' pat inekkunguk, ingklulusu i instráksion siha gi taimanu u ribáha i take-home exposure ginin i pesticides(ámut tinanum siha) gi magágun cho'chu' yan gi ottru maneran sináfu siha.
- 6) Pá'gu masusesedi i minimum na idát ni dinimánda: hutnaleru siha ni menus di diesi'otchu na idát debi na u mapribi kontra i minanehan pesticides(ámut tinanum siha).
- 7) Ma'adilánta i ginagagão na u mapega siñát siha na taya'-siña humálum gi más piligru na pesticides(ámut tinanum siha). Esti siha na siñát debi na u mapribi hinalum gi pesticide-treated fields astaki esta mana'fañuha i imbarásus siha gi para i maneran sináfu.
- 8) Nuebu na no-entry application-exclusion zones hulu' asta sientu(100) pie ni inirudendehe na aplikasion ramentan pesticide(ámut tinanum) kosaki u prutehi i manhutnaleru yan pumalu siha ginin exposure ni mampus maregáyi ni pesticide(ámut tinanum).
- 9) I dinimánda para u pribeniyi más manera siha para i manhutnalerun lánchu yan i ripresentánti siha ni para u fansiña manhálum gi imfortmasion aplikasion pesticide yan i safety data-sheets – ni mapega gi sentru, pat ginin ginagáo records.
- 10) Ginagagão na i record-keeping para u ma'adilánta i abilidadat CNMI para u atutiyi i kuntradiksion pesticides(ámut tinanum) yan u mana'siguru na makumpli. Dokumentu siha gi application-specific pesticide na imfortmasion, kumu parehu yan training hutnalerun lánchu, debi na u mago'ti dos(2) áñus na tiempu.
- 11) Anti-retaliation provisions debi na u gai pinarehu yan i anti-retaliation provisions gi Dipattamentun Hutnaleru(DOL).
- 12) Tinilaika siha gi ramentan pruteksion petsonát debi na u kunsisti yan i DOL's standards ni para u mana'siguguru i respirators na manifektibu, ingklulusu i fit test, ebaluasion medikát, yan training.
- 13) Gi mina'gáhit na kantidán hánun ni para u ma'usa para fina'gási gi di'áriu na manera, emergency eye flushing yan ottru na decontamination, ingklulusu i sistema siha para mafa'gásin máta para i manmanenehe ni binattin pesticide/lugát mangátga siha.

DIREKSION SIHA PARA U MAPO'LU YAN PUPBLIKASION: Esti i Manmaproponi na Amendasion Regulasion Siha debi na u mapublika gi halum i Rehistran Commonwealth gi seksiona ni Maproponi yan Nuebu na Ma'adápata na Regulasion Siha (1 CMC § 9102(a)(1) yan u mapega gi halum i mangkumbinienti na lugát siha gi halum i civic center yan gi ufisinan gubietnamentu siha gi kada distritun senadot, parehu gi English yan gi prinsipát lingguáhin natibu 1 CMC § 9104(a)(1)

PARA U MAPRIBENIYI UPIÑON SIHA: Na'hánáo pat intrega i upiñon-mu siha guatu gi as Reina C. Camacho, Pesticide yan Storage Tank Branch Manager, *Re: Regulasion Minanehan Pesticide (Ámut Tinanum)*, gi sanhilu'na address pat gi sanhilu'na numirun fax pat email storagetankspesticides@becq.gov.mp. Todu upiñon siha debi na u fanhálum trenta(30) dihas ginin i fetchan pupplikasion esti na nutisia.

Esti ni priniponin tinilaikan areklamentu inapueba ni "BECQ Administrator" gi Dicembre_, 2016.

Nina'hålum as: 
FRANK M. RABULIMAN
Administratot
CNMI Bureau of Environmental & Coastal Quality

12/13/16
Fecha

Rinisibi as: 
SHIRLEY CAMACHO OGUMORO
Espisiat na Ayudantin i Gubietnu
para i Administrasion


12/27/16
Fecha

"Filed and Recorded by": 
ESTHER SN. NESBITT
Rehistradoran i Commonwealth

12.28.2016
Fecha

Sigun i 1 CMC § 2153 (e) (inapueban Abugâdu Hinerât ni regulasion siha na para u macho'gui kumu fotma) yan 1 CMC § 9104 (a) (3) (inahentan mapueban Abugâdu Hinerât) i manmaproponi na regulasion siha guini ni mantinilaika yan manmaapueba kumu futmât yan suficiente ligât ginin i CNMI Abugâdu Hinerât yan debi na umapublika, 1 CMC § 2153 (f) (publikasion areklamentu yan regulasion siha).

Ma fecha gi 28th Diciembre na diha, 2016.


EDWARD MANIBUSAN
Abugao Hinerat (Attorney General)

Chapter 65-70: Pesticide Regulations

Subchapter Authority, History, and Comment

Chapter Authority: [1 CMC §§ 2646 - 2649](#); [1 CMC § 2650](#); [2 CMC §§ 3101 - 3135](#); [2 CMC §§ 3311 - 3333](#), [2 CMC §§ 3511 - 3521](#).

The 2013 amendments repealed and re-enacted this chapter with extensive revisions.

Executive Order No. 2013-24, promulgated at 35 Com. Reg. 34596 (Nov. 28, 2013), established a new Bureau of Environmental and Coastal Quality. This Order reorganized the Division of Environmental Quality as a division of the Bureau of Environmental and Coastal Quality, and provided that "all rules, orders, contracts, and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Executive Order shall continue to be effective until revised, amended, repealed or terminated."

Part 001 - General Provisions

§ 65-70-001 Authority and Scope

The regulations in this chapter have been promulgated by the Division of Environmental Quality in accordance with [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 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.

§ 65-70-005 Purpose

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

§ 65-70-010 Definitions

(a) "Active ingredient" means:

- (1) In the case of a pesticide other than a plant regulator, defoliant, or desiccant, an ingredient which will prevent, destroy, mitigate any pest.
- (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) In the case of a defoliant, an ingredient which will cause the leaves or foliage to drop from a plant.
- (4) In the case of a desiccant, an ingredient which will artificially accelerate the drying of plant tissue.

(b) "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.

(c) "Agricultural establishment" means any operation engaged in the production and maintenance of agricultural plants, which may include a farm, nursery, green house, or forest area.

(d) "Banned pesticide" means any pesticide that has been banned by the Division of Environmental Quality for importation, distribution, sale, and use. ~~or which is prohibited for distribution or sale by the U.S. Environmental~~

~~Protection Agency-~~ **DEQ has banned pesticides with an active ingredient that is toxic, cancer-causing or which poses a well-established risk to human health and the environment.**

(e) "Banned use" means any use **or application** which is prohibited by the Division of Environmental Quality, any use which is suspended or canceled by the U.S. EPA.

(f) "Core training" means the basic pesticide safety and education training required for certification for commercial and private applicators; training shall include but is not limited to labeling, safety factors, environmental consequences, pest identification and characteristics, pesticide types, formulations and dilutions, equipment maintenance and calibration, application techniques, pesticide laws and regulations, and other relevant information as deemed necessary, including but not limited to worker protection standards, record keeping, new developments, and other pertinent matters.

(g) "Certified pesticide applicator" means any individual who is certified by the Director to use general use or restricted use pesticides under these regulations.

(h) "Commercial applicator" means any applicator that applies pesticides for commercial purposes.

(i) "Commercial purposes" means the use of pesticides:

(1) By persons in the business of providing pest control services or contracting to provide pest control plans or providing pest control services for hire, including, but not limited to, the extermination of ants, termites, rodents, or plants, and;

(2) By persons using pesticides in the maintenance of exterior resort grounds, golf courses, green houses, or other agricultural establishments.

(j) "Compensation" means pay or wages, payment through services or goods, or barter of services or goods.

(k) "DEQ" means the Division of Environmental Quality unless otherwise specified.

(l) "Device" means any instrument or contrivance (other than a firearm) which is intended for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life (other than man and other than bacteria, virus, or other microorganism on or in living man or other living animals); but not including equipment used for the application of pesticides when sold separately there from.

(m) "Director" means the Director of the Division of Environmental Quality unless otherwise specified.

(n) "Employer" means for the purposes of the workers protection program a person who:

(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 resorts, or commercial pest control (e.g. rodent and termite extermination); or

(2) Owns or operates an agricultural, resort, or commercial pest control facility.

(o) "EPA" or "USEPA" means the United States Environmental Protection Agency.

(p) "FIFRA" means the U.S. Federal Insecticide, Fungicide, and Rodenticide Act, codified at [7 U.S.C. §§ 136 to 136y](#).

(q) "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.

(r) "Handler" or "pesticides handler" means any person, including a self-employed person:

(1) Who is employed for any type of compensation by an agricultural establishment or commercial pesticide handling establishment, or commercial resort and who is:

(i) Mixing, loading, transferring, or applying pesticides.

(ii) Disposing of pesticides or pesticide containers.

(iii) Handling opened containers of pesticides.

(iv) Acting as a flagger.

(v) Cleaning, adjusting, handling, or repairing the parts of mixing, loading, or application equipment that may contain pesticide residues.

(vi) Assisting with the application of pesticides.

(vii) 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 or in the labeling has been met to operate ventilation equipment, to adjust or remove covering used in fumigation or to monitoring air levels*:

(viii) Entering a treated area outdoors after application of any soil fumigant to adjust or remove soil coverings such as tarpaulins.

(ix) Performing tasks as a crop advisor during any pesticide application, before any inhalation exposure level listed in the labeling has been reached or one of the ventilation criteria or in the labeling has been met and during any restricted-entry interval.

(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.

(s) "Label" means the written, printed or graphic matter on, or attached, to, the pesticide or device or any of its containers or wrappers.

(t) "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.

(u) "Licensed dealer" means any person who is licensed by the Director to sell or distribute restricted use pesticides.

(v) "MSDS" means material safety data sheets as required under the Occupational Safety and Health Act of 1970 ([29 USC §§ 651, et seq.](#)) as amended and its implementing regulations.

(w) "Misbranded" means any pesticide if:

(1) The label does not conform to the US EPA requirements for labeling or packaging.

(2) The labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular.

(3) The label is not in English, or lacks any of the following information:

(i) Name of a pesticide in bold letters;

(ii) Restricted use designation (if applicable);

(iii) Description of which pests are controlled;

(iv) Chemical name of pesticide;

(v) Active ingredients;

(vi) Appropriate signal words

(A) Caution;

(B) Warning; or

(C) Danger Poison;

(vii) Directions for proper use; and

(viii) Any additional DEQ labeling requirement not conspicuously displayed on each container.

(x) "Owner" means any person who has a present possessory interest (e.g. fee, leasehold, rental, or other) in land or a business, except where the owner has relinquished control over and transferred full authority to another to manage the use of the land or business.

