



# The Office of Senator Amanda L. Shelton

*Legislative Secretary & Chairwoman*

Committee on Higher Education and the Advancement of Women, Youth and Senior Citizens

*I Mina'trentai Singko Na Liheslaturan Guåhan*

35<sup>th</sup> Guam Legislature

July 12, 2019

Via Email: [guamcompiler@gmail.com](mailto:guamcompiler@gmail.com)  
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Ms. Geraldine A. Cepeda  
Compiler of Laws  
120 W O'Brien Drive Ste. 3000  
Hagåtña, Guam 96910

Dear Ms. Cepeda,


*Hafa Adat!* I Liheslaturan Guåhan received Rules and Regulations from Department of Public Health and Social Services. This proposed rules and regulations need no further action from the 35<sup>th</sup> Guam Legislature. I have attached the word version of the proposed rules and regulations for your perusal. The pertinent documents can be found on the legislative website, at [guamlegislature.com](http://guamlegislature.com) as messages and communications number **35GL-19-0236 and 35GL-19-0269**.

Please call Evelyn Claros, my Office Manager, should you have any questions or concerns. Thank you and *Si Yu'os Ma'åse!*

Certified by:

  
Speaker Tina Rose Muña Barnes  
35<sup>th</sup> Guam Legislature

Attested to:

  
Senator Amanda L. Shelton  
Legislative Secretary

CC: Legislative Legal Counsel  
All Senators  
Guam Department of Labor



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**RULES AND REGULATIONS FOR  
SCHOOL BUILDING SANITATION**

**Article 7  
26 Guam Administrative Rules and Regulations  
Division 1  
Chapter 4**

**DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES  
DIVISION OF ENVIRONMENTAL HEALTH**

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1           **§4701. Purpose.**

2           The purpose of these rules and regulations is to protect and promote the health and safety  
3 of all employees and students in schools on Guam.

4           **§4702. Authority.**

5           Title 10 Guam Code Annotated, Chapter 21, Section 21102 authorizes the Director of the  
6 Department of Public Health and Social Services to establish rules and regulations to carry out  
7 the provisions of Chapter 25, Title 10 Guam Code Annotated.

8           **§4703. Title.**

9           These rules and regulations shall be known as the “*Rules and Regulations for School*  
10 *Building Sanitation.*”

11          **§4704. Definitions.**

12          As used in these rules and regulations, the following definitions shall apply:

13          (a)    *American Society of Heating, Refrigerating, and Air-Conditioning Engineers*  
14 (also known as *ASHRAE*) means the building technology society that focuses on building  
15 systems, energy efficiency, indoor air quality, and sustainability within the industry.

16          (b)    *American Society for Testing and Materials* (also known as *ASTM*) means the  
17 international standards organization that develops and publishes voluntary consensus  
18 technical standards for a wide range of materials, products, systems, and services.

19          (c)    *Campus* means the grounds and buildings of a school found on a property that is  
20 owned, leased, rented, or otherwise occupied by the operator on single, continuous property.

21          (d)    *Department, or DPHSS*, means the Guam Department of Public Health and Social  
22 Services.

1 (e) *Director* means the Director of Public Health and Social Services or his/her  
2 designated representative.

3 (f) *Elementary School* means a school attended by students in kindergarten to fifth  
4 grade.

5 (g) *Handwashing Unit* means an area that includes a sink, a soap dispenser, and a  
6 sanitary paper towel dispenser.

7 (h) *High School* means a school attended by students in ninth to twelfth grade.

8 (i) *Imminent Health Hazard* means a significant threat or danger to health that is  
9 considered to exist when there is evidence sufficient to show that a product, practice,  
10 circumstance, or event creates a situation that requires immediate correction or cessation of  
11 operation to prevent injury based on the number of potential injuries, and the nature, severity,  
12 and duration of the anticipated injury.

13 (j) *Middle School* means a school attended by students in sixth to eighth grade.

14 (k) *Operator* means a person, governmental agency, firm, association, corporation, or  
15 business entity, who owns, leases or manages, or proposes to own, lease, or manage, a school,  
16 and includes any person designated in the application for a Sanitary Permit to operate a school or  
17 having authority to administer day-to-day operation of the facility and to respond to complaints,  
18 orders, and other matters as set forth in these rules and regulations.

