UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

HAND-DELIVERED/EMAIL: speaker@guamlegislature.org

36L-19-0671
Speaker Tina Rose Muña Barnes

JUN 28 2019
Time 10:40 ✓AM ( )PM
Received By:

2019 JUN 28 AM 11:41

June 27, 2019

HONORABLE TINA MUÑA BARNES
Speaker
I Mina'trentai Singko Na Liheslaturan Guåhan
Guam Congress Building
Hagåtña, Guam 96910

Re: ***"Prutehi I Hanom Act Of 2019 – An Act To Protect The Waters Of Guam By Authorizing The Acquisition Of Specialized Legal Services, On A Contingency Fee Basis, To Assist In Actions To Ensure Clean And Safe Water On Guam."***

Dear Speaker Barnes:

Help me protect our water.

I write to you with urgency to address the PFAS chemicals in our water. PFAS chemicals are part of a class of about 3,500 chemical compounds known as per- and polyfluoroalkyl substances. While PFAS was once a common chemical used in products ranging from clothing to cookware, scientific studies have revealed that it could pose a danger to the health of people, which is why it has been phased out of use over the past several decades. These compounds are known as "forever chemicals" because they do not break down. They have contaminated public water systems globally, most especially those around military bases.

The federal government knows that the use of these chemicals has been linked to significant human health impacts ranging from elevated cholesterol to reproductive harm, developmental delays, and an increased risk of certain cancers. They know that these chemicals have been used excessively at their military bases on Guam. There is no doubt that their use has detrimentally affected our island's water sources.

In recent years, several of our island's water wells have tested showing high levels of perfluorooctane sulfonate, a type of PFAS. While Guam Waterworks Authority has proactively and continues to address our water purity by fitting affected wells with mitigating devices and

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closing others, the issue of responsibility remains unaddressed and with no action plan. Since then, Guam has sat idly without knowing the true extent of how these chemicals have affected our land, our water, and our people.

We cannot afford to remain idle any longer.

With this bill, I am calling on the Attorney General to utilize all his resources to represent the interests of our island. My bill will allow the Attorney General to act swiftly to identify the best legal experts to ensure success in any potential litigation. We must educate ourselves on the extent of damage caused by PFAS and identify those responsible. More importantly, we must make certain that our waters be returned to their natural purity.

This is a time sensitive matter which requires all our devoted attention and action. Therefore, pursuant to my authority Section 1423h of the Organic Act of Guam, I am requesting that you call *I Liheslaturan Guåhan* into special session for the sole purpose of considering the attached proposed bill entitled *"Prutehi I Hanom Act of 2019 - – An Act To Protect The Waters Of Guam By Authorizing The Acquisition Of Specialized Legal Services, On A Contingency Fee Basis, To Assist In Actions To Ensure Clean And Safe Water On Guam."*

Please shepherd this bill and ensure that it returns promptly for my signature.

Senseremente,

LOURDES A. LEON GUERRERO
Maga'hågan Guåhan
Governor of Guam

Enclosure: draft legislation

cc: Lt. Governor of Guam (via email)
Attorney General of Guam

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

Bill No. 35 (COR)

Introduced by:

At the request of *I Maga'hagan Guahan*, the Governor of Guam, in accordance to the Organic Act of Guam

PRUTEHI I HANOM ACT OF 2019 – AN ACT TO PROTECT THE WATERS OF GUAM BY AUTHORIZING THE ACQUISITION OF SPECIALIZED LEGAL SERVICES, ON A CONTINGENCY FEE BASIS, TO ASSIST IN ACTIONS TO ENSURE CLEAN AND SAFE WATER ON GUAM.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Title. This Act shall be known as the Prutehi I Hanom Act of 2019.

Section 2. A new § 5004(c) is hereby *added* to Chapter 5, Subarticle A, of Article 1, Title 5 of the Guam Code Annotated as follows:

§ 5004 Application of this Chapter.

(c) This Chapter shall not apply to the Office of the Attorney General for the acquisition of legal services for the pursuit of legal remedies for damage(s) to Guam's groundwater, fish, wildlife, or marine resources, or protection of these resources. An agreement for legal services executed for the before mentioned reasons shall provide:

(1) that the parties agree to seek monetary and non-monetary relief, such as remedial relief, in favor of the Government of Guam; and

(2) that contingency fees shall be calculated by the trial court using the Lodestar Method to establish a reasonable hourly rate and number of hours subject to such rate, not to exceed 30% of the final monetary and non-monetary award obtained plus costs.

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

UFISINAN I MAGA'HÅGA
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HAND-DELIVERED/EMAIL: speaker@guamlegislature.org

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Speaker
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Guam Congress Building
Hagåtña, Guam 96910

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