(y) "Person" means an individual, corporation, partnership, association, joint ventures, commercial entity, government, political subdivision, commission, or interstate body.

(z) "Personal protective equipment" or "PPE" means apparel and devices worn to protect the body from contact with pesticides or pesticide residues, including:

(1) Coveralls;

- (2) Chemical-resistant suits;
- (3) Chemical-resistant gloves;
- (4) Chemical-resistant footwear;
- (5) Chemical-resistant aprons;
- (6) Chemical-resistant headgear;
- (7) Protective eye-wear; and
- (8) Respirators.

(9) Items of ordinary clothing, including 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, although pesticide labeling may require that such work clothing be worn during some activities.

(aa) "Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest as defined pursuant to FIFRA. A product is not a pesticide if it is a product intended for use only for the control of fungi, bacteria, viruses, other microorganisms or invertebrate parasites or nematodes in or on living humans or animals, and labeled accordingly; and products that are intended to exclude pests only by providing a physical barrier against pest access.

(bb) "Private applicator" means a certified applicator who uses any pesticide which is classified as 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.

(cc) "Restricted use pesticide" or "RUP" means a pesticide, one or more uses of which have been restricted by USEPA under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, or by DEQ under these regulations, or which bears on its label the phrase "restricted use pesticide."

(dd) "Restricted-entry interval" means the time after the end of a pesticide application during which entry to the treated area is restricted.

(ee) "Use" means:

(1) All activities related to the instructions and precautions contained on the label, including but not limited to, directions for use, handling and disposal, precautionary statements, worker protection, protective equipment, and storage and transportation requirements;

(2) Pre-application activities, including, but not limited to:

(i) Arranging for the application of the pesticide;

(ii) Mixing and loading the pesticide; and

(iii) 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) Application of the pesticide;

(4) 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; or

(5) Other pesticide-related activities, including, but not limited to, providing emergency assistance, transporting or storing pesticides and disposing of excess pesticides, spray mix, equipment wash waters, pesticide containers, and other pesticide-containing materials.

(ff) "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.

(gg) "40 CFR" shall mean Title 40 of the Code of Federal Regulations revised as of July 1, 2012.

§ 65-70-015 Administration of the CNMI Pesticides Regulations

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

Part 100 - Unlawful Acts

§ 65-70-101 General

(a) Except as otherwise exempted in § 65-70-105 it shall be unlawful for any person within the CNMI to use, to import, or to sell, distribute, deliver, or offer to deliver to any person:

(1) Any pesticide which is adulterated or misbranded including, but not limited to, pesticides that are not labeled in English;

(2) Any pesticide that is banned by DEQ or, cancelled, suspended, not registered by EPA;

(3) Any pesticide or device that is misbranded or not produced in an EPA registered establishment; or

(4) Any pesticide that DEQ determines to pose an unreasonable risk to human health and the environment.

(b) It shall be unlawful for any person:

- (1) To detach, alter, deface, or destroy, in whole or in part, any labeling, unless such action is taken with the written approval of the Director to correct an improper label or labeling;
 - (2) To refuse to keep any records required pursuant to these regulations; or to refuse to allow the inspection of any records; or to refuse to allow the Director or the Director's designee to investigate potential pesticide violations or to take samples of pesticides and pesticide residues as authorized by law for any purpose consistent with these regulations;
 - (3) To use any pesticide in a manner inconsistent with its labeling;
 - (4) To violate any order issued pursuant to these regulations or the Acts;
 - (5) To violate any ban or restriction regarding the use, importation, or distribution or sale of pesticides or devices issued by DEQ;
 - (6) To knowingly falsify all or part of any application for certification, license, importation, or use, or any record required to be maintained under these regulations;
 - (7) To sell or distribute restricted use pesticides unless licensed by DEQ to do so;
 - (8) To sell or distribute any restricted use pesticide to any person other than a licensed dealer or an applicator certified by DEQ;
 - (9) 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;
 - (10) To use or apply restricted use pesticides unless certified by DEQ or under the direct supervision of an applicator certified by DEQ;
 - (11) To use or apply pesticides for commercial purposes unless acting under the supervision of a certified applicator;
 - (12) To reveal any confidential information acquired in the administration of these regulations relative to formulas of products to persons other than proper officers or employees of the DEQ or U.S. government, or to courts in response to subpoena, or to physicians, or, in emergencies, to pharmacists or other qualified persons for use in the preparation of antidotes or to use such confidential information for personal advantage;
 - (13) To violate these regulations in any way including but not limited to violating requirements regarding storage, use, record keeping, and worker's protection whether set forth in these regulations, the label, a permit, an order or a certification;
 - (14) To manufacture or otherwise produce pesticides, including re-packaging, refilling, or relabeling, for sale or resale, in the CNMI.
- (c) When a permit application is required prior to application of a pesticide, application of a pesticide without a permit is a violation of these regulations. Applicants must follow all requirements in the permit.

§ 65-70-105 Exemptions

(a) The penalties provided for a violation of [§ 65-70-101](#) shall not apply to:

(1) Any carrier while lawfully shipping, transporting, or delivering for shipment any pesticide or device in violation solely from the carrier's reasonable failure to detect that an item shipped was an illegal pesticide or device. If such a carrier upon request of any officer or employee duly designated by DEQ shall permit such officer or employee to copy all of its records concerning such pesticide or device;

(2) The use of a pesticide that is a blend that conforms to the standards in [40 CFR § 167.3](#) for custom blenders, where the person uses the pesticide on his own property;

(3) Any public official while engaged in the performance of the official duties of the public official;

(4) Any person using or possessing an experimental use permit from EPA pursuant to federal law and with concurrent approval from DEQ for the pesticide's use or possession;

(5) Any person who ships a substance or mixture of substances being put through tests in which the purpose is solely to determine its value for pesticide purposes or to determine its toxicity or other properties and from which the user does not expect to receive any benefit in pest control from its use; or

(6) Any person lawfully acting in compliance with an order from the Director to remove a pesticide from the CNMI.

(b) Section [65-70-101\(a\)\(2\)](#) does not apply to products not registered by EPA if:

(1) Distribution and sale without registration has been authorized by EPA by [40 CFR 152.20](#) (pesticides adequately regulated by another federal agency); [40 CFR 152.25](#) (pesticides of a character not requiring FIFRA registration); or [40 CFR 152.30\(e\), \(f\), and \(g\)](#) (pesticides that may be transferred, sold, or distributed without registration) provided that such product is not banned by DEQ; or

(2) Use of an unregistered pesticide if that pesticide has not been manufactured or produced in violation of Section 5.1.1.N*, not been banned by DEQ, and not been transferred, distributed, or sold in violation of FIFRA.

Part 200 - Importation

§ 65-70-201 Introduction

(a) DEQ regulates the importation of pesticides in the Commonwealth. Importation of any banned or misbranded pesticide or pesticide device is a violation of these regulations under [65-70-101\(a\)](#). Importation of any unregistered pesticide, but not pesticide device, is a violation of these regulations.

(b) Any banned, misbranded or unregistered pesticide, any pesticide device without an establishment number, or any pesticide shipment otherwise not in compliance with these pesticide regulations, may be detained, or denied entry to the extent permitted by law, by the DEQ Director or by Customs Officers, or Agricultural Quarantine Officers.

§ 65-70-205 Shipments Requiring Advance Notice

(a) DEQ regulates the importation of pesticides in the Commonwealth, specifically any restricted use pesticide from any country into the CNMI; any pesticide or pesticide device manufactured in or shipped by or through a foreign country; any termiticide, including those used for crack, crevice, and spot treatment; and all general use pesticides used to control pests on fruit and/or vegetable crops or other agricultural products.

(b) Notice of Intent

(1) Restricted Use Pesticide (RUP). Any person desiring to import a Restricted Use Pesticide (RUP) regardless of origin or quantity must submit a notice of intent to the Director on a form provided for that purpose. The form must be accompanied with the Material Safety Data Sheet and a copy of the pesticides label. Upon approval of the RUP, the importer can make importation arrangements. For the purposes of this section, any pesticide that has had a particular use banned by DEQ, but which can be imported into the CNMI, shall require advance notice as set forth in this Part. Import of a banned pesticide wholly prohibited for import is also a violation of this section.

(2) General Use Pesticides (GUP).

(i) A person desiring to import a pesticide or pesticide device manufactured in or shipped from or through any country other than the United States or U.S. territories into the CNMI shall submit a notice of intent to the Director on a form provided for that purpose. The form must be accompanied with the Material Safety Data Sheet and a copy of the pesticides label. Upon approval of the GUP, the importer can make importation arrangements.

(ii) A person desiring to import a pesticide labeled for use for agricultural plants, hospital-grade disinfection, fumigation, or termite control, including crack, crevice, and spot treatment in houses, apartment buildings, hotels, restaurants, schools, stores, warehouses, and other industrial buildings, shall submit a notice of intent to the Director on a form provided for that purpose. Persons engaging in a commercial purpose as defined in [section 65-70-101\(i\)](#), such as resorts, farmers and exterminators, must also submit a notice of intent in order to import any pesticide used for a commercial purpose. The form must be accompanied with the Material Safety Data Sheet and a copy of the pesticides label. Upon approval of the GUP, the importer can make importation arrangements.

(3) Each Notice of Intent to Import ("NOI") shall indicate how the importer intends to use the pesticide, so that DEQ can ensure that such use complies with the law, prior to arrival of the pesticide. The form must be accompanied with the Material Safety Data Sheet and a copy of the pesticides label. Upon approval of the NOI, the pesticide or device may be ordered or shipped. The importer must submit to DEQ the label and MSDS for each pesticide or device imported for the first time in a calendar year. If the importer intends to import the same pesticide or device during the same calendar year, and has submitted all of the appropriate paperwork, the label and MSDS is not required to be submitted again in the same calendar year.

(c) Notice of Arrival

Upon arrival of the pesticide or device specified in this section, the Director shall be notified by the importer on a form provided by DEQ. The Notice of Arrival is not to be substituted for the Notice of Intent to import. No pesticide or

device can be imported or released into the CNMI without DEQ's written approval on the Notice of Arrival. Approval of the Notice of Intent or Notice of Approval shall not be a defense against liability and shall not limit any action taken by DEQ for any violation of these regulations.

§ 65-70-210 Shipments Arriving Without Notice

When a shipment of a pesticide or device specified in [section 65-70-205](#) arrives in the CNMI without either the Notice of Intent or the Notice of Arrival, the shipment shall be detained or denied entry into the CNMI. The Director shall then determine whether the pesticide should be admitted into the CNMI and provide instructions for disposition of the shipment.