19 (l) *Restroom* means an area that includes a toilet, toilet paper dispenser, and  
20 handwashing unit.

21 (m) *Sanitary Permit* means the official document issued by the DPHSS authorizing  
22 the establishment to operate its business.

1           (n)     *School* means any establishment, public or private, for the care and education of  
2 students from kindergarten through grade twelve and any college or university or institution of  
3 higher learning.

4           (o)     *Shower Facilities* means a shower room and locker room are combined into one  
5 area.

6           (p)     *Storm Drainage System* means piping within a public or private premises that  
7 carries rainwater, surface water, subsurface water, and similar liquid wastes to a point of  
8 disposal.

9           (q)     *Variance* means a written document issued by the Director that authorizes a  
10 modification or waiver of one or more requirements of these rules and regulations if, in the  
11 opinion of the Director, a health hazard or nuisance will not result from the modification or  
12 waiver.

13           **§4705. Sanitary Permit.**

14           (a)     No operator shall directly or indirectly in any manner, conduct, control, manage,  
15 maintain, or operate a school unless a valid Sanitary Permit issued by the Department to operate  
16 such a facility has been obtained and posted. Any operator, before constructing a new school, or  
17 making an addition to, or major alteration of, an existing facility shall first submit plans and  
18 specifications of such building or changes to the Director for approval.

19           (b)     An application for a Sanitary Permit to operate all new or existing schools,  
20 whether public, private, or vocational, shall be made in writing on a form prescribed by the  
21 Department, signed by the applicant or his authorized agent, and shall contain such information  
22 that will determine that the facility and its operation are in compliance with the applicable  
23 provisions of these regulations.

1 (c) Every campus shall obtain a separate Sanitary Permit, and the transfer of that  
2 permit to another person, operator, school, campus, or location shall be prohibited.

3 (d) Before the application for a Sanitary Permit shall be approved, the Department  
4 shall verify that the facility meets the minimum sanitary requirements and standards by means of  
5 a pre-operation inspection. This shall include the access onto premises, inspection, and  
6 investigation.

7 (e) Before a pre-operation inspection is conducted, plans and specifications shall be  
8 submitted to the Director in accordance with the requirements established in these regulations,  
9 which shall include the following:

10 (1) The dimensions of the proposed establishment;

11 (2) The location, number, and type of plumbing fixtures, including all water  
12 supply fixtures and toilet fixtures, and other fixtures and equipment; and

13 (3) If a newly-constructed building, the general layout of water supply lines,  
14 wastewater lines, or methods of wastewater disposal.

15 (f) If upon inspection, the Director is satisfied that the school meets the qualifications  
16 and standards prescribed in these rules and regulations, a nontransferable Sanitary Permit shall  
17 be issued. The Sanitary Permit shall be posted in a conspicuous area designated by the Director.

18 (g) An application for renewal of Sanitary Permit shall be submitted no earlier than  
19 30 days prior to its expiration date with its applicable fees.

20 (h) The school shall adhere to the most recently adopted building, plumbing, fire, and  
21 other pertinent regulatory codes for Guam.



1 (i) The school shall have an updated floor plan readily available and shall present it  
2 to the Director upon request. Such floor plan shall show the arrangement of all rooms, buildings,  
3 and areas in the school.

4 (j) Compliance with this section does not absolve the school from obtaining other  
5 permits and licenses required by law.

6 **§4706. School Location and Premises.**

7 (a) The school shall not permit activities that will increase the intensity of noise on  
8 the school premises. Noise level at the site should not exceed seventy (70) decibels.

9 (b) The school site shall be located so that it is as remote as possible from sources of  
10 air pollution such as manufacturing plants, abattoirs, refineries, open-burning dumps, sanitary  
11 landfill operations, polluted streams, and any sources of smoke, dust, fumes, or objectionable  
12 odors.

13 (c) Once a school site has been established, no source of objectionable conditions as  
14 detailed in Section 4706 (a) and (b) above shall be permanently located near enough to a school  
15 site so as to create conditions objectionable to the school.

