Speaker's Office <speaker@guamlegislature.org>

Letter from AG Camacho re proposed Prutehi I Hanom Act of 2019

1 message

Rebecca M. Perez <rmperez@guamag.org> Fri, Jun 28, 2019 at 4:34 PM
To: "speaker@guamlegislature.org" <speaker@guamlegislature.org>
Cc: "Leevin T. Camacho" <lcamacho@guamag.org>, Fred Nishihira <fnishihira@guamag.org>

Hafa Adai Speaker Muna Barnes -

We understand there will be a special session of the Legislature next Monday to discuss Governor Leon Guerrero's bill, the Prutehi I Hanom Act of 2019. For your information, please see the attached letter to the Governor from Acting Attorney General Nishihira regarding the bill.

356L-19-0680
Speaker Tina Rose Muña Barnes

JUN 2 8 2019
Time 4:38 ( )AM (/)PM
Received By: Alan

Rebecca M. Perez

Deputy Attorney General

Division of General Counsel

Office of the Attorney General of Guam

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Hon. Leevin Taitano Camacho
Attorney General of Guam

COPY

June 28, 2019

OFFICE OF THE GOVERNOR
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LEGAL OFFICE

Hon. Lourdes A. Leon Guerrero
Governor of Guam
Ricardo J. Bordallo Governor's Complex
Hagatna, Guam 96910

Re: *Prutehi I Hanom* Act of 2019

Hafa Adai Governor Leon Guerrero:

The Office of the Attorney General is in receipt of your June 27, 2019 letter, indicating you transmitted the *Protehi I Hanom* Act of 2019 to the Legislature for consideration. We support the introduction of this legislation, as it will empower our office to take swift legal action. Prompt action is necessary to allow for the identification of legal experts, and if necessary, commencement of a lawsuit to protect Guam's water, residents and visitors from the harmful effects of per- and polyfluoroalkyl substances ("PFAS").

Multiple jurisdictions across the U.S. have already begun the process of suing those responsible for the harm caused in their cities by PFAS contamination. More than 80 lawsuits involving PFAS contamination have been consolidated into a multi-district litigation proceeding in South Carolina, entitled *In re: Aqueous Film-Forming Foams Products Liability Litigation*, MDL No. 2873, in the U.S. Judicial Panel on Multidistrict Litigation. Other jurisdictions are acting similarly. Just today, Vermont's Attorney General filed suit against several defendants to hold them responsible for the harm caused by the manufacture and distribution of PFAS chemicals and products.

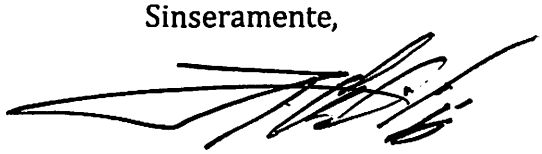
Due to the recent consolidation of states, we believe it is in Guam's best interests to act promptly to determine whether we can join the multi-district litigation. We anticipate the U.S. Judicial Panel on Multidistrict Litigation will begin to enter scheduling orders and encourage the resolution of these matters, as would occur with any court proceeding. The consolidation of these suits means that litigation is already in place to allow multiple plaintiffs to seek monetary and other remedies from the same group of defendants. Delay in

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filing litigation for Guam could mean we miss out on the first, and potentially largest, opportunity to obtain relief from the companies and entities that participated in contamination of our water resources. Acting later in time could result in the defendants having less resources to pay Guam's claims.

The *Protehi I Hanom* Act of 2019 empowers the Office of the Attorney General to act swiftly holding those accountable to the fullest extent of the law. Again, we support the introduction of this legislation, as we agree we must act with speed and efficiency in obtaining possible compensation for past and future harms to our island residents, visitors and natural resources.

Sinseramente,



FRED NISHIHIRA
Acting Attorney General

cc: Governor of Guam, Legal Counsel