§ 65-70-215 Inspection

(a) Inspection

Upon arrival of any shipment containing a pesticide or device, DEQ, or other agencies or their personnel as agreed by the Director, may inspect the pesticide or device.

(b) Inspection of Shipments Requiring Notice

Upon arrival of the shipment of a pesticide or device requiring notice under this section, DEQ, or other agencies or their personnel as agreed by the Director, may inspect the pesticide or device and shall compare the findings from examining the pesticide or device to entry papers for the shipment with the information provided by the consignee/importer on the notice to DEQ. If no discrepancies are noted and no violations are found, the shipment shall be released. However, if any discrepancies are noted or violations are found, the shipment may be detained until the Director resolves such discrepancies or determines that the pesticide or device must be denied entry, returned, or destroyed in accordance with [section 65-70-220](#).

§ 65-70-220 Detained, Denied, and Impounded Shipments

(a) All expenses arising from detainment, denial, impoundment, or disposing of a pesticide or device shipment that would have been averted by compliance with these regulations, including but not limited to the timely submission of the Notice of Intent or Notice of Arrival, shall be payable by the importer.

(b) For any detained shipment, the consignee/importer shall have sixty days from arrival in which to return or dispose of the pesticide or device in a manner approved of by the Director. If the importer/consignee fails to return or dispose of the pesticide or device within the 60 day period, the Director may sell, dispose, or destroy the pesticide or device in a manner consistent with law and all expenses for storage, cartage, labor, shipping, and disposal costs shall be payable by the consignee/importer and in default of such payment shall constitute a lien against any further items of any nature imported by the consignee/importer.

(c) If the consignee/importer does not satisfy any and all liens against such imports within 60 days after notification in writing of the amount of said liens, the Director shall instruct the Attorney General to enter into such action as may be

necessary to effect transfer of ownership of the imports to the CNMI government for satisfaction of said liens. This section does not preclude recovery of any additional costs that may be expended by the government.

§ 65-70-225 Fees

(a) Persons desiring to import a Restricted Use Pesticide shall pay a non-refundable fee of fifty dollars for each shipment, accompanying the Notice of Arrival (NOA) form.

(b) Persons desiring to import a General Use Pesticide shall pay a non-refundable fee of fifteen dollars for each shipment, accompanying the Notice of Arrival (NOA) form.

(c) Consignee/importer who imports a pesticide or device that has been detained or denied entry and impounded, shall pay a non-refundable storage fee of \$10 per day for each storage container (i.e. 55-gal drum) starting from the date of arrival, as intercepted by DEQ or authorized agents, until the pesticides and or devices are returned or disposed, for the first 30 days. After the initial 30 days, the storage fee shall be increased to \$20 per day for each storage container (i.e. 55-gal drum) until the pesticide or device is shipped to a certified disposal facility.

(d) Consignee/importer who imports a pesticide or device that has been detained or denied entry and impounded, that require special handling, including but not limited to restricted use pesticides (RUP), fumigants, gaseous pesticides, banned pesticides and shall be assessed a non-refundable storage fee of \$25 per day for each storage container (i.e. 55-gal drum) starting from the date of arrival, as intercepted by DEQ or authorized agents, until the pesticides and or devices are returned or disposed, for the first 30 days. After the initial 30 days, the storage fee shall be increased to \$35 per day for each storage container (i.e. 55-gal drum) until the pesticide or device is shipped to a certified disposal facility.

Part 300 - Use of Pesticides

§ 65-70-301 Introduction

DEQ may, at its discretion, based on factors such as acreage, types of pesticides, volume of pesticides, location, and geological features, including proximity to surface water and drinking water, require the submission of an integrated pest management plan for DEQ's approval. The integrated pest management plan is an approach to manage pests by combining biological, cultural, physical, and chemical tools in a way that minimizes economic, health, and environmental risks. DEQ may prescribe the forms for the submission of the plan. The plan must be approved by DEQ prior to pesticide use. The plan must be revised and resubmitted once every two years for DEQ's approval. Applicator is required to follow the approved plan and deviations must be approved by DEQ in advance. Failure to follow the plan shall be considered a violation of these regulations.

§ 65-70-305 Pesticide Use Permit Application for Termiticide Treatment

(a) Permit

(1) For all structures to be treated for termites in the foundation or ground area surrounding or under the foundation, the applicator must submit a Pesticide Use Permit Application for Termiticide Treatment to the Director on a form provided for that purpose, accompanied by a non-refundable fee of fifty dollars. The request for a permit must be submitted to DEQ at least twenty business days prior to the proposed date of application. The applicator*

(2) Upon receipt of the Pesticide Use Permit Application for Termiticide Treatment, DEQ has up to ten business days to process the permit. The permit is valid for 6 months after the date of issuance.

(b) Notification

The applicator is required to notify DEQ in writing 48-hours prior to any termiticide application made under an approved permit. Unless pre-approved by DEQ, termiticide treatment shall not be phased or divided for a single structure. Termiticide applications conducted under an approved permit must be scheduled during DEQ's normal working hours. Further, the applicator must provide written notices of the date of application and the name and registration number used to each household and business that is located within seventy-five feet of the proposed application. A copy of this written notice must be submitted to DEQ prior to the termiticide application.

(c) Preconstruction

(1) The following information must be provided as part of the permit application for pre-construction termiticide applications:

(i) EPA Registration Numbers (and copies of labels, if requested) for pesticide products to be used;

(ii) Date(s) and time(s) of proposed application(s);

(iii) Name(s) of each applicator and pesticide company;

(iv) Certification number of each applicator involved in the project;

(v) Address of the application site;

(vi) Description of the site;

(vii) Size of area to be treated;

(viii) Application method; and

(ix) Map, showing bodies of water within 100 feet of the area that termiticide is to be applied.

(2) To prevent contamination of surface water, the following restrictions must be observed:

(i) After the application, cover the treatment site in order to prevent runoff in the event of rain; Note: The applicator must either cover the soil him/herself or provide written notification of the above requirement to the contractor on site and to the person commissioning the application (if different than the contractor). If notice is provided to the contractor or the person commissioning the application, then they are responsible to ensure that:

- (A) If the concrete slab cannot be poured over the treated soil within 24 hours of application the treated soil is covered with a waterproof covering (such as polyethylene sheeting), and
- (B) the treated soil is covered if precipitation is predicted to occur before the concrete slab is scheduled to be poured;
- (ii) Do not treat soil that is water-saturated;
- (iii) Do not treat when raining;
- (iv) Do not allow treatment to runoff from the target area;
- (v) Do not apply within 10 feet of storm drains;
- (vi) Do not apply within 25 feet of bodies of water or aquatic habitats (such as, but not limited to, lakes, reservoirs, lagoon, permanent streams, marshes or ponds, estuaries, and commercial fish farm ponds);
- (vii) Do not make on-grade applications when sustained wind speeds are above 10 mph (at application site) at nozzle end height; and
- (viii) Follow any additional restrictions or requirements included in a permit issued by DEQ.

(d) Post-construction

(1) Application to surrounding soils

The following information must be provided as part of the permit application for post-construction termiticide application to soils surrounding structures:

- (i) EPA Registration Numbers (and copies of labels, if requested) for pesticide products to be used;
- (ii) Date(s) and time(s) of proposed application;
- (iii) Name of each applicator and pesticide company;
- (iv) Certification number of each applicator involved in the project;
- (v) Address of the application site;
- (vi) Description of the site;
- (vii) Size of area to be treated;
- (viii) Method of application; and
- (ix) Map, showing bodies of water within 100 feet of the area that termiticide is to be applied.

(2) Fumigation

Fumigation is the use of a vapor or gas or similar forms in order to suffocate, kill, or mitigate termites. A fumigant is 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. The following information must be provided as part of the permit application for post-construction termiticide fumigations:

- (i) EPA Registration Numbers (and copies of labels, if requested) for pesticide products to be used;
 - (ii) Date(s) and time(s) of proposed application;
 - (iii) Name of each applicator and pesticide company;
 - (iv) Certification number of each applicator involved in the project;
 - (v) Address of the application site;
 - (vi) Description of the site;
 - (vii) Description of equipment to be used;
 - (viii) Description or history of the company's experience conducting similar fumigations;
 - (ix) Description of any prior problems or issues with fumigations;
 - (x) Health and safety plan;
 - (xi) Map showing all residential homes and businesses within 25 feet of the application site;
 - (xii) Fumigant management plan and any additional information required by product label;
 - (xiii) The applicator must provide written notices to each household and business that is located within seventy-five feet of the proposed application. If the application area is a single-owner complex with multiple units, then the applicator must inform all tenants of the fumigation project. Notices must be made no less than 14 days prior to the fumigation project.
- (e) Termiticide applications exempt from permitting requirements:
- (1) Injection into structural voids;
 - (2) Spot, crack, crevice treatments; and
 - (3) Treatments that use enclosed baiting systems.

§ 65-70-310 Pesticide Use Permit Application for Aerial Treatment

- (a) Aerial pesticide applications are granted on a case by case basis and are restricted to applications sites that are 150 acres or larger. Any person intending to apply pesticides by aircraft must have a valid aerial pesticide application license (pilot license to apply pesticides aerially) from any state or territory of the United States. The aircraft used for aerial application must be in accordance with Federal Aviation Administration rules and regulations.
- (b) Pesticide Use Permit Application for Aerial Treatment

(1) For all sites which will be undergoing aerial pesticide treatment, the applicator must submit an application to the Director on a form provided for that purpose, accompanied by a non-refundable fee of \$500. The request for a permit must be submitted to DEQ at least twenty business days prior to the proposed date of application. Upon receipt of the aerial pesticide application permit, DEQ has up to ten business days to process the permit. The permit is valid for 6 months after the date of issuance.

(2) The following information must be provided as part of the permit application for aerial pesticide applications:

(i) EPA Registration Numbers (and copies of labels, if requested) for pesticide products to be used;

(ii) Purpose of application, including description of alternatives;

(iii) Date(s) and time(s) of proposed application;

(iv) Name of each applicator and pesticide company, including pilot information;

(v) Copy of the certification for the applicant and pilot/applicator, if different from the applicant;

(vi) Copy of the pilot license;

(vii) Physical and mailing address of the application site;

(viii) Description of the site, which shall include a map of the application site, identifying bodies of water or aquatic habitats, residential homes, schools, hospitals, and businesses within 1000 feet of the application site;

(ix) Description of equipment to be used;

(x) Description or history of the company's experience conducting similar aerial treatments;

(xi) Description of any prior problems or issues with pesticides; and

(xii) Health and safety plan.

(3) The DEQ director may refuse to issue an aerial application permit if it is determined that the proposed aerial pesticide application threatens to cause or causes unreasonable adverse effects to human health or the environment.