16 (d) The school site, which includes the area used for a playground as well as that  
17 immediately adjacent to the school building, shall be evenly graded and sloped so as to provide  
18 adequate surface drainage.

19 (e) Playgrounds shall be constructed and maintained to permit maximum utilization  
20 of sites, with elimination of sanitary and health hazards, including depressions, fragments of  
21 glass, stone, and similar obstructions.

22 (f) Outdoor recreational area shall be required of schools occupied by kindergarten  
23 through grade twelve and shall comprise a minimum of 100 sq. ft. of accessible space per student

1 using that area at any given period. The outdoor recreational area shall be either fenced or  
2 properly isolated from vehicular traffic.

3 (g) The school site shall be free of potential pest breeding sites, such as open dumps,  
4 swamps, etc., and shall be located away from low lying swampy areas where mosquitoes breed.

5 (h) The school site shall be kept clean and free of rubbish and overgrown vegetation.

6 (i) No school shall be located in a private family residence unless that portion of the  
7 residence to which students have access is physically separated from the usual living quarters of  
8 the family. A solid, doorless partition from the floor to the ceiling and between such walls shall  
9 be available to provide complete physical separation of the school from such other business or  
10 dwelling.

11 (j) Exterior of buildings, walkways, awnings, picnic tables, benches, and other  
12 outside structures shall be kept clean and in good repair.

13 (k) All storm drainage systems shall include a gutter, leader, downspout, splash  
14 block, and/or drain opening. The gutter/downspout grading and/or discharge point shall be such  
15 that water will not pool.

16 (l) All equipment, structures, and fixtures that are no longer being used shall be  
17 removed from the building and properly disposed.

18 **§4707. School Building.**

19 (a) Room Requirements.

20 (1) The classroom shall be of sufficient size to provide at least 25-30 square  
21 feet of space per student in elementary schools, 20-25 square feet of space per student in  
22 middle schools, and at least 18-20 square feet of space per student in high schools,  
23 colleges, and universities.

1           (2)    Rooms shall be kept clean, neat, and orderly with approved waste  
2 container that is durable, easily cleanable, and appropriately sized for its use.

3           (3)    All dining areas that are used for purposes other than dining shall be kept  
4 clean, neat, and orderly, with adequate seating and lighting.

5           (4)    The janitorial rooms, and any storage area used to store hazardous  
6 materials, shall be locked to prevent student access.

7           (5)    Rooms or areas unsafe for use shall be closed or cordoned off to prevent  
8 access. Readily visible signs shall be posted in conspicuous locations to prohibit  
9 unauthorized access.

10          (6)    Use of scented products such as air fresheners, candles, deodorizers, and  
11 plug-ins shall be prohibited in rooms.

12          (b)    Floor Requirements.

13           (1)    Floors of all rooms shall be of such construction as to be easily cleanable,  
14 non-absorbent, light in color, and shall be kept clean and in good repair.

15           (2)    Floors shall be made from materials approved by the Department.

16           (3)    Floors without carpeting shall be sealed with a satisfactory floor sealer.

17           (4)    Area carpets and rugs shall be easily cleanable, have friction backings or  
18 underlayment when placed on smooth floor surfaces, and shall not be used in areas where  
19 contamination with bodily fluids or food is likely. Carpets and rugs shall be kept clean  
20 and in good repair.

21          (c)    Wall Requirements.

22           (1)    Walls shall be smooth, have surfaces light in color, be easily cleanable,  
23 and shall be maintained in good repair and in a clean, sanitary condition.

1           (2)    All unintended openings to the outer air shall be sealed off to effectively  
2 prevent the entrance of pests.

3           (d)    Ceiling Requirements.

4           (1)    Ceilings shall have flat surfaces, light in color, be easily cleanable, and  
5 shall be maintained in good repair and in a clean, sanitary condition.

6           (2)    All unintended openings to the outer air shall be sealed off to effectively  
7 prevent the entrance of pests.

8           (e)    Door Requirements.

9           (1)    School building exits shall be provided, which are easily accessible and  
10 plainly indicated. Exit signs shall be posted at the interior side of the exit door.

