UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

35GL-19-1119
Speaker Tina Rose Muña Barnes

October 16, 2019

OCT 16 2019
Time 4:23 ( )AM (X)PM
Received By

HONORABLE TINA ROSE MUÑA BARNES
Speaker
I Mina'trentai Singko Na Liheslaturan Guåhan
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96932

Re: Bill No. 169-35 (COR) – *An Act to Add a New § 104115.1 to Article 1 of Chapter 104, Title 21, Guam Code Annotated, Relative to Public Awareness of Radon Risks and the Reporting of Radon Results, Upon the Sale of Real Property*

Dear Madame Speaker:

I am pleased to sign into law Bill 169-35, *An Act to Add a New § 104115.1 to Article 1 of Chapter 104, Title 21, Guam Code Annotated, Relative to Public Awareness of Radon Risks and the Reporting of Radon Results, Upon the Sale of Real Property*. The bill is now **Public Law 35-42**.

Radon is an odorless and tasteless gas that is emitted from the soil, rocks, and from some concrete buildings present on Guam. Furthermore, according to the U.S. Environmental Protection Agency, some areas on Guam have high concentrations of radon due to our geology.

This legislation would help to increase awareness of this potentially dangerous substance and mandate the testing and reporting of this gas--a gas which is the first leading cause of lung cancer in non-smokers and the second leading cause in smokers. Radon is a health risk, as it is not detectable and does not cause noticeable symptoms until its transformation into lung cancer.

As your Governor and a registered nurse, I am glad to empower property owners with the information they need to keep their families safe from the potential dangers of radon exposure. We all deserve the power that comes from informed choices.

2019 OCT 16 PM 4:43

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I thank the legislature for the opportunity to combat this silent killer.

Senseremente,

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

Enclosure(s): Bill No. 169-35 *nka* Public Law 35-42

cc via email: *Sigundo Maga'låhen Guåhan*
Compiler of Laws

2019-6267
RCVD AT CENTRAL FILE
OCT 7'19 PM12:48
Jessica Cruz

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

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

This is to certify that **Bill No. 169-35 (COR), "AN ACT TO *ADD* A NEW § 104115.1 TO ARTICLE 1 OF CHAPTER 104, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO PUBLIC AWARENESS OF RADON RISKS AND THE REPORTING OF RADON RESULTS, UPON THE SALE OF REAL PROPERTY,"** was on the 4th day of October 2019, duly and regularly passed.

Tina Rose Muña Barnes
Speaker

Attested:

Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 7th day of October, 2019, at 12:48 o'clock P.M.

Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 10/16/2019

Public Law No. 35-42

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

Bill No. 169-35 (COR)
As amended by the Committee on Environment, Revenue and Taxation, and Procurement; and further amended on the Floor.

Introduced by: Sabina Flores Perez
Telo T. Taitague
Tina Rose Muña Barnes
Kelly Marsh (Taitano), PhD
James C. Moylan
Louise B. Muña
William M. Castro
Régine Biscoe Lee
Telena Cruz Nelson
Clynton E. Ridgell
Joe S. San Agustin
Amanda L. Shelton
Jose "Pedo" Terlaje
Therese M. Terlaje
Mary Camacho Torres

AN ACT TO *ADD* A NEW § 104115.1 TO ARTICLE 1 OF CHAPTER 104, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO PUBLIC AWARENESS OF RADON RISKS AND THE REPORTING OF RADON RESULTS, UPON THE SALE OF REAL PROPERTY.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that radon is a radioactive, colorless, and odorless gas and a known carcinogen, considered by the United States Environmental Protection Agency (USEPA) as the second leading cause of lung cancer in the United States. In addition to cancer, recent

studies reveal that radon could impede the function of other vital organs, such as the thyroid gland that produces hormones that control heart rate, blood pressure, body temperature, metabolism, and weight. On Guam, a 2009 radon exposure survey conducted by the Guam Environmental Protection Agency (GEPA) found nearly one-third of all structures tested on Guam were above the recommended action level of four (4) picocuries per liter of air. Radon levels were highest in villages in the northern half of Guam, where two-thirds of Guam's population reside.

I Liheslaturan Guåhan further finds that information empowers our community to educate and protect themselves against the threat of radon. As such, *I Liheslatura* seeks to mandate that information regarding the potential for exposure to radon be made available to the purchaser, and that radon testing results also be made available, upon the sale of real property.

Section 2. A new § 104115.1 is hereby *added* to Article 1 of Chapter 104, Title 21, Guam Code Annotated, to read:

"**§ 104115.1. Information on Radon Upon the Sale of Residential Real Property.**

(a) Every purchaser of any interest in residential real property on which a residential dwelling exists *shall* be notified by the selling broker, in writing, that said property may present the potential for exposure to radon.

(b) The Guam Environmental Protection Agency (Agency) *shall* develop the content of written information that the selling broker *shall* provide to the buyer, in accordance with Subsection (a) of this Section, of any interest in residential real property on which a residential dwelling exists. The information *shall* describe potential hazards of exposure to radon, methods and resources for radon testing and remediation, and any other relevant information the Agency deems appropriate.

(c) The seller of any interest in residential real property on which a residential dwelling exists is required to provide the buyer with any information on radon from tests or inspections conducted on such property or dwelling in the seller's possession, and notify the buyer of any known radon hazards.

(d) Nothing in this Section is intended to or shall be construed to imply an obligation on the seller to conduct any radon testing or mitigation activities."

Section 3. Effective Date. This Act *shall* be effective three (3) months after enactment.

Section 4. Severability. If any provision of this Act or its application to any person or circumstance is found to be invalid or contrary to law, such 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.