(c) Notification

(1) The applicator is required to notify DEQ in writing 48 hours prior to any aerial application made under an approved permit. Unless pre-approved by DEQ, aerial application shall not be phased or divided. Aerial pesticide applications conducted under an approved permit must be scheduled during DEQ's normal working hours. Further, the applicator must provide written notices of the date and time(s) of application and brand or common name and EPA registration of the pesticide to be used to each household and business that is located within a one-mile radius of the proposed application. A copy of this written notice must be submitted to DEQ prior to the pesticide application.

(2) Every possible effort should be made to control pesticide drift during aerial pesticide applications.

§ 65-70-315 Pesticide Use Permit Application for Other Pesticide Treatment

(a) In the event that DEQ is not able to conduct routine inspections where restricted use pesticides or general use pesticides are regularly applied, such as in remote locations, the establishment may be required to submit a Pesticide Use Permit Application for Other Pesticide Treatment to the Director on a form provided for that purpose, accompanied by a non-refundable fee of fifty dollars. The request for a permit must be submitted to DEQ at least twenty business days prior to the proposed date of application. Upon receipt of Pesticide Use Permit Application for Other Pesticide Treatment, DEQ has up to ten business days to process the permit. The permit is valid for 6 months after the date of issuance.

(b) The following information must be provided as part of the permit application for other pesticide applications:

(1) EPA Registration Numbers (and copies of labels, if requested) for pesticide products to be used;

(2) Date(s) and time(s) of proposed application(s);

(3) Name(s) of each applicator and pesticide company;

(4) Certification number of each applicator involved in the project;

(5) Address of the application site;

(6) Description of the site;

(7) Size of area to be treated;

(8) Application method; and

(9) Map, showing bodies of water within 100 feet of the area that termiticide is to be applied.

(c) Notification

(1) The applicator is required to notify DEQ in writing 48 hours prior to any pesticide application made under an approved permit. Further, the applicator must provide written notices of the date and time(s) of application and brand or common name and EPA registration of the pesticide to be used to each household and business that is located within a one-mile radius of the proposed application. A copy of this written notice must be submitted to DEQ prior to the pesticide application.

(2) Every possible effort should be made to control pesticide drift during pesticide applications.

(d) To prevent contamination of surface water, the following restrictions must be observed:

(1) After the application, cover the treatment site in order to prevent runoff in the event of rain;

(2) Do not treat soil that is water-saturated;

(3) Do not treat when raining;

(4) Do not allow treatment to runoff from the target area;

- (5) Do not apply within 10 feet of storm drains;
- (6) Do not apply within 25 feet of bodies of water or aquatic habitats (such as, but not limited to, lakes, reservoirs, lagoon, permanent streams, marshes or ponds, estuaries, and commercial fish farm ponds);
- (7) Do not conduct applications when sustained wind speeds are above 10 mph (at application site) at nozzle end height; and
- (8) Follow any additional restrictions or requirements included in a permit issued by DEQ.

§ 65-70-320 Storage of Pesticides

(a) All certified pesticide applicators and licensed dealers shall store pesticides according to pesticide instructions on its label and federal requirements, as such, all pesticides shall be stored in the following manner:

- (1) In a locked, well ventilated, cool and dry storage area out of direct sunlight;
- (2) In a location separate from food, feed, seed, or animals;
- (3) In the original labeled container;
- (4) In a location or such a way that they are kept out of reach of children and pests;
- (5) With absorbent materials such as sand or absorbent clay adequate to absorb all potential spills;
- (6) In a location away from incompatible chemicals;
- (7) In a location away from flammable liquids or solids; or near a flammable source;
- (8) In a location away from personal protective equipment;
- (9) With a fire extinguisher;
- (10) With the Material Safety Data Sheet (MSDS) of the pesticides currently in use;
- (11) In a manner such that spills will not impact ground or surface waters. If storing more than twelve gallons or one hundred pounds of pesticides at any one time, you must, at a minimum, store the pesticides on impermeable surface, such as a concrete slab, and must mark the area prominently with a skull and crossbones to indicate the presence of pesticides; and
- (12) In a manner consistent with its labeling.

(b) All certified pesticide applicators and licensed dealers shall store restricted use and general use pesticides in a storage area posted with a warning sign that states any, all or any combination of the following statements, as applicable:

- (1) "Warning;"
- (2) "Danger;"

(3) "Pesticide Storage Area;"

(4) "Poison Storage Area;"

(5) "All Unauthorized Persons Keep Out;" or

(6) "Keep Door Locked When Not In Use."

(c) Retailers, wholesalers, and dealers shall store and display pesticides in the following manner:

(1) All pesticides offered for sale must be in the registrant's approved container with the appropriate labeling required by federal law.

(2) All restricted use pesticides must be separated from general use pesticides in displays of pesticides offered for sale to the general public.

(3) All pesticides (either general use or restricted use items) on display to the general public should be displayed at a minimum distance of ten feet from all fresh, soft, loosely packaged, or other types of food or feed items that can or may absorb odors from the pesticides. Examples include but are not limited to bread, pastries, potatoes, fresh meats, cheese, rice, pasta, chips, and candy. All pesticides must be displayed at a minimum distance of four feet from canned foods or any other type of food or edible item.

(4) Any pesticide container which is leaking or otherwise damaged must be immediately removed from the display area to a location where its contents will be fully contained in the event that its condition deteriorates further. The use of "overpack" containers or similar devices is sufficient to meet this requirement. Any pesticide material spilled or otherwise allowed to move outside of the container must be immediately cleaned up by an appropriate decontamination method. The location where any pesticide material has been spilled must likewise be immediately decontaminated by a method appropriate to the material spilled.

(d) A DEQ storage permit is required for the storage of pesticides that in the aggregate are in excess of 500 gallons or 4,000 lbs or an equivalent combination of liquids and solids in accordance with the following procedures:

(1) Owners and operators of the facility shall apply to the Director for storage permit on a forms* supplied by the Director at least one hundred and twenty days prior to using the facility for storage as specified in this section.

(2) Permits shall be approved only when containment and secondary containment complies with [40 CFR §§ 165.80-97](#) (July 2012), which requires containment and secondary containment for all such facilities and includes the use of specific materials and the incorporation of technical design standards. The DEQ storage permit may specify the minimum size of secondary containment needed for storage of pesticides subject to this provision if such storage of pesticides is subject to this regulation, but outside the scope covered by [40 CFR §§ 165.80-97](#) (July 2012) The Director shall require that all plans for a new facility be prepared by a licensed professional engineer.

(3) The storage permit shall be valid for five years from date of issuance, and applicant shall pay DEQ a \$100 processing fee.

§ 65-70-325 Transportation

(a) All Restricted Use Pesticides shall be transported in the following manner:

(1) Not transported in the same compartment with persons, animals, food, feed, seed, clothing, or consumer goods;
and

(2) All containers must be secured tightly and loaded in such a way that they will not be damaged during transport, that their labels will not be rubbed off or otherwise compromised, and that they will not shift or fall out of the vehicle.

(b) Pesticides in any vehicle used for pest control shall not be transported inside the passenger compartment with persons, animals, food, feed, seed, clothing, or consumer goods.

(c) All pesticides shall be transported as required by the label.

§ 65-70-330 Disposal

Pesticides, empty containers, or equipment that holds (or has held) a pesticide, shall not be emptied or disposed of in such a manner that may present a hazard to persons, animals, food, feed, crops, or clothing. Empty non-refillable pesticide containers must be tripled* rinsed and punctured to render useless. To dispose of any non-refillable pesticide container that cannot be triple rinsed and the user must follow directions on the container's pesticide label.* To dispose of any pesticide container (including refillable containers and non-refillable containers that cannot be triple rinsed and punctured), the user must follow directions on the label and other federal requirements.

§ 65-70-335 Recordkeeping

(a) Commercial applicators, private applicators, and licensed dealers shall keep and maintain records for a period of not less than three years.

(b) Commercial applicators shall maintain true and accurate records of the use and application of both restricted use and general use pesticides, including the following information:

(1) The brand (common) name and EPA registration number of the product;

(2) 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;

(3) The date, time, location, and method of application;

(4) Total area covered;

(5) Targeted area or other site; and

(6) Targeted pest(s).

(c) Private applicators shall maintain true and accurate records of the use and application of restricted use pesticides, including the following information:

- (1) The brand (common) name and EPA registration number of the product;
 - (2) 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;
 - (3) The date, time, location, and method of application;
 - (4) Total area covered;
 - (5) Targeted area or other site; and
 - (6) Targeted pest(s).
- (d) Licensed dealers shall maintain true and accurate records of the sale and distribution of restricted use pesticides, including the following information:
- (1) The name, address, and certification number or dealer's license (if applicable) number of the person purchasing or receiving the pesticide;
 - (2) The date of sale or distribution;
 - (3) The brand name, EPA registration number, and quantity of product sold or distributed;
 - (4) The signature of the person selling or distributing the pesticide; and
 - (5) Label of the pesticide.

§ 65-70-340 Worker Protection Standards

(a) Applicability and Scope

The CNMI Worker Protection Standard requirements were created to provide agricultural and certain other workers and pesticide handlers with protections against possible exposure and harm from pesticides in the workplace. CNMI Worker Protection Standards apply to any agricultural establishment, and any commercial application of pesticides.

~~(e-b) Additional requirements.~~ All agricultural establishments (farms, forest, nursery, or greenhouse) must follow the federal Worker Protection Standards at **40 C.F.R. Part 170 AS PUBLISHED IN THE FEDERAL REGISTER / Vol. 80, No. 211 / Monday, November 2, 2015 / Rules and Regulations**

~~(b c)~~ General requirements for agricultural establishments and commercial application ~~handlers~~. Under the provisions of the CNMI Worker Protection Standard, employers are required to do the following:

- (1) Display at a central location where it can be readily be seen and read by workers in a language they understand specific information about pesticide safety, emergency procedures, and recent pesticide applications;
- (2) Supply pesticide safety training for workers as described at [40 C.F.R. 170.130](#) and for handlers as described at [40 C.F.R. Part 170.230](#);

- (3) Provide assistance in getting medical treatment in case of work-related pesticide illness or injury;
- (4) Comply with restricted-entry intervals found on the label. These are the times immediately after pesticide applications when workers may not enter treated areas;
- (5) Notify workers through oral or by posted warnings in a manner they understand about areas where pesticide applications are taking place and areas where restricted-entry intervals are in effect;
- (6) Ensure that only trained, properly equipped pesticide handlers enter or remain in the treated area during a pesticide application;
- (7) Provide decontamination sites for workers and handlers to wash pesticides residues off their hands and bodies. Decontamination sites must include enough water for routine washing and emergency eye flushing plus sufficient quantities of soap and single-use towels;
- (8) Provide and maintain any appropriate personal protective equipment and ensure it is stored correctly, away from pesticides and other dangerous chemicals, used correctly for its intended purpose, and used according to the manufacturer's instructions and label directions. Personal protective equipment includes but is not limited to:
 - (i) Coveralls 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 are 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;
 - (ii) Chemical-resistant suits - a loose-fitting one or two piece chemical-resistant garment that covers, at a minimum, the entire body except head, hands, and feet;
 - (iii) Chemical-resistant gloves - gloves that are made of chemical-resistant material;
 - (iv) Chemical-resistant footwear - 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, then leather boots may be worn in such terrain;
 - (v) Chemical-resistant aprons - an apron that is made of chemical-resistant material and that covers the front of the body from mid-chest to the knees.
 - (vi) Chemical-resistant headgear - hood or hat with wide brim, that is made of chemical-resistant material;
 - (vii) Protective eye wear - goggles; face shield; safety glasses with front, brow, and temple protection; or a full-face respirator; and

(viii) Respirators - a device that protects the respiratory system and is either the type listed on the pesticide label or more protective, and must be appropriate for the pesticide product being used and for the activity being performed;

(9) Instruct all handlers and workers in the correct use of personal protective equipment;

(10) Instruct all handlers in the correct use of application equipment;

(11) Must assure that all handlers understand all label requirements;

(12) Must assure that any pesticide handler who is mixing, loading, applying, or otherwise handling any pesticide bearing a skull and crossbones symbol on the label is monitored visually or by voice communication every hour; and

(13) Implement other requirements as instituted by the DEQ Director.