11          (2)    Rolling, sliding, revolving, and double swinging doors are prohibited.  
12 Doors leading to the outside of the building shall be tight-fitting, self-closing, and shall  
13 open outward.

14          (3)    Doors shall be kept clean and in good repair.

15          (4)    All unintended openings to the outer air shall be sealed off to effectively  
16 prevent the entrance of pests.

17          (f)    Window Requirements.

18          (1)    Windows shall be kept clean and in good repair.

19          (2)    All openings to the outer air shall be screened effectively, unless other  
20 effective means are provided to prevent the entrance of pests. Plastic or wire screen shall  
21 be not less than 16 mesh to the inch.

22          (g)    Classroom Equipment Requirements.

1           (1)    The classroom equipment such as chalkboards, whiteboards, erasers,  
2 desks, chairs and other furniture shall be kept clean and in good repair.

3           (2)    Chalkboards shall be of black or green, dull finish, and shall have smooth,  
4 even surfaces with no cracks and as few seams as possible.

5           (3)    Chalkboards and whiteboards shall be located so as to be easily seen by  
6 the intended users and opposite windows so as not to create areas of high light contrast  
7 near or behind chalkboards.

8           (4)    Use of equipment, such as crayon or chalk containing lead, lead  
9 compounds, and other hazardous materials is prohibited.

10          (5)    Art and craft materials shall be labeled in accordance with the chronic  
11 hazard labeling standard, ASTM D4236-94(2005).

12          (h)    Seating Requirements.

13          (1)    Each student shall have an individual seating unit with writing table  
14 attached or adjacent to the seat and so constructed as to provide comfortable seating and  
15 convenient writing without undue strain.

16          (2)    Where windows are the primary source of illumination, the desks shall be  
17 so arranged as to minimize the effects of glare and shadow.

18          (3)    When the student is erectly seated with feet squarely on the floor, there  
19 must be no pressure from the forward edge of the seat under the knees.

20          (4)    Writing tables shall be smooth, easily cleanable, maintained, and in good  
21 repair.

22          (i)    Maintenance and Housekeeping Requirements.

1 (1) There shall be sufficient space for the storage of outdoor clothing,  
2 raincoats, maintenance equipment, ground equipment, and instructional equipment to  
3 prevent cluttering of classrooms, walkways, or other areas.

4 (2) All areas, facilities, furniture, and equipment shall be maintained in a  
5 clean, safe, and sanitary condition and kept in good repair. Furniture and equipment no  
6 longer being used shall be removed and disposed of properly.

7 (3) The building shall be free of pests and conditions which attract, provide  
8 harborage, and promote breeding of such.

9 (4) Cleaning materials, tools, and maintenance equipment shall be provided  
10 and shall be safely stored and secured in a locked area.

11 **§4708. Ventilation.**

12 (a) Ventilation shall be a minimum of fifteen cubic feet per minute per student (15  
13 cfm/student) to provide proper circulation of needed air within a room by either windows or  
14 mechanical ventilators (ASHRAE Standard 62-1999). Ventilation rate requirements may be  
15 increased by the Department for rooms where the ventilation rate is insufficient.

16 (b) Ventilation system filters shall be cleaned or replaced regularly to prevent  
17 excessive accumulation of dust or debris.

18 (c) All rooms, areas, and equipment from which contaminated aerosols, obnoxious  
19 odors, or noxious fumes, or vapors may originate shall be effectively vented to the outside air.

20 (d) Windows, including louvers opened from the bottom, which cause direct currents  
21 of air on students nearby, shall be provided with window ventilators or deflectors.

1 (e) Windows, including louvers shall be adjustable at the top and bottom, and when  
2 this is the only means of ventilation, at least one-half (1/2) of the windows shall open from both  
3 top and bottom.

4 (f) Ducts and fans in connection with mechanical ventilation shall be so arranged and  
5 controlled as to eliminate objectionable air currents directly on the students.

6 (g) When mechanical ventilation is provided, it shall be kept clean and in good repair.

7 **§4709. Temperature and Humidity.**

8 (a) Indoor air temperature of rooms occupied by students and faculty shall be in the  
9 range of 75°F – 83°F (ASHRAE Standard 55-2004).