~~(c) Additional requirements. All agricultural establishments (farms, forest, nursery, or greenhouse) must follow the federal Worker Protection Standards at 40 C.F.R. Part 170~~

(d) In the event of a conflict between any relevant Worker Protection Standards, the more stringent requirement will apply.

Part 400 - Training and Certification

§ 65-70-401 Training

(a) Instructor Qualifications. Any person intending to provide pesticide certification training must first meet the requirements set forth below:

(1) Sufficient pesticide education, training, and/or experience necessary to exercise professional judgment and has the ability to teach and communicate effectively with student-applicators to prepare them for proper performance of their occupational duties; and

(2) Pass a written pesticide safety examination (testing the applicant's pesticide knowledge on labeling, safety factors, environmental consequences, pest identification and characteristics, pesticide types, formulations and dilutions, equipment maintenance and calibration, proper storage, use, and disposal of pesticides and containers, pesticide application techniques, applicable local and federal pesticide laws and regulations, recordkeeping, worker protection standards, and other relevant information as deemed necessary, including but not limited to recent updates in pesticide applications and other pertinent matters).

(b) Instructor Responsibilities

(1) Training plan. Develop a hands-on, interactive training plan that includes but is not limited to labeling, safety factors, environmental consequences, pest identification and characteristics, pesticide types, formulations and dilutions, equipment maintenance and calibration, application techniques, applicable local and federal pesticide laws

and regulations, and other relevant information as deemed necessary, including but not limited to worker protection standards, record keeping, recent updates in pesticide applications, and other pertinent matters.

(2) Core Training Duration. Training shall be a minimum of eight hours of instruction, which shall include but is not limited to lecture, practicum, and exam preparation.

(3) Training Announcement/Registration. Training shall be advertised through local media (newspaper, radio, television, and other means), and utilize other means of community public announcements such as markets, forums, bulletin boards, etc. at least three weeks prior to the scheduled training.

(4) Training Materials. Instructor shall provide all materials (books, handouts, etc.) for the workshop and update all materials (books, handouts, etc.) as required or as needed.

(c) Reporting. Instructor shall report all pesticide and safety education program activities to Division of Environmental Quality at the end of each quarter (Dec* 31, March 31, June 30, and September 30).

§ 65-70-405 Required Certification

(a) Any person who uses or supervises the use of any pesticide for commercial purposes must obtain a certification from DEQ.

(b) Any person who uses, sells, or distributes restricted use pesticides must obtain a certification from DEQ.

§ 65-70-410 Categories of Commercial Applicators, Private Applicators, and Licensed Dealers

(a) Commercial Applicators

Categories of applicators (other than private) are identified below:

(1) Agricultural pest control

(i) Plant. This category includes commercial applicators using or supervising the use of pesticides in production of agricultural crops, including without limiting the foregoing, tobacco, peanuts, cotton, feed grains, soybeans and forage; vegetables; small fruits; tree fruits and nuts; as well as on grasslands and non-crop agricultural lands.

(ii) Animal. This category includes commercial applicators using or supervising the use of pesticides on animals, including without limiting the foregoing, beef cattle, dairy cattle, swine, sheep, horses, goats, poultry, and livestock, and to places on or in which animals are confined. Doctors of Veterinary Medicine engaged in the business of applying pesticides for hire, publicly holding themselves out as pesticide applicators, or engaged in large-scale use of pesticides are included in this category.

(2) Forest pest control. This category includes commercial applicators using or supervising the use of pesticides in forests, forest nurseries, and forest seed producing areas.

(3) Ornamental and turf pest control. This category includes commercial applicators using or supervising the use of pesticides to control pests in the maintenance and production of ornamental trees, shrubs, flowers, turf, including the maintenance of resort grounds, golf courses, or green houses.

(4) Seed treatment. This category includes commercial applicators using or supervising the use of pesticides on seeds.

(5) Aquatic pest control. This category includes commercial applicators using or supervising the use of pesticide purposefully applied to standing or running water, excluding applicators engaged in public health related activities as set forth in subsection (a)(7).

(6) Right-of-way pest control. This category includes commercial applicators using or supervising the use of pesticides in the maintenance of public roads, electric power lines, pipelines, railway rights-of-way, or other similar areas.

(7) Industrial, institutional, structural, and health related pest control. This category includes commercial applicators using or supervising the use pesticides in, on, or around food handling facilities, human dwellings, institutions, such as schools and hospitals, industrial facilities, including warehouses and grain elevators, and any other structures and adjacent areas, public or private; and for the protection of stored, processed, or manufactured products.

(8) Public health pest control. This category includes governmental employees using or supervising the use of pesticides in public health programs for the management and control of pests having medical and public health importance.

(9) Regulatory pest control. This category includes governmental employees using or supervising the use of pesticides in the control of regulated pests.

(10) Demonstration and research pest control. This category includes: individuals who demonstrate to the public the proper use and techniques of application of pesticides or supervise such demonstration, and persons conducting field research with pesticides, and in doing so, use or supervise the use of pesticides. Included in the first group are such persons as extension specialists and county agents, commercial representatives demonstrating pesticide products, and those individuals demonstrating methods used in public programs. The second group includes: state, federal, commercial and other persons conducting field research on or utilizing pesticides.

(b) Private Applicators

Any person who uses or supervises the use of any restricted use pesticide who is not a commercial applicator shall be classified as a private applicator.

(c) Licensed Dealer

Any person who engages in the importation, sale, or distribution of restricted use pesticide shall be classified as a licensed dealer and shall be certified in the same manner as a commercial applicator.

§ 65-70-415 Standards of Competency

(a) Pesticide safety and education training offered in the CNMI shall include but is not limited to:

- (1) Labeling;
- (2) Safety factors;
- (3) Environmental consequences;
- (4) Pest identification and characteristics;
- (5) Pesticide types, formulations, and dilutions;
- (6) Equipment maintenance and calibration;
- (7) Proper storage, use, and disposal of pesticides and containers;
- (8) Pesticide application techniques;
- (9) Pesticide laws and regulations;
- (10) Recordkeeping;
- (11) Worker protection standards; and
- (12) Other relevant information as deemed necessary, including but not limited to recent updates in pesticide applications and other pertinent matters.

(b) Examinations.

(1) Any person intending to become pesticide applicator or dealer must demonstrate competency based on a written pesticide safety examination.

(2) The passing grade for the written pesticide safety examination is seventy percent. Such examination and testing shall include the general standards applicable to all categories and the additional standards specifically identified for each category or subcategory in which an applicator is to be classified, and to the pesticide or class of pesticides covered by the persons' certification.

(3) Examinations are offered as needed; request for examination must be made on a form provided by DEQ for that purpose.

(c) Determination of Competency for Commercial Applicators

(1) General Standards of Competency.

All applicators shall demonstrate practical knowledge of the principles and practices of pest control and safe use of pesticides as described below. Testing shall be based on examples of problems and situations appropriate to the particular category or subcategory of the applicator's certification and the following areas of competency:

- (i) Label and Labeling Comprehension. Factors including general format of labels and terminology that are used on pesticide labels and labeling; instructions, warnings, terms, symbols, and other information commonly appearing on pesticide labels; classification of the product, general or restricted; and necessity for use consistent with the label.
- (ii) Safety. Factors including: pesticide toxicity and hazard to man and common exposure routes; common types and causes of pesticide accidents; precautions necessary to guard against injury to applicators and other individuals in or near treated areas; need for and use of protective clothing and equipment; symptoms of pesticide poisoning; first aid and other procedures to be followed in case of a pesticide accident; and 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.
- (iii) Potential Environmental Consequences of the Use and Misuse of Pesticides. Including influential factors such as: weather and other climatic conditions; types of terrain, soil or other substrate; presence of fish, wildlife and other non-target organisms; drainage patterns.
- (iv) Pests. Including factors such as: common features of pest organisms and characteristics of damage needed for pest recognition; recognition of relevant pests; and pest development and biology as it may be relevant to problem identification and control.
- (v) Pesticides. Including factors such as: types of pesticides; types of formulations; compatibility, synergism, persistence and animal and plant toxicity of the formulations; hazards and residues associated with use; factors which influence effectiveness or lead to such problems as resistance to pesticides; and dilution procedures, including calculations to achieve correct application rate.
- (vi) Equipment. Including factors such as: types of equipment and advantages and limitations of each type; and use, maintenance and calibration.
- (vii) Application techniques. Including factors such as: methods of procedure used to apply various formulations of pesticides, solutions, and gases, together with knowledge of which technique of application to use in a given situation; relationship of discharge and placement of pesticides to proper use, unnecessary use, and misuse; and prevention of drift and pesticide loss into the environment.
- (viii) All local and federal requirements, applicable to the CNMI.

(2) Specific Standards of Competency. Commercial Applicators shall demonstrate competence and shall be particularly qualified with respect to the standards elaborated below.

(i) Agricultural Pest Control.

(A) Plants. Applicators must demonstrate practical knowledge of the crops grown and the specific pests of these crops on which they may be using RUPs. The importance of such competency is amplified by the extensive areas involved, the quantities of pesticides needed, and the ultimate use of many commodities as food and feed. Practical

knowledge is required concerning soil and water problems, pre-harvest intervals, re-entry intervals, phytotoxicity, and potential for environmental contamination, non-target injury and community problems from the use of restricted use pesticides in agricultural areas.