10 (b) Indoor relative humidity shall be in the range of 30% - 60% (ASHRAE Standard  
11 62-1999).

12 **§4710. Lighting.**

13 (a) Availability of natural light is highly recommended in all rooms occupied by  
14 students. When adequate natural light is not available, artificial light shall be provided to  
15 promote a comfortable visual environment.

16 (b) All classroom windows shall be provided with shades or blinds which shall be  
17 kept clean and in good repair and so used or adjusted so that glare and excessive light intensities  
18 are reduced to a minimum.

19 (c) Minimum acceptable levels for school lighting in the following areas shall be:

20 (1) Lecture rooms, study halls, laboratories, offices, libraries, art rooms, and  
21 electronic and machine shops: 50 foot-candles at all levels.

22 (2) Reception rooms, gymnasiums, and swimming pools: 30 foot-candles at  
23 all levels.

1                   (3)     Auditoriums, restrooms, locker rooms, corridors and stairways, storage,  
2     and any other rooms: 20 foot-candles at all levels.

3                   (d)     Artificial lighting in all areas except storage areas shall be diffused, indirect, and  
4     glare-free, and shall be provided with light shields.

5                   (e)     Window panes shall not be used for decorations or objects which shut out the  
6     light.

7                   **§4711. Plumbing.**

8                   Plumbing shall be sized, installed, and maintained to carry adequate quantities of water to  
9     required locations throughout the school, to prevent contamination of the water supply, to  
10    properly convey sewage and liquid wastes from the school building to the public sewage system  
11    or to a sewage disposal system approved by the regulatory agencies so as not to create an  
12    unsanitary condition or nuisance.

13                  **§4712. Water Supply.**

14                  (a)     Each school building shall be provided with an ample supply of water from an  
15    approved public water system. Water supply shall be safe and of sanitary quality.

16                  (b)     Drinking water dispensed by means of drinking fountains, cups, and water coolers  
17    shall conform to the following:

18                         (1)     Drinking fountains shall be kept clean and in good repair.

19                         (2)     Drinking fountains shall be provided in the ratio of one per 75 students.

20                         (3)     Drinking fountains shall be constructed of impervious material, such as  
21    stainless steel, vitreous china, porcelain, enamel, or stoneware.



1           (4)    The jet of the drinking fountain shall dispense from a nozzle of non-  
2 oxidizing, impervious material set at an angle from the vertical so as to prevent the return  
3 of the water to the orifice or orifices from where it is dispensed.

4           (5)    The end of the nozzle shall be protected by a non-oxidizing guard to  
5 prevent the mouth and nose of a person using the fountain from coming into contact with  
6 the nozzle.

7           (6)    The bowl of a drinking fountain shall be free from corners so as to be  
8 easily cleanable and to avoid collection of dirt and other contaminants.

9           (7)    The waste opening pipe shall be provided with a strainer and be of  
10 sufficient size to carry off the water promptly.

11          (8)    Single service cups shall be used when dispensing drinking water from  
12 bottled water or water coolers. Single service cups shall be stored, handled, and  
13 dispensed in a sanitary manner.

14          (9)    Water coolers used for dispensing drinking water shall be provided with a  
15 cover, and shall be kept clean. Dipping of water from a water cooler is prohibited.

16          (10)   Other cups, such as individually owned cups, shall be used only by one  
17 owner.

18          (c)    The school water supply system shall be in good working order at all times so as  
19 to adequately supply the water demand of the school.

20          (d)    All water outlets shall be protected from back-flow either by air gap or back-flow  
21 prevention devices. There shall be no cross-connection, or existing or potential conditions to  
22 cause back-siphonage, anywhere in the school building or its premises.

1 (e) Any water outlet with a threaded, serrated, or quick coupling nozzle shall be  
2 provided with a vacuum breaker.

3 **§4713. Handwashing Unit.**

4 (a) Handwashing units shall be located in all classrooms for grade two and below,  
5 and in other rooms which require frequent handwashing, such as laboratories, art and cooking  
6 classes, and other classrooms as determined by the Department.