(B) Animals. Persons applying pesticides directly to animals must demonstrate knowledge of such animals and their associated pests. A practical knowledge is also required concerning specific pesticide toxicity and residue potential, since host animals will frequently be used for food. Further, the applicator must know the relative hazards associated with such factors as formulation application techniques, age of animals, stress and extent of treatment.

(ii) Forest Pest Control. Applicators shall demonstrate practical knowledge of the extent and types of forests, forests nurseries, and seed production in the Northern Marianas and the pests involved. They shall possess practical knowledge of the cyclic occurrence of certain pests and specific population dynamics as a basis for programming pesticide applications. A practical knowledge is required of the relative biotic agents and their vulnerability to pesticides to be applied. Because forest stands frequently include aquatic habitats and harbor wildlife, the consequences of pesticide use may be difficult to assess. The applicators must therefore demonstrate practical knowledge of control methods that will minimize the possibility of secondary problems such as unintended effects on wildlife. Proper use of specialized equipment must be demonstrated, especially as it may relate to meteorological factors and adjacent land use.

(iii) Ornamental and Turf Pest Control. Applicators shall demonstrate practical knowledge of pesticide problems associated with the production and maintenance of ornamental trees, shrubs, plantings, and turf, including cognizance of potential phytotoxicity due to a wide variety of plant material, drift, and persistence beyond the intended period of pest control. Because of the frequent proximity of human habitations to application activities, applicators in this category must demonstrate practical knowledge of the application methods which will minimize or prevent hazards to humans, pets, and other domestic animals.

(iv) Seed Treatment. Applicators shall demonstrate practical knowledge of types of seeds that require chemical protection against pests and factors such as seed coloration, carriers, and surface active agents which influence pesticide binding and may affect germination. They must demonstrate practical knowledge of hazards associated with handling, sorting and mixing, and misuse of treated seed such as introduction of treated seed into food and feed channels, as well as proper disposal of unused treated seed.

(v) Aquatic Pest Control. Applicators shall demonstrate practical knowledge of the secondary effects which can be caused by improper application rates, incorrect formulations, and faulty application of restricted use pesticides used in this category. They shall demonstrate practical knowledge of various water use situations and the potential of downstream effects. Further, they must have practical knowledge concerning potential pesticide effects on plants, fish, birds, beneficial insects and other organisms which may be present in aquatic environments. These applicators shall demonstrate practical knowledge of the principles of limited area application.

(vi) Right-of-way Pest Control. Applicators shall demonstrate practical knowledge of a wide variety of environments since rights-of-ways can traverse many different terrains, including waterways. They shall demonstrate practical knowledge of the problems of runoff, drift, including drift control measures and procedures, and excessive foliage destruction and ability to recognize target organisms. They shall also demonstrate practical knowledge of the nature of herbicides and the need for containment of these pesticides within the right-of-way area, and the impact of their application activities in the adjacent areas and communities.

(vii) Industrial, Institutional, Structural and Health-Related Pest Control.

(A) General and Structural Pest Control. Applicators must demonstrate practical knowledge of a variety of pests including their life cycles, as well as types of formulations appropriate for their control and methods of application that avoid contamination of food damage and contamination of habitat, and exposure of people and pets. Since human exposure, especially to babies, children, pregnant women, and elderly people, is frequently a potential problem, applicators must demonstrate practical knowledge of the specific factors which may lead to a hazardous condition, including continuous exposure in the various situations encountered in this category. Because health related pest control may involve outdoor applications, applicators in this category must also demonstrate practical knowledge of environmental conditions particularly related to this activity.

(B) Structural and Commodity Fumigation. In this subcategory, types of structures include, but are not limited to inhabited buildings, containers, boat. Applicators must demonstrate practical knowledge of core requirements covering fumigant and fumigation use laws and regulations, the basic principles of fumigant use, of handler and worker safety requirements especially pesticide safety training, preventing heat-related illnesses, of fumigant labels, how to interpret and follow label directions and requirements. Applicators must demonstrate practical knowledge of the hazards associated with fumigant use and preventing human exposure, environmental contamination, off-site movement/drift, and phytotoxicity, of safe fumigant handling practices, proper PPE selection, use, and care, and responding to fumigant emergencies. Applicators must demonstrate practical knowledge of proper fumigant application procedures, selecting and using appropriate application equipment and its calibration, and of hazards and safe use practices.

(C) Soil Fumigation. Applicators must demonstrate practical knowledge of core requirements covering fumigant and fumigation use laws and regulations, the basic principles of fumigant use, of handler and worker safety requirements especially pesticide safety training, preventing heat-related illnesses, of fumigant labels, how to interpret and follow label directions and requirements. Applicators must demonstrate practical knowledge of the hazards associated with fumigant use and preventing human exposure, environmental contamination, off-site movement/drift, and phytotoxicity, of safe fumigant handling practices, proper PPE selection, use, and care, and responding to fumigant emergencies. Applicators must demonstrate practical knowledge of proper fumigant application procedures, selecting and using appropriate application equipment and its calibration, and of hazards and safe use practices.

(viii) Public Health Pest Control. Applicators must demonstrate practical knowledge of pests of public health importance, vector-disease relationships, and etiology of disease-host relationships. Since a wide variety of pests are involved, these pests must be known and recognized by public health control applicators, and the life's* cycles and habitats of each thoroughly understood. These applicators should be familiar with a great variety of environmental conditions ranging from streams to dwellings. They should also be cognizant of such non-chemical control methods as sanitation, waste disposal, and drainage. Applicators shall demonstrate practical knowledge of regulated pests, applicable law relating to quarantine and other regulation of pests, and the potential impact on the environment of restricted use pesticides used in suppression and eradication programs. They shall demonstrate knowledge of factors influencing introduction, spread, and population dynamics of relevant pests.

(ix) Regulatory Pest Control. Applicators must demonstrate practical knowledge of applicable laws, safety, regulated pests, pesticides and the impact of restricted use introduction, spread, and population dynamics of relevant pests. Applicators shall demonstrate practical knowledge over and above that required by their immediate duties since emergency measures are frequently required and individual judgments in new situations must be made.

(x) Demonstration and Research Pest Control. Persons demonstrating the safe and effective use of pesticides to other applicators and the public will be expected to meet comprehensive standards reflecting a broad spectrum of pesticide uses. Many different pest problems situations will be encountered in the course of activities associated with demonstration, and practical knowledge of problems, pests, and population levels occurring in each demonstration situation is required. Further, they should demonstrate an understanding of pesticide-organism interactions and the importance of integrating pesticide use with other control methods. Applicators doing demonstration pest control work, conducting field research or method improvement work with RUPs should possess a practical knowledge of all of the general standards detailed in subsection (a). In addition, they shall be expected to know the specific standards described in subsection (b) as may be applicable to their particular activity.

(3) Specific Standards of Competency. Private applicators shall demonstrate that s/he possesses a practical knowledge of the pest problems associated with his or her agricultural operations. Private applicators must be able to:

- (i) Recognize common pests to be controlled and damage caused by them;
- (ii) 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;
- (iii) 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;
- (iv) Recognize local environmental situations that must considered during the application to avoid contamination.
- (v) Recognize poisoning symptoms and procedures to follow in case of a pesticide accident.

(4) Specific Standards of Competency. Licensed dealers shall demonstrate additional competence and knowledge regarding but not including but not limited to the following:

- (i) Pesticide legislation, regulations, and guidelines;
- (ii) Safety and toxicology;
- (iii) Disposal;
- (iv) Storage and transportation;
- (v) Effects on animals, plants, and environment; fish and wildlife;
- (vi) Factors affecting pesticide applications;
- (vii) Classification and formulations of insecticides;
- (viii) Fungicides, herbicides, and other pesticides and their uses;
- (ix) Definitions;
- (x) Recommendations for use of pesticides; and
- (xi) Poisoning symptoms and procedures to follow in case of a pesticide accident.

§ 65-70-420 Applications Forms, Duration, and Renewals

(a) Application for certification as a pesticide applicator or licensed dealer shall be made to the Director on a form provided for that purpose.

(b) Duration of Certification and Renewals.

(1) All certifications shall be valid for a period of three years from the date of issuance unless earlier suspended or revoked by the Director.

(2) Application for renewal shall be made to the Director on a form provided for that purpose.

(3) Applicants may renew certification by attending continuing education (CE) units, relevant to the certification category, offered by any U.S. state or territory. However, renewals through classes may only be considered if the applicant takes CE units during the certification period in the same or similar category for which the renewal is sought.

(i) Commercial applicators must take a minimum of twelve continuing education units to renew his or her certification.

(ii) Private applicators must take a minimum of six continuing education units to renew his or her certification.

(4) In the event the applicator was not able to attend CE units, the applicant shall be required to pass another examination of the same type required for renewals of certifications to ensure the ability to meet the requirements of changing technology and to assure a continuing level of competency and ability to use pesticides safely and properly.

(5) In the event the applicator wishes to add or change his or her certification category, the applicant shall pass demonstrate competency in the new category.

§ 65-70-425 Standards for Supervisory of Non-Certified Applicators by Certified Applicators

A non-certified but competent person acting under the direct supervision a certified applicator may apply general use pesticides in situation that would otherwise require the application by a certified applicator. The availability and active supervision of the certified applicator must be directly related to the hazard of the situation and the pesticide used. Non-certified applicators may only apply restricted use pesticides under the direct supervision of a certified applicator physically located at the site. Responsibility for proper application of general or restricted use pesticides shall remain with the both the* non-certified and certified applicator.

§ 65-70-430 Reciprocity with Other Jurisdictions and Temporary Certification

The Director may issue a temporary certification to a person who holds a valid pesticide applicator's certification issued in another state or territory of the United States having an approved state plan. The temporary certification shall remain valid for the length of time that the underlying certification is valid.

§ 65-70-435 Extension, Denial, Suspension or Revocation, and Appeal

(a) If the Director determines there is a need for a specific type of pesticide applicator and that it is in the best interests of the CNMI, he may extend the validity of the temporary certification. Written application for temporary certificate shall be made to the Director 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 Director may recognize, a temporary pesticide applicator certificate shall be non-renewable.

(b) The Director 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.

(c) The Director may deny certification to:

- (1) Any person whose certification is suspended or revoked;
- (2) Any person who has been found to be in violation of any part of these regulations;
- (3) Any person who has failed to pass the proficiency test;
- (4) Any person who fails to pay the required fees.

(d) Any certification issued pursuant to this part will be reviewed for suspension or revocation by the Director 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.

(e) Any person who has been denied certification pursuant to this section or whose certificate has been suspended or revoked may request DEQ to set aside such denial, suspension, or revocation pursuant to the Administrative Procedures Act, [1 CMC §§ 9101](#), et seq. The Director's written decision on the matter shall be final and appeal shall only be available in accordance with law.