7 (b) Handwashing units shall be kept clean, maintained, and shall be adequate in size  
8 and number to serve the total population of the school. Elementary schools, middle schools, high  
9 schools, colleges, and universities shall have at least one (1) handwashing unit for every 50  
10 students.

11 (c) Handwashing sinks shall be provided with cold water at a minimum. If hot water  
12 is also provided at handwashing sink, it must be combined with the cold water through a mixing  
13 faucet. The hot water shall have a maximum temperature of 110°F.

14 (d) Soap, sanitary paper towels, and waste containers shall be provided at all  
15 handwashing units.

16 (e) Liquid soap dispenser shall be of a type that uses a replacement pouch or sealed-  
17 soap cartridge. If a non-mounted refillable liquid soap dispenser is used, it shall be discarded  
18 when empty (shall not be refilled). Soap dispensers shall be provided and placed so that the user  
19 does not have to move away from the handwashing sink to obtain the soap.

20 (f) Sanitary paper towels shall be placed inside the sanitary paper towel dispenser.  
21 Dispensers shall be installed near the handwashing sink. A heated air hand-drying device may  
22 be used in place of sanitary paper towels. Common use towels are prohibited.

23 (g) Handwashing units shall be conveniently located to or in restrooms.

1 (h) Soap dispensers and sanitary paper towel dispensers that are no longer being used  
2 shall be removed and disposed of properly.

3 **§4714. Shower Facilities.**

4 (a) Shower facilities shall be provided in all middle schools, high schools, colleges,  
5 and universities where physical education is a required subject in the curriculum.

6 (b) Lockers or cubicles shall be provided in a separate room when shower rooms are  
7 required.

8 (c) There shall be a minimum of one showerhead for every four (4) females and one  
9 showerhead for every five (5) males based upon maximum demand in any one period.

10 (d) There shall be a minimum of one locker or cubicle for each student based upon  
11 maximum demand in any one period.

12 (e) The floors of the shower facilities shall be of smooth, finished material with non-  
13 slip surface impervious to moisture and sloped to the floor drain. Junctions between walls and  
14 floors shall be covered and sealed. Shower rooms and stalls shall have floors, partitions, and  
15 walls to a minimum height of six (6) feet, finished with dense non-absorbent and non-corrosive  
16 materials having a smooth impervious surface.

17 (f) Shower facilities shall be kept clean, free of mildew or mold, and well ventilated;  
18 and the lockers, showerheads, and floors shall be kept in good repair.

19 (g) The temperature of water at the shower head shall not exceed 110°F.

20 **§4715. Restrooms.**

21 (a) The following establishes the minimum number of toilets and urinals for schools:

22 (1) Elementary schools:

23 (A) Female toilets – one for each 35 females

1 (B) Male toilets – one for each 50 males

2 (C) Boys' Urinals - one for each 30 males

3 (2) Secondary schools, and colleges and universities:

4 (A) Female toilets - one for each 45 females

5 (B) Male toilets - one for each 50 males

6 (C) Boys' Urinals - one for each 30 males

7 (b) For each toilet added in excess of the minimum required, one urinal may be  
8 deducted. The number of urinals shall not be reduced to less than two-thirds of the minimum  
9 requirement.

10 (c) Toilets and urinals shall be of appropriate height for the students.

11 (d) Separate restrooms for each gender shall be conveniently located. Restrooms  
12 found in classrooms may accommodate both genders provided the required toilet ratios have  
13 been met.

14 (e) Restrooms shall be provided in conjunction with shower or locker rooms.

15 (f) Restrooms shall be completely enclosed.

16 (g) Restrooms that open directly to the outdoors shall have entrance doors that are  
17 tight fitting, self-closing, and open outward.

18 (1) Restroom entrance doors shall be provided with signs designating the  
19 gender for which such room is intended.

20 (2) Doors shall be kept clean and in good repair.

21 (h) Floors in the restroom shall be of material impervious to moisture and floor drains  
22 shall be provided. Junctions between walls and floors shall be covered and sealed.

1 (i) Toilet stall partitions and toilet stall doors shall begin not more than one (1) foot  
2 from the floor and extend to a height of not less than five (5) feet for elementary, and not less  
3 than six (6) feet for middle schools, high schools, and colleges and universities. Each toilet stall  
4 door shall be equipped with a latch or lock to secure the door to ensure privacy when using the  
5 toilet.