§ 65-70-440 Fees

(a) Persons desiring to obtain certification through examination administered by the Division of Environmental Quality shall pay a non-refundable fee of ten dollars.

(b) Commercial applicators shall pay a non-refundable fee of fifty dollars for the processing of the application.

(c) Private applicators shall pay a non-refundable fee of ten dollars the processing of the application.

(d) Fees for government applicators may be waived, provided the applicator only conducts such applications at government projects.

(e) Restricted use pesticide dealers shall pay a non-refundable fee of fifty dollars for the processing of the application.

(f) All renewal of certification (commercial applicator, private applicator, RUP dealer) shall pay the established processing fee.

Part 500 - List of Banned and Restricted Pesticides and ~~Notice of Change in Status~~

§ 65-70-501 Restricting of Pesticides

DEQ may restrict any use of any pesticide when it is deemed likely to produce significant adverse effects on human health or the environment. When DEQ determines that a pesticide is a Restricted Use Pesticide ("RUP"), its application is limited to certified applicators in all instances, as set forth in [part 400](#). Applicators bear the responsibility for determining whether any pesticide is an RUP under these regulations. If the use of any pesticide is restricted by U.S. EPA, it shall immediately become an RUP under this section, regardless if the pesticide is contained on the list maintained by the Director. In the event of a conflict in the listed status of a pesticide, the more stringent classification applies.

§ 65-70-505 Banning of Pesticides

DEQ may prohibit the importation, sale, distribution, and use of any pesticide or prohibit a specific use 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 product suspended or canceled by the EPA or the registrant under FIFRA shall constitute a banned use regardless of whether it is contained on the list maintained by the Director at DEQ's offices. In the event of a conflict in the listed status of a pesticide, the more stringent classification applies.

§ 65-70-510 Notice of Changes in Status

The Director shall keep a current list of pesticides restricted and banned by DEQ in the CNMI at DEQ's main office on Saipan, which shall serve to update, and in the case of conflict, supersede, any prior list of banned and restricted use pesticides. When a restricted use or banned pesticide is added to or removed from the CNMI list, DEQ shall issue a notice in a local newspaper and DEQ website. DEQ shall not be responsible for notifying the public that EPA or the registrant has suspended or cancelled any use or designated a pesticide as restricted use, and lack of such notice will not be a defense to any action brought by DEQ.

List of Banned Pesticides

For the purposes of Public Law 19-54 and 6 CMC § 2301(a) BECQ shall develop and maintain a list of banned pesticides in order to protect and safeguard the health and safety of the people of the Commonwealth. The following active ingredients shall be banned:

<u>CHEMICAL NAME</u>	<u>CHEMICAL ABSTRACT SERVICE (CAS) NUMBER</u>
Captafol	2425-06-1 / 2939-80-2
Chlordane	57-74-9, 12789-03-6, 5103-71-9, 5103-74-2
DDT	50-29-3 / 789-02-6
Dieldrin	60-57-1
Fluoroacetamide	640-19-7
Heptachlor	76-44-8
Hexachlorobenzene	118-74-1
Lindane	58-89-9
Methamidophos	10265-92-6
Methyl-parathion (Emulsifiable concentrates (EC) at or above 19.5% active ingredient and dusts at or above 1.5% active ingredient)	298-00-0
Monocrotophos	6923-22-4
Phosphamidon (Soluble liquid formulations of the substance that exceed 1000 g active ingredient/l)	13171-21-6
Toxaphene (Camphechlor)	8001-35-2

§ 65-70-515 Responsibility of Applicators/Dealers/Importers

(a) It shall be the responsibility of any person using, distributing, selling, or importing pesticides to ensure that they are aware of the current status of the pesticide under FIFRA prior to use, distribution, sale, or import.

(b) It shall further be the responsibility of any person using, distributing, or selling or importing pesticides to ensure that they are aware of the current status of the pesticide under CNMI law prior to the use, distribution, sale, or import.

§ 65-70-520 Experimental Use Permits

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), with concurrence from DEQ.

Part 600 - Enforcement and Penalties

§ 65-70-601 Instituting Actions

The Director may enforce the regulations in this chapter by the initiation of an administrative action and/or requesting the initiation of a civil or criminal case in the Commonwealth Courts pursuant to the Commonwealth Environmental Protection Act, [2 CMC § 3131](#).

§ 65-70-605 Banning of Pesticides

(a) At any facility where pesticides are imported, sold, used, stored, transported, or disposed, the Director and his representatives may conduct inspections, enter properties, review records, and take samples pursuant to 2 CMC § 3132 in order to enforce these regulations and protect the public health and environment and of the CNMI.

(b) The Director may issue a written or printed "stop sale, use or removal" order to any person who owns, controls, or has custody of a misbranded 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.

§ 65-70-610 Administrative Orders

(a) The Director may issue administrative orders and take other administrative actions, including requiring remedial action and issuing penalties specified in [2 CMC § 3131](#). Administrative action shall be taken in accordance with the Administrative Procedures Act, [1 CMC §§ 9101](#) et seq.

(b) Procedures for Administrative Orders

(1) The Director may issue and order any person to pay a civil fine of not more than \$25,000.00 for each violation of the Act, regulations adopted pursuant to the Act, or any permit or license issued pursuant to the Act and such regulations. Each day of continued violation after issuance of written notice by the Director or designee and the expiration of any reasonable period allowed for corrective action is a separate offense.

(2) Where the Director initiates an administrative action, the respondent is entitled to request an administrative hearing within seven calendar days of the receipt of the order. The written request for a hearing shall serve as the answer to DEQ's administrative order or 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 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:

(i) The circumstances or arguments which are alleged to constitute the grounds of defense; and

(ii) The facts which respondent intends to place at the issue.

(3) Failures 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.

(4) 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 Director.

(5) If a hearing is conducted, the Director or his designee will preside over the hearing. The Director shall control the taking of testimony and evidence and shall cause to be made an audio, audio-video, or stenographic record the hearing. The type of record made shall be the discretion of the Director. Evidence presented at such a hearing need not conform to the prescribed rules of evidence, but may be limited by the Director in any manner he reasonably determines to be just and efficient and promote the ends of justice. The Director shall issue a written decision within fifteen 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.

(6) Upon issuance of the written decision, the respondent may seek relief from the decision by the Director. The request for relief must be filed within ten 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 review or a rehearing before the Director. The Director may in his discretion elect to review the case and issue a written decision amending or affirm in the decision. He will issue a written decision within thirty calendar days.

(7) The Director's decision shall be final. An appeal from the final enforcement decision shall be to the Commonwealth Superior Court within thirty calendar days following service of the final agency decision.

(8) For filing deadline purposes counting of the days shall start on the day after receipt of the administrative order or complaint. If any filing date falls on a Saturday, Sunday, or Commonwealth Holiday, the filing date shall be extended to the next working day.

§ 65-70-615 Seizures

The Director may seize any banned, adulterated, misbranded, or unregistered pesticide for violation of these regulations if the pesticide poses a risk to the public welfare and the environment, and may take emergency actions necessary as permitted by law to prevent a serious and imminent hazard to the human health or welfare. **A storage fee will be assessed for any pesticide or pesticide device that has been detained or denied entry and impounded in accordance with § 65-70-225.**

§ 65-70-620 Penalties

Any person who violates or who refuses or neglects to comply with any provision of the regulations in this chapter or any certification, standard, notification, permit, or order issued by the Director or the Division shall be subject to the penalties set forth in [2 CMC § 3131](#).

Part 700 - Miscellaneous Provisions

§ 65-70-701 Application of Laws

In the event of any conflict between legally applicable standards, the more stringent standard shall apply.

§ 65-70-705 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
HEALTH CARE PROFESSIONS LICENSING BOARD
P.O. Box 502078, Bldg., 1242 Pohnpei Court
Capitol Hill, Saipan, MP 96950
Tel No: (670) 664-4809 Fax: (670) 664-4814
Email: cnmi@cnmibpl-hcplb.net
Website: cnmibpl-hcplb.net

**NOTICE OF PROPOSED AMENDMENTS TO THE
HEALTH CARE PROFESSIONS LICENSING BOARD FOR
LICENSED BACCALAUREATE SOCIAL WORKER, LICENSED MASTER'S SOCIAL
WORKER AND LICENSED CLINICAL SOCIAL WORKER**

INTENDED ACTION TO ADOPT THESE PROPOSED REGULATIONS: The Health Care Professions Licensing Board (HCPLB) intends to adopt as permanent regulations the attached Proposed Regulations, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The regulations would become effective 10 days after compliance with 1 CMC §§ 9102 and 9104(a) or (b) (1 CMC § 9105(b)).


These Regulations shall repeal and replace the prior Regulations published at Volume 37, No. 07, page 36787 on July 30, 2015 of the Commonwealth Register. These Regulations shall be codified at Title 140, Chapter 50, Subchapter 50.3, part 2315(b).

AUTHORITY: The Health Care Professions Licensing Board has statutory power to promulgate and effect regulations pursuant to 4 CMC § 2206(b), as amended.

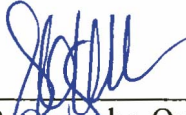
THE TERMS AND SUBSTANCE: The attached proposed amendments amend the regulations to grandfather in the limited number of clinical social workers that would otherwise be disqualified from receiving a license for clinical social work under the regulations published at Volume 35, No. 10, page 034371, provided the social workers were practicing for at least two years prior to July 1, 2016.

THE SUBJECTS AND ISSUES INVOLVED: The proposed amendments is to amend the regulations to grandfather in members of the limited number of clinical social workers that were working in the Commonwealth prior to the regulations on licensure published at Volume 35, No. 10, page 034371, provided that such social workers were practicing for at least two years prior to July 1, 2016.

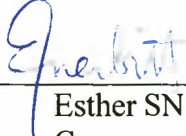
DIRECTIONS FOR FILING AND PUBLICATION: The Board is soliciting comments regarding these proposed amendments which must be received by the Board within thirty (30) days of first publication of this notice in the Commonwealth Register. Interested persons may request copies of the proposed amendments by contacting us at 664-4809 or by email at cnmi@cnmibpl-hcplb.net or come by our office located at Bldg. 1242, Pohnpei Ct., Capitol Hill, Saipan. Written comments on these amendments should be drop off at our office or sent to the BPL, P.O. Box 502078, Saipan, MP 96950.

Submitted By: 
Theodore R. Parker, R.Ph., MPH
HCPLB Chairman

12/22/2016
Date

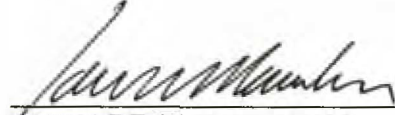
Received By: 
Shirley P. Camacho-Ogumoro
Special Assistant for Administration

12/27/16
Date

Filed and Recorded By: 
Esther SN Nesbitt
Commonwealth Register

12.28.2016
Date

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a) (3) (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published, 1 CMC § 2153(f) (publication of rules and regulations).


EDWARD MANIBUSAN
Attorney General

12/29/16
Date

Commonwealth gi Sangkattan na Islas Marianas Siha
HEALTH CARE PROFESSIONS LICENSING BOARD
P.O. Box 502078, Bldg., 1242 Pohnpei Court
Capitol Hill, Saipan, MP 96950
Tel No: (670) 664-4809 Fax: (670) 664-4814
Email: cnmi@cnmibpl-hcplb.net
Website: cnmibpl-hcplb.net

NUTISIAN I MANMAPROPONI NA AMENDASION GI REGULASION SIHA PARA I HEALTH CARE
PROFESSIONS LICENSING BOARD PARA I MA LISENSIA BACCALAUREATE SOCIAL WORKER, I MAN MA
LISENSIA NA MASTER'S SOCIAL WORKER YAN I MAN MA LISENSIA NA CLINICAL SOCIAL WORKER.

I MA INTENSIONA NA AKSION PARA U'MA ADAPTA ESTI I MANMAPROPONI NA REGULASION SIHA: I
Health Care Professions Licensing Board(HCPLB) ha intensiona para u'ma adapta kumu petmanienti na
regulasion siha ni mañechettun i manmaproponi na Regulasion siha, sigun i manera siha gi Aktun
Administrative Procedure, 1 CMC § 9104 (a). I regulasion siha para u ifektibu gi dies (10) dihas na
tiempu dispues di kinumplin i 1 CMC §§ 9102 yan 9104 (a) pat (b) (1 CMC § 9105 (b)).


Esti na regulasion siha siempre a'anok yan ma tulaika i mofotna na regulasion siha i malak ñgosña giya
volume 37, No. 07, pahina 36787 gi Julio 30, 2015 giya i rehistran i Commonwealth. Esti na regulasion
siha debi na u'ma codified gi Title 140, pãtti 50, Subchapter 50.3, pãtti 2315(b).

ÅTURIDÅT: I Health Care Professions Licensing Board gai fuetsa ni para u macho'gui yan u ifektibu i
regulasion siha sigun gi manera 4 CMC § 2206(b), nai ma amenda.

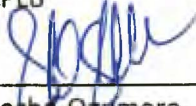
I TEMA YAN SUSTÅNSIA I PALÅBRA SIHA: I mañechettun ni manmaproponi na amendasion siha ma
amend i regulasion siha para i tãta ayu i limitãt na numiru i clinical social workers tãt kumu man
diskualifikao ni para un fan man risibi lisensia para i clinical social worker gi pãpa i regulasion siha ni ma
publika gi volume 35, No. 10, pãhena 034371, ni mu nãnã'e i social workers siha ayu i ma praktitika
para maseha dos (2) ãno's na tiempu åntis di Julio 1, 2016.

I MASUHETU YAN ASUNTU NI MANTINEKKA: I manmaproponi na amendasion siha ayu i para u'ma
amenda i regulasion para i tãta i membru siha ayu i limitãt na numiru i clinical social workers ayu i man
machocho'chu giya i Commonwealth åntis nu i regulasion siha gi licensure ni ma publika gi volume 35,
No. 10, pãhina 034371, ni manãnã'e na i social workers siha i ma praktitika para maseha dos (2) ãño's
na tiempu åntis di Julio 1, 2016.

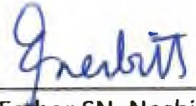
DIREKSION PARA U MAPO'LU YAN PUPBLIKASION: I Kuetpu mamamaisin imfotmasion sigun gi
manmaproponi na amendasion siha ni debi na u marisibi ginin i Kuetpu gi hãlum i trenta (30) dihas na
tiempu gi primet na publikasion esti na nutisia gi hãlum i Rehistran Commonwealth. Hãyi gai intires na
petsona siña manggãgão kopia siha gi manmaproponi na amendasion siha ya a'agang ham gi 664-4809
pat i email gi cnmi@cnmibpl-hcplb.net pat fãttu gi ufisinin mãmi ni gaigi gi Bldg. 1242, Pohnpei Ct.,
Capitol Hill, Saipan. Tugi' i hãlum put esti na amendasion siha ya u machuli' guatu gi ufisinin-mãmi pat
na'hãnão para i BPL, P.O. Box 502078, Saipan, MP 96950.

Nina'hålum as: 
Theodore R. Parker, R.Ph., MPH
Kabesiyun HCPLB

12/22/2016
Fetcha


Rinisibi as: 
Shirley P Camacho-Ogumoro
Ispisiât Na Ayudânti Para i Atministrasion

12/27/16
Fetcha

Pine'lu Yan Ninota as: 
Esther SN. Nesbitt
Rehistran Commonwealth

12-26-2016
Fetcha

Sigun i 1 CMC § 2153(e) (Inaprueban Abugâdu Henerât i regulasion siha ni para u macho'gui kumu fotma) yan i 1 CMC § 9104 (a) (3) (inahentan inaprueban Abugâdu Henerât) i manmapropoponi na regulasion siha ni mañechettun guini ni manmaribisa yan manma'aprueba kumu fotma yan sufisienti ligât ginin i CNMI Abugâdu Henerât yan debi na u mapupblika, 1 CMC § 2153 (f) (puplikasion areklamentu yan regulasion siha).


EDWARD MANIBUSAN
Abugâdu Henerât

12/29/16
Fetcha

Commonwealth Téel Falúw kka Efang llól Marianas
HEALTH CARE PROFESSIONS LICENSING BOARD

P.O. Box 502078, Bldg., 1242 Pohnpei Court
Capitol Hill, Saipan, MP 96950

Tel No: (670) 664-4809 Fax: (670) 664-4814

Email: cnmicnmibpl-hcplb.net

Website: cnmibpl-hcplb.net

**ARONGORONG REEL POMMWOL LIIWEL REEL
HEALTH CARE PROFESSIONS LICENSING BOARD NGÁLI
LICENSED BACCALAUREATE SOCIAL WORKER, LICENSED MASTER'S SOCIAL
WORKER ME LICENSED CLINICAL SOCIAL WORKER**

MÁNGEMÁNGIL MWÓGHUT REEL REBWE ADÓPTÁÁLI POMMWOL

MWÓGHUTUGHUT: Health Care Professions Licensing Board (HCPLB) re mángemángil rebwe adóptááli bwe ebwe lléghló mwóghutughut kka e appasch bwe Pommwol Mwóghutughut, sáangi mwóghutughutúl Administrative Procedure Act, 1 CMC § 9104(a). E bwe bwungló mwóghutughut kkal llól seigh (10) ráál mwiril aal angúungúló reel 1 CMC §§ 9102 ,me 9104(a) ngáre (b) (1 CMC § 9105(b)).


Mwóghutughut kkal ebwe siiweli fasúl mwóghutughut ikka e akkatééwow reel Volume 37, No. 07, peigh 36787 wóól Ullyo 30, 2015 reel Commonwealth Register. Mwóghutughut kkal ebwe limeti Title 140, Chapter 50, Subchapter 50.3, part 2315(b).

BWÁNGIL: Eyoor bwángil Health Care Professions Licensing Board bwe rebwe arongowow me mwóghutughutágháli allégh sáangi 4 CMC § 2206(b), igha ra liiweli.

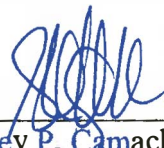
KKAPASAL ME WEEWEL: Pommwol liiwel kka e appasch nge e siiweli mwóghutughut iye e taatali reel clinical social workers ikka ese mmwelil qualify rebwe bwughi license ngáli clinical social work faal mwóghutughut ikka e akkatééwow reel Volume 35, No. 10, peighil 034371, fengál bwe e ayoora bwe social workers kkal re yááli reel ruwoow (2) ráágh mmwalil Ullyo 1, 2016.

KKAPASAL ME ÓUTOL: Pommwol liiwel kkal ebwe siiweli mwóghutughut iye e taatalilong membrool clinical social worker ikka re ighus schaagh ikka re tarabwaagho llól Commonwealth fasúl reel mwóghutughutúl licensure iye e akkatééwow reel Volume 35, No. 10, peighil 034371, fengál bwe e ayoora bwe social workers kkal re yááli reel ruwoow (2) ráágh mmwalil Ullyo 1, 2016.


AFAL REEL AMMWELIL ME AKKATÉÉWOWUL: Board re tungór ówbwe atotoolong mwalili reel pommwol liiwel ikka ebwe isiislong reel Board llól eliigh (30) ráál reel mmwalil aal akkatééwow arongorong yeel llól Commonwealth Register. Schóó kka re mwuschel pappidil pommwol liiwel kkal emmwel rebwe fafailó 664-4809 ngáre email reel cnmi@cnmibpl-hcplb.net ngáre itto reel bwulasiyo iye yáámem iye e lo reel Bldg. 1242, Pohnpei Ct., Capitol Hill, Saipan. Ischil mángemáng reel liiwel kkal ebwe tooló reel bwulasiyo ngáre affangaló reel BPL, P.O. Box 502078, Saipan, MP 96950.

Isaliyalong: 
Theodore R. Parker, R.Ph., MPH
HCPLB Chairman


Ráál

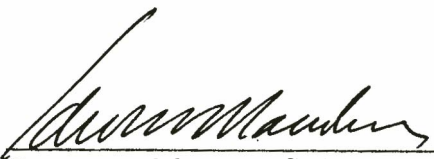
Bwughiyal: 
Shirley P. Camacho-Ogumoro
Special Assistant ngáli Administration


Ráál

Ammwelil: 
Esther SN. Nesbitt
Commonwealth Register


Ráál

Sángi 1 CMC § 2153(e) (Allégh kkal e bwe lléghló sáangi AG bwe e fil reel fféerúl) me 1 CMC § 9104(a) (3) (mwiir sáangi yaar lléghló me AG) pommwol mwóghutughut kka e appasch igha nge ra takkal amwuri fischiiy me átirow bwe ebwe fil reel fféerúl me legal sufficiency sáangi CNMI Attorney General me ebwe le arongowow, 1 CMC § 2153(f) (arongowowul allégh me mwóghutughut).


EDWARD MANIBUSAN
Soulemelemil Allégh Lapalap


Ráál

To amend section (b) of section 140-50.3-2315 of 140-50.3, NMIAC Title 140

(b) Notwithstanding the above licensure requirements, the Board may license an individual that holds at least a Master's Degree in Social Work from a school accredited by the Council of Social Work Education, and has been practicing as a professional social worker in the Commonwealth of the Northern Mariana Islands for at least two years prior to July 1, 2016.