6 (j) Each restroom shall be provided with a waste container that is durable, easily  
7 cleanable, and appropriately sized for its use.

8 (k) All restrooms shall be kept in good repair, clean, and free from foul odor.

9 (l) All toilet paper shall be placed in the toilet paper holder/dispenser and be  
10 available and conveniently located adjacent to each toilet.

11 **§4716. Garbage, Trash, and Recycling Disposal.**

12 (a) Every school shall provide an adequate number of garbage and trash containers,  
13 which shall be located at a place suitable for their use. When recycling programs are in place,  
14 recycling containers shall be provided and located at a place suitable for their use.

15 (b) Watertight and non-absorbent containers with tight-fitting lids shall be used for  
16 storing garbage, trash, and recycling. Containers shall be washed and treated with a disinfectant  
17 as often as necessary to prevent nuisances. The disinfectant used in such containers shall contain  
18 at least 100 ppm of chlorine or its equivalent of an acceptable sanitizer.

19 (c) Garbage, trash, recycling, and other solid wastes shall be disposed of regularly.

20 (d) Trash and solid waste shall be disposed of in an approved manner so as not to  
21 create a nuisance or health hazard.

1 (e) Bulk refuse containers shall be located on impervious asphalt or concrete surfaces  
2 sloped to drain into an approved sewage disposal system, elevated at least six inches from the  
3 ground surface.

4 (f) Garbage intended for use as animal feed shall be stored according to regulations  
5 separately established for feeding of garbage to livestock.

6 **§4717. Food Protection.**

7 For classes that require cooking as part of the curriculum, written procedures shall be  
8 maintained and made available to the Department upon request, which address the minimum  
9 critical requirements of food safety including, but not limited to, demonstration of food safety  
10 knowledge by the class instructor, student health and hand hygiene, temperature control,  
11 preventing cross-contamination, and obtaining food from safe sources.

12 **§4718. Safety.**

13 (a) Each school shall have adequate type and number of first aid material as  
14 determined by the individual school's health care professional.

15 **§4719. Existing Facilities.**

16 School facilities in existence at the time that these regulations take effect shall be given  
17 five years from the date that these rules become effective to come into full compliance with the  
18 requirements of these rules unless a school facility or operator files a written statement of  
19 exception with the Director and receives a variance as provided in §4721.

20 **§4720. Inspection and Grading.**

21 (a) Access.

22 An employee or representative of the Department shall, after proper presentation of  
23 credentials, have access to any school building at any reasonable time for the purpose of making

1 inspections to determine compliance with these rules and regulations. Denial of access shall be  
2 cause for suspension of the Sanitary Permit.

3 (b) Report of Inspections.

4 Whenever an inspection of a school building is conducted, the findings shall be recorded  
5 on a form authorized by the Director, shall summarize the requirements of these rules and  
6 regulations, and shall set forth a demerit value for each requirement. Demerit value assignments  
7 shall be from one through six. Inspection remarks shall be written to reference, by section  
8 number, the section violated and shall state the correction to be made. The rating score of the  
9 establishment shall be the total of the demerit values for all violations. A copy of the completed  
10 inspection report form shall be issued to the operator of the establishment at the conclusion of the  
11 inspection. The completed form is a public document that shall be made available for public  
12 disclosure to any person who requests it according to law.

13 (c) Appeal.

14 The report of inspection of a school building shall state that an opportunity for appeal  
15 from any notice or inspection findings will be provided if a written request for a hearing is filed  
16 with the Director within the period of time established in the notice for correction.

17 (d) Grading.

18 (1) Grades of a school building shall be as follows:

19 (i) Grade A: An establishment having a demerit score of not more than  
20 ten;

21 (ii) Grade B: An establishment having a demerit score of more than ten but  
22 not more than twenty;

1 (iii) Grade C: An establishment having a demerit score of more than twenty

2 but not more than forty; and

3 (iv) Grade D: An establishment having a demerit score of more than forty.

4 (2) Whenever two or more similar violations of the same item are observed  
5 during the same inspection, the demerit value for that item violation shall only be counted  
6 once.

7 (3) The Department shall issue a placard reflecting the letter grade of the most  
8 recent inspection.

9 (4) The Department shall establish a specific and reasonable period of time for  
10 correction of the violations found, in accordance with the following provision:

11 (i) When the demerit score of the establishment is twenty or less, all  
12 violations of one through five demerits must be corrected within a period of time  
13 not to exceed 30 days; or

14 (ii) When the demerit score of the establishment is more than twenty  
15 but less than forty-one, all items of one through five demerit points must be  
16 corrected within a period of time not to exceed 15 days; or

17 (iii) When one or more six demerit point items are in violation,  
18 regardless of demerit score, such items must be corrected within a period of time  
19 not to exceed 10 days; and

20 (iv) When the demerit score of the establishment is more than forty, the  
21 Sanitary Permit shall be immediately suspended.

22 (e) The operator shall ensure that he/she, or a designee, be present during inspections of  
23 a school building by the Department.



1 (f) The Inspection Report and Letter Grade Placard shall be posted in a conspicuous  
2 area designated by the Director.

3 (g) Except as specified in (h) of this section, an operator shall immediately discontinue  
4 operations and notify the Department if an imminent health hazard may exist because of an  
5 emergency such as a fire, flood, extended interruption of electrical or water service, sewage  
6 backup, misuse of poisonous or toxic materials, gross insanitary occurrence or condition, or other  
7 circumstance that may endanger public health.

8 (h) An operator need not discontinue operations in an area of a school that is unaffected  
9 by the imminent health hazard.

10 (i) Failure to report an imminent health hazard to the Department may result in  
11 immediate suspension of the permit.

12 **§4721. Administrative Penalties.**

13 (a) The Director may impose a fine payable to the "Treasurer of Guam" for any  
14 operator that operates without a valid Sanitary Permit. The monetary fine for this administrative  
15 violation shall be charged to the operator based on the following:

16 (1) A fine not less than One Thousand Dollars (\$1,000) per violation, but not  
17 exceeding Five Thousand Dollars (\$5,000), for operating without a valid Sanitary Permit.

18 (2) For §4720 (a) (1) above, the Department shall treat each additional day as a  
19 separate violation per day of continuing violation.

20 (b) The Director shall issue a notice of violation and administrative penalty against an  
21 operator and provide an opportunity to request a hearing on the proposed penalty. The request  
22 must be made within 10 days of the date that the notice is served upon the operator.

1 (c) Any operator may seek review of any administrative penalty imposed before the  
2 Superior Court of Guam. Such review shall be upon the record established before the Director  
3 and not de novo. The Superior Court may sustain, modify or vacate any administrative penalty it  
4 reviews.

5 (d) If any operator fails to comply with an administrative penalty order after it has  
6 become final, the Attorney General shall bring a civil action to enforce the order and to recover  
7 the amount ordered or assessed, plus current interest from the date of the final order or decision.  
8 To prevail in such an action, the Director need establish only that:

9 (1) Notice was given as required;

10 (2) A hearing was granted to the defendant or that the defendant requested no  
11 hearing; and

12 (3) The penalty was imposed and has become final either because the  
13 administrative order was not appealed to the Superior Court, or that after judicial review  
14 the administrative order remains an unsatisfied obligation.

15 **§4721. Variance.**

16 In the event that a school or an operator is unable to comply with certain requirements of  
17 these rules and regulations, upon a showing of good cause which is not the result of negligence  
18 or malfeasance, the Director may grant a variance from the requirements of a particular rule by  
19 making a written determination. Before a variance from a requirement of these rules is  
20 approved, the school or the operator shall first submit a written statement of the proposed  
21 variance from the requirement citing relevant rule section numbers. The written statement shall  
22 include an alternate plan to address the potential public health hazards and nuisances under the

1 relevant rule sections. The Director, not his/her representative, is delegated the authority to  
2 approve such variance.

3 **§4722. Severability.**

4 If any provision or the application of any provision of these regulations is held invalid,  
5 that invalidity shall not affect other provisions or applications of these rules and regulations.